

OHIO COURT OF APPEALS, FIRST APPELLATE DISTRICT, HAMILTON
COUNTY

Goines v. Bowers

2020 Ohio 5161 (Ohio Ct. App. 2020) · No. C-190397 · Decided November 4, 2020

SUMMARY

The Ohio First District Court of Appeals affirmed a juvenile court’s modification of a child-support order. The court held that the obligor’s failure to submit to genetic testing provided no basis to cancel arrearages, and that retroactive modification was unavailable absent proof of fraud or wrongdoing.

CASE DETAILS

COURT	Ohio Court of Appeals, First Appellate District, Hamilton County
WRITING FOR THE COURT	Crouse, J.; Myers, P.J.; Bergeron, J.
JURISDICTION	Ohio
DECIDED	November 4, 2020
DOCKET	C-190397
DISPOSITION	affirmed
PROCEDURAL POSTURE	Bowers appealed the Hamilton County Juvenile Court’s denial of his request to retroactively modify child-support arrearages after the court modified his ongoing child-support obligation.
PRECEDENTIAL VALUE	Published opinion; precedential under Ohio law unless otherwise limited by subsequent authority.
PARTIES	Carl Bowers v. Carla Goines

TOPICS

child support paternity family law procedure appellate procedure

PRACTICE AREAS

Family law Child support Appellate procedure

QUESTIONS PRESENTED

- Whether a child-support obligor who willfully fails to submit to genetic testing may obtain cancellation of child-support arrearages on a paternity-related motion.

2. Whether existing, due, and unpaid child-support arrearages may be retroactively modified based on a later reduction in the obligor's ongoing support obligation absent proof of fraud or wrongdoing.

HOLDINGS

1. Because Bowers willfully failed to submit to genetic testing, the juvenile court had no grounds to cancel the child-support arrearages.
2. Due and unpaid child-support payments generally may not be retroactively modified, and the exception for special circumstances did not apply because Bowers presented no proof of fraud or wrongdoing.

KEY QUOTATIONS

“Because Bowers cannot show proof of fraud or wrongdoing, the juvenile court had no authority to retroactively modify his arrearages.” (¶9)

FACTUAL BACKGROUND

In 2008, the juvenile court entered a default judgment establishing Bowers as the child's father and ordering him to pay \$251.89 per month in child support plus \$50.38 per month toward arrearages. In 2018, Bowers moved for genetic testing and requested review of the arrearages, but he later abandoned genetic testing. The magistrate reduced his ongoing support obligation to \$80 per month plus \$10 per month in arrearages, while the juvenile court refused to retroactively recalculate the existing arrearages. Bowers alleged that the original arrearage calculation relied on falsified income documents, but the record showed no fraud or wrongdoing by Goines.

PROCEDURAL HISTORY

The juvenile court entered a 2008 default child-support order establishing Bowers's paternity and imposing monthly support and arrearage payments. In 2018, Bowers sought genetic testing and review of arrearages; he later abandoned the genetic-testing request. The magistrate reduced the ongoing support obligation but declined to cancel or retroactively recalculate existing arrearages, and the juvenile court adopted that decision. The First District affirmed.

DISPOSITION

affirmed

CASES CITED

- State ex rel. Loyd v. Lovelady, 108 Ohio St. 3d 86, 2006-Ohio-161, 840 N.E.2d 1062
- McPherson v. McPherson, 153 Ohio St. 82, 90 N.E.2d 675 (1950)
- Torbeck v. Torbeck, 1st Dist. Hamilton No. C-010022, 2001 WL 1251219, *3 (Sept. 28, 2001)
- In re J.S., 2d Dist. Montgomery No. 24597, 2012-Ohio-421
- Osborne v. Osborne, 81 Ohio App. 3d 666, 611 N.E.2d 1003 (4th Dist. 1992)

