

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT

Humphrey v. Humphrey

2025-Ohio-5378 · No. 25CA003 · Decided November 26, 2025

SUMMARY

The Fifth District Court of Appeals of Ohio affirmed the Holmes County Court of Common Pleas’ judgment designating the father as the residential parent and legal custodian of the parties’ minor child. The court upheld the mother’s contempt finding based on violations of parenting-time orders and rejected her challenge to the child-support calculation under the invited-error doctrine. The court applied Ohio’s best-interest factors and abuse-of-discretion standards.

CASE DETAILS

COURT	Ohio Court of Appeals, Fifth Appellate District
WRITING FOR THE COURT	Craig R. Baldwin; William B. Hoffman; Robert G. Montgomery
JURISDICTION	Ohio Court of Appeals, Fifth Appellate District
DECIDED	November 26, 2025
DOCKET	25CA003
DISPOSITION	affirmed
PROCEDURAL POSTURE	Wife appealed the Holmes County Court of Common Pleas, Domestic Relations Division's judgment allocating parental rights and responsibilities, finding her in contempt for violating parenting-time orders, and setting her child-support obligation at zero.
STANDARD OF REVIEW	Custody and contempt decisions are reviewed for abuse of discretion. An abuse of discretion requires a decision that is unreasonable, arbitrary, or unconscionable. In reviewing custody evidence, the appellate court does not reweigh evidence or assess witness credibility, but determines whether relevant, competent, and credible evidence supports the judgment. The child-support evidentiary issue was reviewed under the invited-error doctrine.
PRECEDENTIAL VALUE	published
PARTIES	Ruth Humphrey v. Nickolas Humphrey

TOPICS

child custody

contempt

standard of review

appellate procedure

child support

PRACTICE AREAS

family law

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by designating Husband as residential parent and legal custodian and allocating parental rights and responsibilities under the statutory best-interest factors.
2. Whether the trial court abused its discretion by finding Wife in contempt for violating court-ordered parenting-time provisions.
3. Whether the trial court erred in calculating child support by relying on the evidence available after Wife opposed the presentation of additional income evidence at the clarification hearing.

HOLDINGS

1. The trial court did not abuse its discretion by designating Husband as residential parent and legal custodian of B.H. and allocating parental rights and responsibilities in accordance with B.H.'s best interests.
2. The trial court did not abuse its discretion by finding Wife in contempt for denying or interfering with Husband's court-ordered parenting time.
3. Wife could not obtain reversal based on the trial court's failure to consider additional income evidence because she expressly opposed presenting that evidence at the magistrate's clarification hearing and therefore invited the alleged error.

KEY QUOTATIONS

“Furthermore, as an appellate court reviewing evidence in custody matters, we do not function as fact finders; we neither weigh the evidence nor judge the credibility of the witnesses.” (§135)

“Under the invited-error doctrine, a party will not be permitted to take advantage of an error which he himself invited or induced the trial court to make.” (§151)

FACTUAL BACKGROUND

The parties married in 2014, separated and reconciled, and had a child, B.H., in April 2022. After the parties' relationship deteriorated in late 2022, Wife restricted Husband's access to B.H., missed or denied court-ordered parenting time, and later filed a domestic-violence civil protection order that she dismissed after an initial divorce agreement. At the parenting hearings, the evidence addressed Wife's history of self-harm and inconsistent testimony, the parties' caregiving and parenting conduct, and each parent's concerns about the other's care of B.H. The trial court found that Wife willfully denied parenting time, that her mental-health and credibility concerns were more significant than Husband's, and that Husband was the parent more likely to facilitate the other parent's parenting time.

PROCEDURAL HISTORY

Husband filed for divorce in December 2022. The parties resolved most marital issues by agreement but litigated allocation of parental rights and responsibilities, contempt, and child support. After evidentiary hearings, the magistrate recommended that Husband receive sole legal custody and be designated residential parent, that Wife be found in contempt, and that Wife's child-support obligation be deviated to zero. The trial court independently reviewed and adopted the magistrate's recommendations, overruled Wife's objections, and the Fifth District affirmed.

DISPOSITION

affirmed

CASES CITED

- Cossin v. Holley, 2007-Ohio-5258, ¶ 28 (5th Dist.)
- Davis v. Flickinger, 77 Ohio St. 3d 415, 674 N.E.2d 1159 (1997)
- Blakemore v. Blakemore, 5 Ohio St. 3d 217 (1983)
- Lee v. Starr, 2020-Ohio-1649, ¶ 38 (5th Dist.)
- Dinger v. Dinger, 5th Dist. Stark No. 2001 CA 00039, 2001-Ohio-1386, 2001 WL 1141268
- Seasons Coal Co. v. Cleveland, 10 Ohio St. 3d 77, 461 N.E.2d 1273 (1984)
- Graves v. Graves, 2002-Ohio-3740, ¶ 43 (9th Dist.)
- Palnik v. Crane, 2019-Ohio-3364, ¶ 54 (8th Dist.)
- State ex rel. Fowler v. Smith, 68 Ohio St. 3d 357, 359 (1994)
- State v. Stewart, 2008-Ohio-5823, ¶ 13