

OHIO COURT OF APPEALS, NINTH JUDICIAL DISTRICT

Rose v. Jendral

2025-Ohio-5615 · No. 31489 · Decided December 17, 2025

SUMMARY

The Ninth District Court of Appeals of Ohio affirmed the Summit County Domestic Relations Court’s rulings in a dispute involving parenting-time exchanges, civil contempt, and child support. The court upheld the contempt finding and related purge condition and attorney-fee award, and affirmed dismissal of the father’s motion to modify child support retroactively to the date of his employment termination.

CASE DETAILS

COURT	Ohio Court of Appeals, Ninth Judicial District
WRITING FOR THE COURT	Jill Flagg Lanzinger, Presiding Judge; Jill Flagg Lanzinger; Hensal, J.; Sutton, J.
JURISDICTION	Ohio Ninth District Court of Appeals
DECIDED	December 17, 2025
DOCKET	31489
DISPOSITION	affirmed
PROCEDURAL POSTURE	Father appealed from a Summit County Court of Common Pleas, Domestic Relations Division judgment that adopted and modified portions of a magistrate's decision, dismissed his motion to modify child support, found him in civil contempt for failing to exchange the child with the mother's designated representative, imposed a purge condition, and awarded attorney's fees.
STANDARD OF REVIEW	The appellate court reviewed the trial court's action on the magistrate's decision, the contempt finding, the child-support ruling, and the attorney-fee award for abuse of discretion. An abuse of discretion occurs when a decision is arbitrary, unreasonable, or unconscionable. The court also applied the requirement that civil contempt be proven by clear and convincing evidence and reviewed whether purge conditions were unreasonable or impossible.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Kyle Jendral v. Holly E. Rose

TOPICS

child support visitation family law procedure appellate procedure remedies

PRACTICE AREAS

family law child support parenting time civil contempt appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by finding Father in civil contempt for refusing to exchange the child with the maternal grandmother.
2. Whether the parenting-time order was sufficiently clear, definite, and unambiguous to support a contempt finding.
3. Whether the trial court abused its discretion by dismissing Father's motion to modify child support because he requested retroactive relief to a date before filing the motion.
4. Whether the trial court imposed unreasonable or impossible purge conditions by requiring Father to provide Mother with one week of his parenting time.
5. Whether the trial court abused its discretion by awarding Mother attorney's fees related to the contempt motion.
6. Whether Father's conclusory and inadequately developed fourth assignment of error satisfied App.R. 16(A)(7).

HOLDINGS

1. The trial court did not abuse its discretion in finding Father in civil contempt. Mother established by clear and convincing evidence the existence of a valid order, Father's knowledge of it, and his violation of the order when he refused to exchange the child with the known maternal grandmother at the designated exchange point.
2. The trial court did not abuse its discretion by dismissing Father's motion to modify child support because Father expressly requested modification retroactive to the date of his employment termination, before the date he filed the motion, and involuntary loss of employment did not constitute a special circumstance warranting that prefilings retroactivity.
3. The trial court's requirement that Father provide Mother with one week of his parenting time as a condition to purge the civil contempt was neither unreasonable nor impossible and therefore was not an abuse of discretion.
4. The trial court did not abuse its discretion by awarding Mother \$1,592.50 in attorney's fees related to the contempt matter.
5. The fourth assignment of error was properly rejected because Father's conclusory argument did not explain how the cited statutes, rules, or local rule were misapplied and did not adequately cite the record or supporting authorities.

KEY QUOTATIONS

“Contempt is established when the movant demonstrates the existence of ‘a valid court order, knowledge of the order by the defendant, and a violation of the order.’” (¶ 19)

“Proof of purposeful, willing or intentional violation of a court order is not a prerequisite to a finding of contempt.” (¶ 21)

“party cannot be found in contempt if the contempt charge is premised on a party’s failure to obey an order of the court and the order is not clear, definite, and unambiguous and is subject to dual interpretations.” (¶ 25)

“Given the fact that there is no way to go back in time and restore missed parenting time, the best a parent can hope for is that he or she will be awarded future substitute time and incentives to deter the other parent from further interference.” (¶ 41)

“merely setting forth conclusory statements does not satisfy an appellant’s burden on appeal.” (¶ 47)

FACTUAL BACKGROUND

Father and Mother, who were never married, are the biological parents of one minor child. Their parenting-time order provided for alternating weeks, with exchanges on Saturdays at 11:00 a.m. at a halfway point. When Mother could not attend an exchange, she sent the maternal grandmother, who was known to Father and the child, but Father refused to exchange the child and left with the child. Father also sought to modify his child-support obligation retroactively to the date he was involuntarily terminated from employment, which preceded the filing of his motion.

PROCEDURAL HISTORY

Mother filed a 2022 complaint establishing parentage, parental rights and responsibilities, and child support. After a four-day evidentiary hearing, a magistrate designated Mother as legal custodian and residential parent, granted Father parenting time, and ordered child support; the trial court adopted the decision on February 1, 2024. Father later moved to modify support after losing his employment, and Mother moved for contempt based on Father's refusal to exchange the child with the maternal grandmother. The magistrate dismissed Father's modification motion, found him in civil contempt, imposed a suspended one-day jail sentence with a one-week parenting-time purge condition, and awarded Mother \$1,592.50 in attorney's fees. The trial court overruled the relevant objections, and the Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Tabatabai v. Tabatabai, 2009-Ohio-3139, ¶¶ 17-18 (9th Dist.)
- Blakemore v. Blakemore, 5 Ohio St.3d 217, 219 (1983)
- Hibben v. McGuire, 2022-Ohio-3598, ¶¶ 24, 28-30 (9th Dist.)
- Edminister v. Edminister, 2011-Ohio-1899, ¶¶ 8-9 (9th Dist.)
- A.G. v. Gain, 2022-Ohio-95, ¶ 7 (9th Dist.)

- Henry v. Henry, 2015-Ohio-4350, ¶ 12 (9th Dist.)
- Liming v. Damos, 2012-Ohio-4783, ¶¶ 12-13
- Bohannon v. Bohannon, 2020-Ohio-1255, ¶¶ 15, 21 (9th Dist.)
- Zemla v. Zemla, 2012-Ohio-2829, ¶ 11
- Badertscher v. Badertscher, 2015-Ohio-2189, ¶ 10 (9th Dist.)
- Pugh v. Pugh, 15 Ohio St.3d 136 (1984)
- Deitz v. Deitz, 2017-Ohio-8354, ¶ 14 (3d Dist.)
- Contos v. Monroe Cty., 2004-Ohio-6380, ¶ 15 (7th Dist.)
- Adair v. City of Norton, 2017-Ohio-5619, ¶ 17 (9th Dist.)
- Jurewicz v. Rice, 2001 WL 1421855, *2 (9th Dist. Nov. 14, 2001)
- Bender v. Bender, 2001 WL 808975, *5 (9th Dist. July 18, 2001)
- Cozzone v. Keglovic, 2001 WL 57173, *3 (9th Dist. Jan. 24, 2001)
- Sandel v. Choma, 2012-Ohio-3781, ¶¶ 5-7 (9th Dist.)
- State ex rel. Mullaney v. Mullaney, 1997 WL 679904, *2 (9th Dist. Oct. 22, 1997)
- Zaccardelli v. Zaccardelli, 2000 WL 1026687, *4 (9th Dist. July 26, 2000)
- Behnken v. Behnken, 2020-Ohio-389, ¶ 27 (2d Dist.)
- In re I.L.J., 2023-Ohio-2960, ¶ 8 (8th Dist.)
- In re J.S., 2012-Ohio-421, ¶ 21 (2d Dist.)
- In re S.C., 2020-Ohio-233, ¶ 29 (12th Dist.)
- State ex rel. Yost v. Crossridge, Inc., 2022-Ohio-1455, ¶ 39 (7th Dist.)
- Gray v. Gray, 2025-Ohio-2311, ¶ 24 (9th Dist.)
- Ward v. Smith, 2024-Ohio-1682, ¶ 17 (5th Dist.)
- Bohannon v. Bohannon, 2018-Ohio-2919, ¶ 15 (9th Dist.)
- Mann v. Mendez, 2005-Ohio-3114, ¶¶ 21-22
- Bittner v. Tri-County Toyota, Inc., 58 Ohio St.3d 143, 146 (1991)
- State v. Marshall, 2025-Ohio-2283, ¶¶ 16-17
- Pietrangelo v. Lorain Cty. Printing & Publishing Co., 2017-Ohio-8783, ¶ 23
- State v. Stevenson, 2009-Ohio-2455, ¶ 21