

COURT OF APPEALS OF OHIO, SIXTH APPELLATE DISTRICT

Dauer v. Dauer

2025-Ohio-5734 · No. WD-24-086 · Decided December 23, 2025

SUMMARY

The Ohio Sixth District Court of Appeals affirmed the denial of Matthew J. Dauer’s request to modify his child support obligation. The court held that although the recalculated guideline amount differed by more than 10 percent, the change was contemplated when the parties agreed to an upward deviation and the original deviation factors remained applicable. The court deemed the challenge to inclusion of capital gains moot and concluded that excluding the gains would not affect the 10 percent threshold determination.

CASE DETAILS

COURT	Court of Appeals of Ohio, Sixth Appellate District
WRITING FOR THE COURT	Myron C. Duhart; Christine E. Mayle; Gene A. Zmuda
JURISDICTION	Ohio Court of Appeals, Sixth Appellate District, Wood County
DECIDED	December 23, 2025
DOCKET	WD-24-086
DISPOSITION	affirmed
PROCEDURAL POSTURE	Father appealed a domestic-relations court judgment denying his request to modify an agreed upward deviation in his child support obligation and continuing the obligation at \$750 per month.
STANDARD OF REVIEW	A trial court's child-support decision is reviewed for abuse of discretion. An abuse of discretion means that the decision was unreasonable, arbitrary, or unconscionable.
PRECEDENTIAL VALUE	published
PARTIES	Matthew J. Dauer, Sr. v. Sommer L. Dauer

TOPICS

- child support
- family law procedure
- statutory interpretation
- standard of review
- appellate procedure

PRACTICE AREAS

- family law
- child support
- appellate practice

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by refusing to modify the agreed upward deviation in father's child support obligation after recalculation produced an amount more than 10 percent lower than the existing order.
2. Whether the trial court erred by including father's capital gains in calculating his income for child support purposes.

HOLDINGS

1. When a parent voluntarily agreed to pay child support above the statutory guideline amount, R.C. 3119.79(A) and (C) must be read together. A more-than-10-percent difference triggers consideration of modification but does not itself require modification; the parent must also establish a substantial change of circumstances that was not contemplated when the original order was issued. Because father knew his farming income varied substantially and the original reasons for the upward deviation remained unchanged, he failed to establish the required basis for modification.
2. The challenge to inclusion of capital gains was moot because the first assignment of error independently resolved the appeal. Even assuming capital gains should not have been included, the resulting income would still have produced more than a 10-percent difference from the existing support obligation, so the calculation would not alter the modification analysis.

KEY QUOTATIONS

“We also find that the trial court applied R.C. 3119.79(A) in conjunction with R.C. 3119.79(C), per Bonner.” (¶ 27)

“As such, we find the trial court did not abuse its discretion by refusing to modify father’s child support obligation because there was no change of circumstances.” (¶ 30)

“Accordingly, father’s second assignment of error is denied as moot.” (¶ 35)

FACTUAL BACKGROUND

The parties were divorced in 2021 after having three children, with one minor child remaining. They agreed to shared parenting and to an upward deviation from the guideline child support amount, requiring father to pay \$750 per month. In 2024, recalculation under the guidelines produced a lower amount, but the trial court found that the parties' circumstances and the reasons for the deviation had not materially changed and continued the \$750 obligation.

PROCEDURAL HISTORY

The parties divorced in March 2021 and agreed to a shared-parenting plan and an upward-deviated child support obligation of \$750 per month. After an administrative modification recommendation in 2024, father sought a reduction based on his income, while mother sought continuation of the existing amount. The Wood County Court of Common Pleas, Domestic Relations Division, denied the reduction and continued the \$750 obligation. The Sixth District affirmed.

DISPOSITION

affirmed

CASES CITED

- Bonner v. Bonner, 2005-Ohio-6173 (3d Dist.)
- Le v. Bird, 2006-Ohio-204 (12th Dist.)
- Boersma v. Brancatto, 2013-Ohio-3052 (6th Dist.)
- Funkhouser v. Funkhouser, 2019-Ohio-733, ¶ 36 (6th Dist.)
- Booth v. Booth, 44 Ohio St.3d 142, 144 (1989)
- Pauly v. Pauly, 80 Ohio St.3d 386, 390 (1997)
- State ex rel. Askew v. Goldhart, 75 Ohio St.3d 608, 610 (1996)
- King v. King, 2021-Ohio-2970, ¶ 55 (6th Dist.)
- Irish v. Irish, 2011-Ohio-3111, ¶ 16 (9th Dist.)

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