

OHIO COURT OF APPEALS, NINTH JUDICIAL DISTRICT

Souare v. Tiltscher

2026-Ohio-437 (9th Dist.) · No. 31516 · Decided February 11, 2026

SUMMARY

The Ninth District Court of Appeals of Ohio affirmed the Summit County Court of Common Pleas, Domestic Relations Division, judgment denying Elhadj Souare’s motions concerning custody, parental rights and responsibilities, and child support. The court held that Souare forfeited his appellate challenges by failing to timely object to the magistrate’s decision and by failing to support his assignments of error with appropriate legal authority and record citations.

CASE DETAILS

COURT	Ohio Court of Appeals, Ninth Judicial District
WRITING FOR THE COURT	Donna J. Carr; Sutton, J.; Flagg Lanzinger, J.
JURISDICTION	Ohio Court of Appeals, Ninth Judicial District
DECIDED	February 11, 2026
DOCKET	31516
DISPOSITION	affirmed
PROCEDURAL POSTURE	Father appealed the Summit County Court of Common Pleas, Domestic Relations Division's adoption of a magistrate's decision denying his motions concerning custody, parental rights and responsibilities, and child support.
STANDARD OF REVIEW	A trial court's action with respect to a magistrate's decision is generally reviewed for abuse of discretion, meaning the appellate court determines whether the trial court's decision was arbitrary, unreasonable, or unconscionable.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Elhadj A.M. Souare v. Elizabeth Tiltscher

TOPICS

- child custody
- family law procedure
- preservation of error
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the appellate court could review Souare's challenges to the trial court's adoption of the magistrate's decision when he failed to file timely and specific objections before filing his notice of appeal.
2. Whether Souare established plain error that would permit appellate review despite his failure to object.
3. What standard governs appellate review of a trial court's action regarding a magistrate's decision.

HOLDINGS

1. Under Civ.R. 53(D)(3)(b)(iv), a party who does not timely and specifically object to a magistrate's factual findings or legal conclusions before appealing forfeits appellate review of those issues, except for plain error.
2. A trial court's action with respect to a magistrate's decision is generally reviewed for abuse of discretion.

KEY QUOTATIONS

“Here, because Father failed to file objections to the magistrate’s decision, he has forfeited all but plain error on appeal.” (¶ 10)

“As Father has not raised a plain error argument, he cannot prevail on his assignments of error.” (¶ 10)

FACTUAL BACKGROUND

Souare, the biological father, filed an action concerning parentage, parental rights and responsibilities, and parenting time for his child with Elizabeth Tiltscher, the biological mother. After Souare arrived approximately an hour late to the initial magistrate hearing and left, the magistrate designated Tiltscher as residential parent and legal custodian, awarded Souare parenting time, and ordered him to pay monthly child support. Afterward, Souare filed motions seeking custody and parental-rights changes and objecting to child support, but he did not timely object to the magistrate's decision denying those motions before filing his notice of appeal.

PROCEDURAL HISTORY

Souare filed a parentage and allocation-of-parental-rights action in 2023. After he failed to participate meaningfully in the initial magistrate hearing, the magistrate designated Tiltscher as residential parent and legal custodian, awarded Souare parenting time, and ordered child support; the trial court adopted that decision. In 2024 and 2025, Souare filed four motions seeking changes to custody and parental rights and objecting to the administrative child-support order. Following an evidentiary hearing, the magistrate denied all four motions on May 19, 2025, and the trial court adopted the decision the same day. Souare appealed without first filing timely objections to the magistrate's decision.

DISPOSITION

affirmed

CASES CITED

- Tabatabai v. Tabatabai, 2009-Ohio-3139, ¶ 17 (9th Dist.)
- Tabatabai v. Tabatabai, 2009-Ohio-3139, ¶ 18 (9th Dist.)
- Blakemore v. Blakemore, 5 Ohio St.3d 217, 219 (1983)
- Arthur v. Trimmer, 2003-Ohio-2034, ¶ 12 (5th Dist.)
- Pine v. Haddox Installation Servs., LLC, 2005-Ohio-3635, ¶ 10 (9th Dist.)

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