

COURT OF APPEALS OF OHIO, FIRST APPELLATE DISTRICT, HAMILTON COUNTY

Kuyper v. Kuyper

2026-Ohio-1885 · No. C-250309 · Decided May 22, 2026

SUMMARY

The Ohio First District Court of Appeals affirmed the denial of Carrie E. Kuyper’s motion to retroactively modify her child-support obligation. The court held that the trial court did not abuse its discretion in refusing to credit the mother for in-kind support provided during periods when the child did not exercise court-ordered parenting time with the father, particularly because the mother’s conduct caused the situation.

CASE DETAILS

COURT	Court of Appeals of Ohio, First Appellate District, Hamilton County
WRITING FOR THE COURT	Zayas, Presiding Judge; Crouse, Judge; Bock, Judge
JURISDICTION	Court of Appeals of Ohio, First Appellate District, Hamilton County
DECIDED	May 22, 2026
DOCKET	C-250309
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant-appellant appealed the denial of her motion to retroactively modify her child-support obligation, arguing that the trial court abused its discretion because she provided all of the child's in-kind support while also paying court-ordered support.
STANDARD OF REVIEW	A child-support decision is reviewed for abuse of discretion, although a trial court has no discretion to make an error of law.
PRECEDENTIAL VALUE	Published
PARTIES	Carrie E. Kuyper v. Steven J. Kuyper

TOPICS

- child support
- family law procedure
- appellate procedure
- standard of review
- equitable relief

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying mother's request for a retroactive modification or credit against child support based on her having provided all of K.K.'s in-kind support while K.K. did not exercise the ordered parenting time with father.
2. Whether mother's own contemptuous interference with father's court-ordered parenting time barred equitable relief under the doctrine of unclean hands.

HOLDINGS

1. The trial court did not abuse its discretion by refusing to grant mother a retroactive child-support modification or credit. Mother's in-kind contributions were voluntary because father was ready and able to care for K.K., and the need for mother to provide those contributions resulted from her own conduct in preventing the ordered parenting-time arrangement.
2. The unclean-hands doctrine supported denial of mother's request because her claim for retroactive relief arose from circumstances created by her own contemptuous violation of the parenting-time orders.

KEY QUOTATIONS

"Accordingly, we cannot determine that the trial court abused its discretion by failing to give mother "credit" for such voluntary contributions where it was mother's own conduct that created the inevitability of such payments." (§ 24)

"Equity requires that whenever a party takes the initiative to set in motion the judicial machinery to obtain some remedy but has violated good faith by his or her prior-related conduct, he will be denied the remedy." (§ 22)

FACTUAL BACKGROUND

The trial court ordered the parties to share equal parenting time and later ordered mother to pay child support effective October 1, 2024. Despite the parenting-time order, the child K.K. did not spend any nights with father during the relevant period, and mother was held in contempt for failing to transfer K.K. and for not exercising parental authority to enforce the order. Mother continued to provide K.K.'s daily and in-kind support while also paying support through wage withholding, then sought a retroactive modification or credit.

PROCEDURAL HISTORY

The parties filed competing divorce claims in August 2022. The trial court initially ordered equal parenting time and no child support, later designated father as sole legal and residential custodian while ordering equal parenting time, and found mother in contempt for failing to transfer the child to father. After mother moved to modify child support retroactively to October 1, 2024, the trial court denied relief based on her contemptuous conduct and the unclean-hands doctrine. The First District affirmed.

DISPOSITION

affirmed

CASES CITED

- Kitzberger v. Kitzberger, 2025-Ohio-1721, ¶ 8 (1st Dist.)
- Bohannon v. Lewis, 2022-Ohio-2398, ¶ 39 (1st Dist.)
- Mallory v. Mallory, 2024-Ohio-5458, ¶ 13 (1st Dist.)
- Johnson v. Abdullah, 2021-Ohio-3304, ¶ 39
- Gadson v. Scott, 2025-Ohio-7, ¶ 16 (8th Dist.)
- Cauthren v. Cauthren, 2017-Ohio-5846 (3d Dist.)
- Johnson v. Johnson, 2003-Ohio-6710 (3d Dist.)
- Peterson v. Hunt, 1998 Ohio App. LEXIS 5092 (3d Dist. Oct. 15, 1998)
- M.A.H. v. S.F., 2003-Ohio-4049, ¶ 12 (8th Dist.)
- Fenstermaker v. Fenstermaker, 2015-Ohio-5524, ¶ 17 (11th Dist.)
- Castle v. Castle, 15 Ohio St.3d 279 (1984)
- Sandel v. Choma, 2017-Ohio-8301, ¶¶ 13-14 (9th Dist.)
- Offenberg v. Offenberg, 2003-Ohio-269, ¶ 66 (8th Dist.)
- Safranek v. Safranek, 2002-Ohio-5066 (8th Dist.)
- Marinaro v. Major Indoor Soccer League, 81 Ohio App.3d 42, 45 (9th Dist. 1991)