

OHIO COURT OF APPEALS, THIRD APPELLATE DISTRICT, VAN WERT
COUNTY

Overmyer v. Thiebaut

2025-Ohio-5686 · No. 15-25-07 · Decided December 22, 2025

SUMMARY

The Ohio Third District Court of Appeals affirmed a Van Wert County domestic-relations judgment finding Kelby Thiebaut in civil contempt for violating parenting, relocation, document-production, and child-support obligations. The court rejected claims concerning independent review, unequal treatment, contempt classification, and factual findings, holding that the appellant failed to provide transcripts necessary for review of several assignments of error and that the trial court provided opportunities to purge the contempt.

CASE DETAILS

COURT	Ohio Court of Appeals, Third Appellate District, Van Wert County
WRITING FOR THE COURT	Mark C. Miller; Juergen A. Waldick; John R. Willamowski
JURISDICTION	Ohio Court of Appeals, Third Appellate District, Van Wert County
DECIDED	December 22, 2025
DOCKET	15-25-07
DISPOSITION	affirmed
PROCEDURAL POSTURE	Kelby Thiebaut appealed the Van Wert County Court of Common Pleas, Domestic Relations Division's judgment adopting a magistrate's decision that found her in civil contempt, imposed suspended jail sentences with purge conditions, and addressed child-support-related motions.
STANDARD OF REVIEW	The appellate court's review is limited to the record provided under the Ohio Rules of Appellate Procedure. When an appellant fails to provide transcripts necessary to resolve factual assignments of error, the court presumes the validity of the lower court's proceedings and affirms. A trial court's compliance with Civ.R. 53(D)(4)(d)'s independent-review requirement is presumed, and the party asserting noncompliance bears the burden of affirmatively demonstrating it.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion

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QUESTIONS PRESENTED

1. Whether the trial court independently reviewed the magistrate's decision as required by Civ.R. 53(D)(4)(d).
2. Whether the trial court improperly treated civil contempt proceedings as criminal contempt proceedings without providing criminal-contempt constitutional safeguards.
3. Whether the appellate court could review the appellant's factual challenges to contempt findings and child-support determinations when she failed to provide the transcripts necessary to resolve them.

HOLDINGS

1. When an appellant fails to provide transcripts necessary to resolve factual assignments of error, the appellate court must presume the validity of the lower court's proceedings and affirm those assignments of error.
2. The trial court satisfied Civ.R. 53(D)(4)(d)'s independent-review requirement, and the appellant failed to affirmatively demonstrate otherwise.
3. The proceedings were civil contempt proceedings because the sanctions were remedial or coercive, the jail sentences were conditional, and Kelby was given opportunities to purge the contempt; therefore, criminal-contempt constitutional safeguards were not required.

KEY QUOTATIONS

“When portions of the transcript necessary for resolution of assigned errors are omitted from the record, the reviewing court has nothing to pass upon and thus, as to those assigned errors, the court has no choice but to presume the validity of the lower court’s proceedings, and affirm.” (¶ 9)

“However, an appellate court “presumes regularity in the proceedings below, and thus, we must presume that the trial court conducted an independent analysis before rendering its decision.”” (¶ 13)

“The key distinguishing feature of a civil contempt sanction from a criminal contempt sanction is that the trial court must give the contemnor an opportunity to purge the contempt” (¶ 18)

FACTUAL BACKGROUND

The parties were divorced and later operated under a shared parenting plan concerning their child. Kelby was previously found in contempt for failing to provide timely notice of a planned relocation, and she received a

suspended 30-day jail sentence with purge conditions. After subsequent motions and hearings, the magistrate and trial court found additional contempt involving relocation notice, parenting-time notice, the child's Social Security card, the child's haircut, and child-support obligations, imposed a suspended 60-day sentence with purge conditions, and invoked the prior suspended sentence.

PROCEDURAL HISTORY

The magistrate held hearings on four motions and issued a decision finding Kelby in contempt for several violations of court orders, imposing a suspended 60-day jail sentence with purge conditions, and finding that she had violated a previously suspended 30-day sentence. Kelby objected, but the trial court denied her objections and entered judgment on June 10, 2025. The Court of Appeals overruled all seven assignments of error and affirmed, remanding only for execution of the judgment for appellate costs.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The cause was remanded to the trial court for execution of the judgment for appellate costs. The appellate clerk was directed to certify the judgment entry and opinion to the trial court as the mandate under App.R. 27.

CASES CITED

- State ex rel. Neil v. French, 2018-Ohio-2692, ¶ 10
- Homan v. Curtis, 2025-Ohio-4322, ¶¶ 5, 7, 11 (3d Dist.)
- State v. Marks, 2024-Ohio-4863, ¶ 15 (3d Dist.)
- Knapp v. Edwards Laboratories, 61 Ohio St.2d 197, 199 (1980)
- In re Adoption of H.T., 2018-Ohio-2806, ¶ 28 (3d Dist.)
- Figel v. Figel, 2009-Ohio-1659, ¶¶ 10-11 (3d Dist.)
- Van Scoder v. Van Scoder, 2008-Ohio-4780 (3d Dist.)
- Fogt v. Fogt, 2019-Ohio-1403, ¶ 13 (3d Dist.)
- Brown v. Executive 200, Inc., 64 Ohio St.2d 250, 252-254 (1980)
- Whitman v. Whitman, 2012-Ohio-405, ¶¶ 53, 58 (3d Dist.)
- Porter v. Wirick, 2016-Ohio-5773, ¶¶ 55-56 (3d Dist.)

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