

OHIO COURT OF APPEALS, SEVENTH APPELLATE DISTRICT

Facemyer v. Facemyer

2026-Ohio-910 (7th Dist. 2026) · No. 25 MA 0081 · Decided March 19, 2026

SUMMARY

The Ohio Seventh District Court of Appeals affirmed the termination of Gregory Facemyer’s parenting time with his seventeen-year-old daughter. The court held that the trial court sufficiently found, by clear and convincing evidence, extraordinary circumstances establishing that visitation would harm the child and that termination was in her best interest. The appeal followed an earlier remand requiring the trial court to make the extraordinary-circumstances finding.

CASE DETAILS

COURT	Ohio Court of Appeals, Seventh Appellate District
WRITING FOR THE COURT	Katelyn Dickey; Carol Ann Robb; Mark A. Hanni
JURISDICTION	Ohio Seventh District Court of Appeals
DECIDED	March 19, 2026
DOCKET	25 MA 0081
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appellant appealed the Mahoning County Court of Common Pleas, Domestic Relations Division's judgment terminating his parenting time with his minor daughter after remand from the Seventh District.
STANDARD OF REVIEW	Modification or termination of visitation is reviewed for abuse of discretion. The trial court must find by clear and convincing evidence that extraordinary circumstances justify terminating visitation and must then determine whether termination is in the child's best interest under R.C. 3109.051(D).
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Gregory J. Facemyer v. Kristen K. Facemyer nka Patch

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by terminating the father's visitation rights without legally sufficient extraordinary circumstances.
2. Whether the trial court complied with the prior remand by finding clear and convincing evidence of extraordinary circumstances and considering the statutory best-interest factors.

HOLDINGS

1. A trial court may terminate a nonresidential parent's visitation rights when the party opposing visitation proves by clear and convincing evidence an extraordinary circumstance, including that visitation would cause harm to the child. The trial court made that required finding here by determining that visitation would cause the minor child psychological harm through high anxiety, stress, and distress.
2. After finding extraordinary circumstances, the trial court properly considered the factors in R.C. 3109.051(D) and determined that terminating the father's visitation was in the minor child's best interest.
3. The trial court did not abuse its discretion by terminating the father's visitation rights.

KEY QUOTATIONS

“The burden of proof is on the one contesting visitation to demonstrate extraordinary circumstances by clear and convincing evidence.” (§ 18)

“Based upon the evidence presented and the in camera hearing with the minor child, the Court finds by clear and convincing evidence that visitation with Father would cause harm to the minor child” (§ 20)

FACTUAL BACKGROUND

Gregory and Kristen Facemyer divorced in 2013 and have two children; the younger child was seventeen at the time of the challenged judgment. The younger daughter experienced significant anxiety, stress, and self-isolation associated with visits with her father, and the trial court found that his behavior negatively affected his relationship with both daughters. After parenting time ceased, the younger child became more relaxed and less anxious. The trial court found by clear and convincing evidence that visitation would cause psychological harm to the child and that termination was in her best interest.

PROCEDURAL HISTORY

The parties divorced in 2013 and initially shared equal parenting time. After prior proceedings, the trial court terminated the father's parenting time in a June 4, 2024 judgment. In the prior appeal, the Seventh District reversed and remanded because the trial court had not made the required finding of clear and convincing evidence of extraordinary circumstances and had improperly considered a recorded statement without giving the father an opportunity to respond. Following hearings on April 29 and May 8, 2025, and another in-camera interview with the child, the trial court again terminated parenting time on July 30, 2025. The Seventh District affirmed.

DISPOSITION

affirmed

CASES CITED

- Facemyer v. Facemyer, 2025-Ohio-205 (7th Dist.)
- Sirons v. Stewart, 1994 WL 73346 (2d Dist.)
- Braatz v. Braatz, 85 Ohio St.3d 40, 45, 706 N.E.2d 1218 (1999)
- Johnson v. Abdullah, 2021-Ohio-3304, ¶ 35
- In re Kaiser, 2004-Ohio-7208, ¶ 10 (7th Dist.)
- Anderson v. Anderson, 147 Ohio App.3d 513, 2002-Ohio-1156, 771 N.E.2d 303, ¶ 22 (7th Dist.)
- Johnntonny v. Malliski, 67 Ohio App.3d 709, 588 N.E.2d 200 (1990)
- Porter v. Porter, 25 Ohio St.2d 123, 267 N.E.2d 299 (1971)
- Hoppel v. Hoppel, 2004-Ohio-1574, ¶ 44 (7th Dist.)
- In re Hall, 65 Ohio App.3d 88, 90, 582 N.E.2d 1055 (1989)
- In re T.M.M., 2017-Ohio-9219, ¶ 44 (7th Dist.)
- Dubec v. Pochiro, 2010-Ohio-1293, ¶¶ 21-26, 31 (7th Dist.)