

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT

Humphrey v. Humphrey

2025-Ohio-5378 · No. 25CA003 · Decided November 26, 2025

SUMMARY

The Ohio Fifth District Court of Appeals affirmed a Holmes County domestic-relations judgment designating the father as the residential parent and legal custodian of the parties’ minor child. The court upheld the mother’s contempt finding for violating parenting-time orders and rejected her challenge to the child-support calculation under the invited-error doctrine.

CASE DETAILS

COURT	Ohio Court of Appeals, Fifth Appellate District
WRITING FOR THE COURT	Craig R. Baldwin, Presiding Judge; William B. Hoffman, Judge; Robert G. Montgomery, Judge
JURISDICTION	Ohio Court of Appeals, Fifth Appellate District, Holmes County
DECIDED	November 26, 2025
DOCKET	25CA003
DISPOSITION	affirmed
PROCEDURAL POSTURE	Wife appealed the Holmes County Court of Common Pleas, Domestic Relations Division's judgment designating Husband as residential parent and legal custodian, finding Wife in contempt for violating parenting-time orders, and resolving child-support issues.
STANDARD OF REVIEW	Custody allocation and contempt determinations are reviewed for abuse of discretion. The appellate court does not reweigh evidence or assess witness credibility in custody matters, but determines whether relevant, competent, and credible evidence supports the trial court's decision. An abuse of discretion requires a decision that is unreasonable, arbitrary, or unconscionable.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Ruth Humphrey v. Nickolas Humphrey

TOPICS

- child custody
- child support
- family law procedure
- appellate procedure
- standard of review

PRACTICE AREAS

family law

child custody

child support

contempt

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion in designating Husband as the residential parent and allocating parental rights and responsibilities under Ohio's best-interest factors.
2. Whether the trial court abused its discretion in finding Wife in contempt for violating court-ordered parenting-time provisions.
3. Whether the trial court erred in calculating child support by relying on the available income evidence after Wife opposed the presentation of additional evidence at the clarification hearing.

HOLDINGS

1. The trial court did not abuse its discretion in designating Husband as the residential parent and legal custodian because its findings under the applicable statutory best-interest factors were supported by relevant, competent, and credible evidence.
2. The trial court did not abuse its discretion in finding Wife in contempt for violating court-ordered parenting-time provisions.
3. Wife could not establish reversible error in the child-support calculation because she invited the alleged error by expressly opposing the presentation of additional income evidence at the magistrate's clarification hearing.

KEY QUOTATIONS

“Furthermore, as an appellate court reviewing evidence in custody matters, we do not function as fact finders; we neither weigh the evidence nor judge the credibility of the witnesses.” (¶35)

“Under the invited-error doctrine, a party will not be permitted to take advantage of an error which he himself invited or induced the trial court to make.” (¶51)

FACTUAL BACKGROUND

The parties were married in 2014, separated and reconciled intermittently, and had a child in 2022. After the parties' relationship deteriorated, Wife restricted Husband's contact with the child and repeatedly denied or interfered with court-ordered parenting time, including by canceling a visit and taking the child on vacation over Husband's objection. The trial court also considered evidence concerning Wife's prior self-harm, credibility, mental health, the parties' caregiving, and each parent's willingness to facilitate the other's relationship with the child. Husband's 2021 tax return showed negative income, and Wife opposed presenting additional income evidence at a post-hearing clarification hearing.

PROCEDURAL HISTORY

Husband filed for divorce in December 2022. The parties resolved most marital issues by agreement but proceeded to evidentiary hearings on parental rights and responsibilities. A magistrate recommended that

Husband receive sole legal custody, that Wife be held in contempt, and that Wife's child-support obligation be deviated to zero based on Husband's negative income and lack of 2022 income documentation. After independently reviewing and adopting the magistrate's recommendations over Wife's objections, the trial court entered judgment, and Wife timely appealed.

DISPOSITION

affirmed

CASES CITED

- Cossin v. Holley, 2007-Ohio-5258, ¶28 (5th Dist.)
- Davis v. Flickinger, 77 Ohio St. 3d 415, 674 N.E.2d 1159 (1997)
- Blakemore v. Blakemore, 5 Ohio St. 3d 217 (1983)
- Lee v. Starr, 2020-Ohio-1649, ¶38 (5th Dist.)
- Dinger v. Dinger, 5th Dist. Stark No. 2001 CA 00039, 2001-Ohio-1386, 2001 WL 1141268
- Seasons Coal Co. v. Cleveland, 10 Ohio St. 3d 77, 461 N.E.2d 1273 (1984)
- Graves v. Graves, 2002-Ohio-3740, ¶43 (9th Dist.)
- Palnik v. Crane, 2019-Ohio-3364, ¶54 (8th Dist.)
- State ex rel. Fowler v. Smith, 68 Ohio St. 3d 357, 359 (1994)
- State v. Stewart, 2008-Ohio-5823, ¶13

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