

COURT OF APPEALS OF OHIO, SEVENTH APPELLATE DISTRICT, MONROE COUNTY

In re K.S.J.

2026-Ohio-2214 · No. 25 MO 0007 · Decided June 11, 2026

SUMMARY

The Ohio Seventh District Court of Appeals affirmed a juvenile court’s decision awarding custody of four dependent children to their mother and granting the father standard visitation. The court addressed the children’s best interests, the father’s argument that a guardian ad litem should have been appointed, and appellate-jurisdiction and timeliness issues arising from multiple custody and child-support entries.

CASE DETAILS

COURT	Court of Appeals of Ohio, Seventh Appellate District, Monroe County
WRITING FOR THE COURT	Carol Ann Robb; Cheryl L. Waite; Katelyn Dickey
JURISDICTION	Ohio Court of Appeals, Seventh Appellate District, Monroe County
DECIDED	June 11, 2026
DOCKET	25 MO 0007
DISPOSITION	affirmed
PROCEDURAL POSTURE	Father appealed the juvenile court's final dispositional custody order awarding custody of four dependent children to the mother and granting the father standard visitation.
STANDARD OF REVIEW	A dispositional order awarding legal custody to a parent is reviewed for abuse of discretion. The decision may be deemed unreasonable when it is not supported by competent and credible evidence. The appellate court does not substitute its judgment for the juvenile court's weighing of best-interest factors and witness credibility. The guardian-ad-litem issue was reviewed for plain error because it was not raised below.
PRECEDENTIAL VALUE	published
PARTIES	Father v. Mother, Monroe County Department of Jobs and Family Services

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QUESTIONS PRESENTED

1. Whether the juvenile court abused its discretion by awarding custody of the four children to the mother rather than returning them to the father.
2. Whether the juvenile court committed plain error or reversible statutory error by failing to appoint a guardian ad litem after the complaint initially alleged neglect but the neglect allegations were dismissed and the father agreed to a dependency adjudication.

HOLDINGS

1. The juvenile court did not abuse its discretion in awarding custody of the four children to the mother and granting the father standard visitation because the decision was supported by competent and credible evidence and was not arbitrary, unconscionable, or unreasonable.
2. The failure to appoint a guardian ad litem did not require reversal. Any issue concerning the mandatory appointment applicable while the children were alleged to be neglected was no longer ripe at the final custody hearing because the neglect allegations had been dismissed, the children had been adjudicated dependent by agreement, and neither parent requested a guardian ad litem. The father also failed to establish plain error or prejudice.

KEY QUOTATIONS

“This is even more crucial in a child custody case, where there may be much evident in the parties’ demeanor and attitude that does not translate to the record well.” (¶ 61)

“In applying the doctrine of plain error in a civil case, reviewing courts must proceed with the utmost caution, limiting the doctrine strictly to those extremely rare cases where exceptional circumstances require its application to prevent a manifest miscarriage of justice” (¶ 93)

FACTUAL BACKGROUND

The four children were removed from the father's care after agency investigations revealed unsafe and unsanitary home conditions, school- attendance problems, and concerns regarding alcohol access and supervision. The father admitted dependency, and the children were placed through changing temporary-custody and visitation arrangements while the parents pursued reunification and custody. At the final dispositional hearing, evidence showed the father had inconsistently participated in substance-abuse counseling and urine screening, while the mother provided a stable and well-maintained home, had family support, and had performed well during an extended visitation period. The juvenile court awarded custody to the mother and standard visitation to the father.

PROCEDURAL HISTORY

The agency initially removed the children from the father's care and filed allegations of neglect and dependency. The neglect allegations were dismissed after the father admitted dependency, and the juvenile court entered an agreed initial disposition. After a series of temporary-custody and visitation arrangements, the juvenile court awarded custody of all four children to the mother on April 3, 2025, with standard visitation for the father. The appellate court dismissed an earlier premature appeal for lack of a final appealable order; after child-support proceedings were finalized and the court entered subsequent final-order entries, the father filed this appeal.

DISPOSITION

affirmed

CASES CITED

- In re M.G., 2023-Ohio-3423, ¶ 8 (7th Dist.)
- Davis v. Flickinger, 77 Ohio St.3d 415 (1997)
- Blakemore v. Blakemore, 5 Ohio St.3d 217 (1983)
- In the Matter of K.S.J., 25 MO 0003 (May 6, 2025)
- State v. Bonnell, 2014-Ohio-3177, ¶ 31
- State v. Lester, 2011-Ohio-5204, ¶ 20
- Clermont Cty. Transp. Improvement Dist. v. Gator Milford, L.L.C., 2015-Ohio-241, ¶¶ 3-4, 11
- In re Anderson, 92 Ohio St.3d 63, 67 (2001)
- State ex rel. Ware v. Dept. of Rehab. & Correction, 2024-Ohio-1015, ¶ 11
- State v. Treesh, 90 Ohio St.3d 460, 485 (2001)
- In re A.G.B., 2007-Ohio-4753 (4th Dist.)
- In the Matter of K.R., 2017-Ohio-7122, ¶ 11 (12th Dist.)
- In re C.B., 2011-Ohio-2899, ¶ 14
- State v. Noling, 2002-Ohio-7044, ¶ 62
- State v. Graham, 2020-Ohio-6700, ¶ 93
- State v. Barnes, 94 Ohio St.3d 21, 27 (2002)
- State v. Rogers, 2015-Ohio-2459, ¶ 22
- State v. Carter, 72 Ohio St.3d 545, 557-558 (1995)
- State v. Mills, 2023-Ohio-4716, ¶¶ 12-14
- State v. Bock, 28 Ohio St.3d 108, 109-110 (1986)
- State v. Perry, 2004-Ohio-297, ¶¶ 17, 23-24
- Goldfuss v. Davidson, 79 Ohio St.3d 116, 121 (1997)

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