

COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT,  
CUYAHOGA COUNTY

In re A.C.-L.

2026-Ohio-1554 · No. 115359 · Decided April 30, 2026

SUMMARY

The Ohio Eighth District Court of Appeals affirmed a juvenile court order designating the child’s father as legal custodian and residential parent. The court held that the mother failed to demonstrate plain error concerning the guardian ad litem’s nonparticipation, factual findings, parenting schedule, or notice issues, and that the child-support assignment was outside the scope of the appeal. The court also declined to consider hearing transcripts that had not been filed with the juvenile court.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County                                                                                                                                                                                                                                                                                              |
| WRITING FOR THE COURT | Lisa B. Forbes, P.J.; Deena R. Calabrese, J.; Eileen A. Gallagher, J.                                                                                                                                                                                                                                                                                             |
| JURISDICTION          | Ohio Court of Appeals, Eighth Appellate District, Cuyahoga County                                                                                                                                                                                                                                                                                                 |
| DECIDED               | April 30, 2026                                                                                                                                                                                                                                                                                                                                                    |
| DOCKET                | 115359                                                                                                                                                                                                                                                                                                                                                            |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                          |
| PROCEDURAL POSTURE    | Mother appealed the juvenile court's judgment designating Father as the child's legal custodian and residential parent after the court adopted the magistrate's custody decision.                                                                                                                                                                                 |
| STANDARD OF REVIEW    | A trial court's adoption of a magistrate's decision is generally reviewed for abuse of discretion. Because Mother did not timely object and did not file the hearing transcript with the trial court, the appellate court reviewed for plain error, which in a civil case applies only in exceptional circumstances to prevent a manifest miscarriage of justice. |
| PRECEDENTIAL VALUE    | published and precedential                                                                                                                                                                                                                                                                                                                                        |
| PARTIES               | S.C. (Mother) v. E.L. (Father)                                                                                                                                                                                                                                                                                                                                    |

TOPICS

- child custody
- family law procedure
- appellate procedure
- standard of review
- due process

## PRACTICE AREAS

family law

appellate procedure

civil procedure

constitutional law

## QUESTIONS PRESENTED

1. Whether the juvenile court properly applied the best-interest standard in designating Father as legal custodian and residential parent.
2. Whether Mother's failure to timely object to the magistrate's decision and failure to file the hearing transcript with the juvenile court limited appellate review to plain error.
3. Whether proceeding without active guardian ad litem participation constituted reversible or plain error.
4. Whether the juvenile court's factual findings concerning communication, housing stability, caregiving, and custodial history required reversal.
5. Whether the every-other-week parenting schedule and Sunday evening exchange time constituted an abuse of discretion.
6. Whether the child-support issue was within the scope of the appeal.
7. Whether irregular mailing of the magistrate's decision and judgment entry resulted in a due-process violation or manifest injustice.

## HOLDINGS

1. In an original custody determination under R.C. 2151.23(A)(2), the juvenile court must apply the best-interest standard under R.C. 3109.04 and consider all relevant factors, including those listed in R.C. 3109.04(F)(1).
2. An appellant who fails to timely object to a magistrate's decision and fails to file the transcript with the trial court may not challenge the magistrate's factual findings on appeal; appellate review is limited to plain error, and the appellate court cannot consider evidence that the trial court did not have.
3. The juvenile court did not commit plain error by proceeding without active guardian ad litem participation because a GAL was not mandatory in this original custody proceeding under the circumstances shown, and Mother failed to demonstrate prejudice.
4. Mother did not establish plain error or an abuse of discretion in the juvenile court's findings concerning parental communication, housing stability, caregiving, or custodial history.
5. Ordering Mother to exercise parenting time every other week beginning with a Sunday evening exchange was not an abuse of discretion or plain error.
6. The child-support assignment of error was outside the scope of the appeal and was not addressed on the merits.
7. Although the record showed that the magistrate's decision and judgment entry were mailed to an address different from the address used for hearing notices, Mother failed to show manifest injustice or prejudice requiring reversal.

## KEY QUOTATIONS

*“In accordance with R.C. 2151.23(F)(1), the best-interest standard set forth in R.C. 3109.04 applies in making custody determinations.”*

*“An unmarried female who gives birth to a child is the sole residential parent and legal custodian of the child until a court of competent jurisdiction issues an order designating another person as the residential parent and legal custodian.”*

*“The statute bars courts from giving unmarried mothers an advantage on this basis in a custody proceeding.”*

*“Mother has not demonstrated that requiring her and Father to exchange the Child at dinner time on a weekend constitutes an abuse of discretion, much less amounts to a miscarriage of justice.”*

## FACTUAL BACKGROUND

Father sought an original custody determination concerning A.C.-L. The juvenile court held a hearing and designated Father as the child's legal custodian and residential parent, awarding Mother parenting time every other week. The court found, among other things, that Mother had moved several times and that the parents' alternating-week schedule worked for them. Although the court had appointed a guardian ad litem, the GAL did not participate or file a report; the court also sent the magistrate's decision and judgment entry to an address different from the one listed in the service instructions.

## PROCEDURAL HISTORY

Father filed an application to determine custody under R.C. 2151.23(A)(2). After a June 17, 2025 hearing, the magistrate recommended that Father be designated legal custodian and residential parent, with Mother receiving parenting time every other week. The juvenile court adopted that decision on July 11, 2025. Mother filed a notice of appeal on July 20, 2025, and later filed untimely objections while the appeal was pending; the appellate court reviewed the record for plain error and affirmed.

## DISPOSITION

affirmed

## CASES CITED

- State ex rel. Jones v. Paschke, 2024-Ohio-135, ¶ 13 (8th Dist.)
- In re C.R., 2006-Ohio-1191, ¶ 12
- Hockstock v. Hockstock, 2002-Ohio-7208, ¶ 19
- In re D.D.J., 2024-Ohio-2581, ¶ 17 (8th Dist.)
- In re S.A., 2019-Ohio-4161, ¶ 24 (8th Dist.)
- Nicely v. Weaver, 2013-Ohio-1621, ¶ 29 (5th Dist.)
- In re Bonfield, 2002-Ohio-6660, ¶¶ 45, 49-50
- In re Ry.T., 2023-Ohio-12, ¶ 22 (8th Dist.)
- In re R.O., 2025-Ohio-374, ¶ 23 (8th Dist.)
- In re A.L., 2013-Ohio-5120, ¶ 12 (8th Dist.)

- State ex rel. Duncan v. Chippewa Twp. Trustees, 73 Ohio St.3d 728, 730 (1995)
- State v. Clausing, 2022-Ohio-1762, ¶ 10 (8th Dist.)
- State v. Aarons, 2021-Ohio-3671, ¶ 20 (8th Dist.)
- State ex rel. Special Prosecutors v. Judges, Court of Common Pleas, 55 Ohio St.2d 94, 97 (1978)
- Black v. Hicks, 2018-Ohio-2289, ¶ 25 (8th Dist.)
- Fig v. Lynch, 2024-Ohio-3196, ¶ 24
- Van Dress Law Offices Co., L.L.C. v. Dawson, 2017-Ohio-8062, ¶ 15 (8th Dist.)
- Seminole Indus. Inc. v. Walthaw, 2026-Ohio-653, ¶¶ 12-15
- State ex rel. Neguse v. McIntosh, 2020-Ohio-3533, ¶ 9
- State ex rel. Pallone v. Ohio Court of Claims, 2015-Ohio-2003, ¶ 11
- In re D.R.B., 2015-Ohio-3346, ¶ 31 (8th Dist.)
- In re K.R., 2017-Ohio-7122, ¶ 22 (12th Dist.)
- In re E.W., 2012-Ohio-208, ¶ 36 (3d Dist.)
- In re Sanders Children, 2004-Ohio-5878, ¶ 76 (5th Dist.)
- In re Ridenour, 2004-Ohio-1958, ¶ 24 (11th Dist.)
- In re B.A.L., 2016-Ohio-300, ¶ 10, fn. 2 (8th Dist.)
- Paschke, 2024-Ohio-135, ¶ 14
- In re Gibson, 61 Ohio St.3d 168, 171 (1991)
- State v. Green, 2026-Ohio-738, ¶ 14 (8th Dist.)
- State v. Briscoe, 2012-Ohio-4943, ¶ 9