

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

In the Matter of:	:	
	:	No. 25AP-765
[M.R.,	:	(C.P.C. No. 19JU-13365)
M.A.L., Mother,	:	(REGULAR CALENDAR)
Appellant].	:	

D E C I S I O N

Rendered on September 30, 2026

On brief: *E.R. Werner Legal, LLC* and *Elizabeth R. Werner*,
for appellant. **Argued:** *Elizabeth R. Werner*.

On brief: *Brehm Legal Group, Eric W. Brehm, Heather J. Landis*, and *Patrick McCarthy*, for appellee. **Argued:**
Heather J. Landis.

APPEAL from the Franklin County Court of Common Pleas,
Division of Domestic Relations, Juvenile Branch

PER CURIAM.

{¶ 1} Appellant, M.A.L. (“Mother”), appeals from the September 16, 2025 judgment of the Franklin County Court of Common Pleas, Division of Domestic Relations, Juvenile Branch, denying her motion for contempt against appellee, J.R. (“Father”). For the reasons that follow, we affirm.

I. FACTS AND PROCEDURAL OVERVIEW

{¶ 2} Mother and Father are the parents of M.R., a minor child born in 2010. The parties were not married at the time of M.R.’s birth. They later married in April 2011. Father filed a complaint for divorce in August 2019. On September 20, 2019, the parties entered into an agreed interim order for custody and visitation, whereby Mother remained custodian of M.R. and Father received parenting time. (Jan. 13, 2021 Agreed Entry at 2-3.)

{¶ 3} Around this time, M.R.’s “behavior started to significantly deteriorate, including threatening the school officials, peers, being destructive, threatening to jump off the school’s second floor window, and running away from school.” (Jan. 13, 2021 Agreed Entry at 2-3.) After M.R. caused physical harm to Mother requiring medical attention, M.R. was admitted to an inpatient center for psychological evaluation where he was diagnosed with several psychological and mood disorders. (*See* Dec. 11, 2019 Tr. at 6-11.)

{¶ 4} In November 2019, Franklin County Children Services (“FCCS”) filed a complaint for dependency in the juvenile court. Specifically, FCCS alleged it had received reports of physical abuse by Mother and Maternal Uncle, threats of self-harm by M.R., and information suggesting M.R. had thoughts about killing or harming Mother. FCCS thus contended M.R. was a dependent child pursuant to R.C. 2151.04(C). A “dependent child” is defined as, *inter alia*, “any child . . . [w]hose condition or environment is such as to warrant the state, in the interests of the child, in assuming the child’s guardianship.” R.C. 2151.04(C). We need not belabor the full extent of these allegations, as they are not relevant to the issues before us in this case.

{¶ 5} FCCS remained concerned about Mother’s safety, as M.R.’s violent behavior and threats toward Mother worsened, resulting in police involvement. (*See, e.g.*, Dec. 11, 2019 Tr. at 7-11; Jan. 13, 2021 Agreed Entry at 3-4.) M.R. was taken to the emergency department at Nationwide Children’s Hospital (“NCH”), and doctors kept him on a 22-day psychiatric hold. (*See* Dec. 11, 2019 Tr. at 30; Jan. 13, 2021 Agreed Entry at 3-4.) Upon learning NCH was prepared to release M.R., FCCS sought emergency custody of M.R. (as paternity had not yet been established) on December 11, 2019, citing concerns about M.R.’s safety if he were to return home with Mother and/or the Maternal Family. (*See* Jan. 13, 2021 Agreed Jgmt. Entry at 4; Dec. 11, 2019 Tr. at 3-11, 26-27.) To avoid placement in a foster home, M.R. was enrolled in the residential program at St. Vincent Family Services (“St. Vincent’s”), a behavioral and mental health treatment center where M.R. had already been receiving counseling services prior to the psychiatric hold. (*See* Jan. 13, 2021 Agreed Jgmt. Entry at 4; Dec. 11, 2019 Tr. at 9-12, 17-44.) M.R. was subsequently discharged to St. Vincent’s. In order to retain custody of M.R., Mother agreed to privately pay for his inpatient stay. (Jan. 13, 2021 Agreed Jgmt. Entry at 4.)

{¶ 6} In January 2020, after FCCS conducted its investigation into the reported concerns of child abuse, FCCS found all allegations against Mother and Maternal Uncle to be “unsubstantiated.” (Jan. 13, 2021 Agreed Jgmt. Entry at 3.) To avoid having to continue privately paying for M.R.’s inpatient treatment, the parties stipulated to the finding of dependency while noting Mother’s objections to the allegations in the complaint. (See Jan. 13, 2021 Agreed Jgmt. Entry at 4-5.) Thus, on January 6, 2020, M.R. was committed to the temporary custody of FCCS. (See Feb. 3, 2020 Jgmt. Entry.)

{¶ 7} During the course of this case, M.R. was diagnosed with autism, disruptive mood dysregulation disorder, and conduct disorder, among other things. (Jan. 13, 2021 Agreed Judgment Entry at 3, 5.) From December 2019 until October 2020, M.R. received inpatient residential care at St. Vincent’s. (Jan. 13, 2021 Agreed Jgmt. Entry at 5.) On October 29, 2020, M.R. was discharged to Father’s care by FCCS agreement. (Jan. 13, 2021 Agreed Jgmt. Entry at 6.) Shortly thereafter, M.R. attacked Mother on two supervised visits, resulting in property damage and physical harm to Mother. (Jan. 13, 2021 Agreed Jgmt. Entry at 6.) M.R. refused contact with Mother and resumed threats against her. (Jan. 13, 2021 Agreed Jgmt. Entry at 6.)

{¶ 8} In the midst of this case, the parties’ marriage was terminated in May 2020 by an agreed divorce decree entered in a separate divorce proceeding, Franklin C.P. No. 19DR-2964. (See June 5, 2023 Tr. at 49; Jan. 13, 2021 Agreed Jgmt. Entry at 6-7.) The divorce decree did not address any parental rights, however, as M.R. was still in the custody of FCCS at that time. (See Jan. 13, 2021 Agreed Jgmt. Entry at 6-7.)

{¶ 9} On January 13, 2021, the parties entered into an agreed judgment in which Father was named the residential and custodial parent of M.R. (the “agreed judgment entry”), and FCCS’s involvement was terminated. Because M.R. was “still threatening and/or attempting to cause physical harm to Mother,” Mother received no set parenting time. (Jan. 13, 2021 Agreed Jgmt. Entry at 7; see, e.g., Dec. 10, 2024 Tr. at 16-17, 29, 36-37.) The agreed judgment entry provided that “any future in-person visits” with Mother must be supervised for one year in the hopes that M.R. would “be in a better place with his mental health” in the future. (Jan. 13, 2021 Agreed Jgmt. Entry at 7.) The agreed judgment entry conferred upon Mother specific parental rights as the non-custodian and imposed specific and detailed responsibilities upon Father, as the custodian, to facilitate Mother’s

reconciliation with and involvement in the parenting of M.R., as described more fully below.

{¶ 10} On August 6, 2021, Mother filed a motion asking the trial court to find Father in contempt for his failure to comply with the January 13, 2021 agreed judgment entry and for an award of attorney fees and costs incurred in connection with filing her contempt motion. Specifically, Mother alleged Father failed to (1) supervise or appear for any parenting time; (2) maintain a working mobile phone for Mother and M.R. to have contact; (3) meet M.R.'s educational and mental health needs; (4) provide Mother with M.R.'s school, medical, and counseling records; (5) encourage contact and reconciliation of M.R. with Mother and her family; and (6) cease and desist from communicating to non-parties about any unsubstantiated allegations of child abuse and/or neglect by Mother.

{¶ 11} The record shows the contempt matter was highly contentious. Between November 2021 and June 24, 2024, numerous hearings on the contempt matter were conducted by multiple members of the court. However, on June 24, 2024, all judges of the Franklin County Juvenile Court recused themselves from the matter based on Mother's course of conduct, which included ex parte communications to all judges of the court. (*See* June 24, 2024 Entry, All Judges Recusal.) As a result, on June 28, 2024, retired visiting Judge Howard E. Hall was assigned to this case.

{¶ 12} The hearing on the motion for contempt, which proceeded de novo, commenced before Judge Hall on September 27, 2024. Additional hearings on the contempt motion were held over the next three months and closing arguments were presented in March 2025. On September 16, 2025, Judge Hall issued a written decision denying Mother's August 6, 2021 motion for contempt.

{¶ 13} Mother now appeals from that judgment, assigning the following three errors for our review:

[I.] THE COURT ERRED WHEN IT IMPLIED LANGUAGE AND REQUIREMENTS TO THE AGREED ENTRY THAT DID NOT EXIST.

[II.] THE COURT ERRED BY APPLYING THE STANDARDS ASSOCIATED WITH AN INDIRECT CRIMINAL CONTEMPT INSTEAD OF AN INDIRECT CIVIL CONTEMPT.

[III.] IT WAS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE FOR THE COURT TO NOT FIND FATHER IN CONTEMPT OF THE AGREED ENTRY.

II. LEGAL ANALYSIS

{¶ 14} Contempt of court is defined as disobedience of an order of a court. *Windham Bank v. Tomaszczyk*, 27 Ohio St.2d 55 (1971), paragraph one of the syllabus. It is “conduct which brings the administration of justice into disrespect, or which tends to embarrass, impede or obstruct a court in the performance of its functions.” *Id.* “The purpose of contempt proceedings is to secure the dignity of the courts and the uninterrupted and unimpeded administration of justice.” *Id.* at paragraph two of the syllabus. R.C. 2705.031(B)(2) authorizes any person who has rights under a parenting time or visitation order in a domestic relations action to “ ‘initiate a contempt action for a failure to comply with, or an interference with, the order or decree.’ ” *Segovia v. Likens*, 2008-Ohio-5896, ¶ 20 (10th Dist.), quoting R.C. 2705.031(B)(2).

{¶ 15} Courts classify contempt as either direct or indirect, and as either criminal or civil. *See, e.g., Cincinnati v. Cincinnati Dist. Council 51*, 35 Ohio St.2d 197, 202-03 (1973). Direct contempt occurs in the presence of the court in its judicial function. *Byron v. Byron*, 2004-Ohio-2143, ¶ 12 (10th Dist.). Indirect contempt involves conduct outside the presence of the court that demonstrates lack of respect for the court or for the court’s orders. *Id.* In this case, Mother alleged Father disobeyed numerous terms of the agreed judgment entry and, thus, she has raised only claims of indirect contempt.

{¶ 16} A person found to be in contempt of court is subject to punishment. *See* R.C. 2705.05. Contempt is classified as civil or criminal depending upon the character and purpose of the punishment. *Brown v. Executive 200, Inc.*, 64 Ohio St.2d 250, 253 (1980). While criminal contempt is solely punitive, civil contempt contemplates punishment that is remedial or coercive and for the benefit of the complainant. *Id.* at 253. And although a prison sentence may be imposed in cases of civil contempt, the contemnor must be afforded the opportunity to purge the contempt. *Id.* That is to say, the contemnor “carr[ies] the keys of his prison in his own pocket since he will be freed if he agrees to do as ordered.” (Citation omitted.) *Id.* In the case of criminal contempt, however, there is no opportunity to purge the contempt. *Id.* at 252-54. Criminal contempt sanctions—typically unconditional fines or prison sentences—are not coercive in nature but act as “punishment for the completed

act of disobedience, and to vindicate the authority of the law and the court.” *Tassone v. Tassone*, 2020-Ohio-3151, ¶ 11 (10th Dist.), citing *Brown* at 254.

{¶ 17} In cases of indirect criminal contempt, it must be shown that the alleged contemnor “ ‘intended to defy the court.’ ” *Tassone* at ¶ 12, quoting *Midland Steel Prods. Co. v. U.A.W. Local 486*, 61 Ohio St.3d 121 (1991), paragraph two of the syllabus, and citing *Pedone v. Pedone*, 11 Ohio App.3d 164, 165 (8th Dist. 1983); *Windham Bank*, 27 Ohio St.2d at paragraph three of the syllabus. However, in cases of indirect civil contempt, it is “irrelevant that the transgressing party does not intend to violate the court order. If the dictates of the judicial decree are not followed, a contempt citation will result.” *Id.*

{¶ 18} To find a litigant in contempt, the court must find (1) the existence of a valid court order, (2) the offending party had knowledge of such order, and (3) such order was, in fact, violated. *McCall v. Kranz*, 2016-Ohio-214, ¶ 9 (10th Dist.), citing *Arthur Young & Co. v. Kelly*, 68 Ohio App.3d 287, 295 (10th Dist. 1990). Once the complainant has satisfied his or her initial burden of demonstrating the other party violated a court order, the burden shifts to the other party to either rebut the showing of contempt or demonstrate an affirmative defense by a preponderance of the evidence. *See, e.g., Ryan v. Ryan*, 2014-Ohio-3049, ¶ 12 (10th Dist.). For civil contempt, the burden of proof is clear and convincing evidence; for criminal contempt, the burden of proof is beyond a reasonable doubt. *Lopez v. Lopez*, 2005-Ohio-1155, ¶ 56 (10th Dist.); *Brown*, 64 Ohio St.2d at syllabus.

{¶ 19} We review a trial court’s decision denying a motion for contempt under an abuse-of-discretion standard. *See, e.g., Wehrle v. Wehrle*, 2013-Ohio-81, ¶ 54 (10th Dist.), citing *Rife v. Rife*, 2012-Ohio-949, ¶ 9 (10th Dist.); *Hopson v. Hopson*, 2005-Ohio-6468, ¶ 9 (10th Dist.). “[A]buse of discretion connotes that the court’s attitude is unreasonable, arbitrary or unconscionable.” (Internal quotation marks deleted.) *State v. Weaver*, 2022-Ohio-4371, ¶ 24, quoting *State v. Gondor*, 2006-Ohio-6679, ¶ 60, quoting *State v. Adams*, 62 Ohio St.2d 151, 157 (1980). “A court abuses its discretion when a legal rule entrusts a decision to a judge’s discretion and the judge’s exercise of that discretion is outside of the legally permissible range of choices.” *State v. Hackett*, 2020-Ohio-6699, ¶ 19.

{¶ 20} “A decision is unreasonable if there is no sound reasoning process that would support the decision.” (Internal quotation marks deleted.) *Fernando v. Fernando*, 2017-Ohio-9323, ¶ 7 (10th Dist.), quoting *AAAA Ents., Inc. v. River Place Community Urban*

Redevelopment Corp., 50 Ohio St.3d 157, 161 (1990). A decision is arbitrary if it is made “without consideration of or regard for facts [or] circumstances.” (Internal quotation marks deleted.) *State v. Hill*, 2022-Ohio-4544, ¶ 9, quoting *State v. Beasley*, 2018-Ohio-16, ¶ 12, quoting *Black’s Law Dictionary* (10th Ed. 2014). A decision may also be arbitrary if it lacks an adequate determining principle and is not governed by any fixed rules or standards. *See Beasley* at ¶ 12, citing *Dayton ex rel. Scandrick v. McGee*, 67 Ohio St.2d 356, 359 (1981), quoting *Black’s Law Dictionary* (5th Ed. 1979). *See also Hackett* at ¶ 19. A decision is unconscionable if it “affronts the sense of justice, decency, or reasonableness.” *Fernando* at ¶ 7, citing *Porter, Wright, Morris & Arthur, L.L.P. v. Frutta Del Mondo, Ltd.*, 2008-Ohio-3567, ¶ 11 (10th Dist.). Further, “[a]n abuse of discretion may also be found where a trial court ‘applies the wrong legal standard, misapplies the correct legal standard, or relies on clearly erroneous findings of fact.’ ” *State v. Harris*, 2023-Ohio-3994, ¶ 73 (10th Dist.), quoting *Thomas v. Cleveland*, 2008-Ohio-1720, ¶ 15 (8th Dist.), citing *Berger v. Mayfield Hts.*, 265 F.3d 399, 402 (6th Cir. 2001). *See also Bellamy v. Montgomery*, 2012-Ohio-4304, ¶ 7 (10th Dist.).

{¶ 21} The question of whether a trial court correctly interpreted and applied a statute is a question of law that we review de novo. *State v. Willig*, 2010-Ohio-2560, ¶ 14 (10th Dist.).

A. Right to Appeal

{¶ 22} Before analyzing Mother’s three assignments of error concerning the propriety of the trial court’s judgment denying Mother’s motion for contempt, we first address our subject-matter jurisdiction in this appeal. Father argues we should dismiss Mother’s appeal because the September 16, 2025 order denying Mother’s motion for contempt is not a final appealable order. We disagree.

{¶ 23} Ohio appellate courts have jurisdiction to review only final appealable orders of lower courts within their districts. Ohio Const., art. IV, § 3(B)(2); R.C. 2505.03. If an order is not a final appealable order, the appellate court lacks jurisdiction and the court must dismiss the appeal. *See, e.g., K.B. v. Columbus*, 2014-Ohio-4027, ¶ 8 (10th Dist.), citing *Prod. Credit Assn. v. Hedges*, 87 Ohio App.3d 207 (4th Dist. 1993). “An order of a court is a final appealable order only if the requirements of both R.C. 2505.02 and, if applicable, Civ.R. 54(B), are met.” *State ex rel. Scruggs v. Sadler*, 2002-Ohio-5315, ¶ 5,

citing *Chef Italiano Corp. v. Kent State Univ.*, 44 Ohio St.3d 86 (1989), syllabus. *See also Gehm v. Timberline Post & Frame*, 2007-Ohio-607, ¶ 15. A trial court's labeling of an entry as a "final appealable order" is not dispositive of the issue. *In re Murray*, 52 Ohio St.3d 155, 157 (1990).

{¶ 24} Pursuant to R.C. 2505.02(B), a final appealable order is, in relevant part, an order that affects a substantial right in an action that in effect determines the action and prevents a judgment, an order that affects a substantial right made in a special proceeding or upon a summary application in an action after judgment, or an order that vacates or sets aside a judgment or grants a new trial. *See, e.g., Bell v. Mt. Sinai Med. Ctr.*, 67 Ohio St.3d 60, 62 (1993). An order affecting a substantial right is one that would foreclose future relief if not immediately appealable. *Id.* at 63. A "substantial right" is "a right that the United States Constitution, the Ohio Constitution, a statute, the common law, or a rule of procedure entitles a person to enforce or protect." R.C. 2505.02(A)(1). A "special proceeding" is "an action or proceeding that is specially created by statute and that prior to 1853 was not denoted as an action at law or a suit in equity." R.C. 2505.02(A)(2). The Supreme Court of Ohio has clarified that "it is the underlying action that must be examined to determine whether an order was entered in a special proceeding." *Walters v. Enrichment Ctr. of Wishing Well, Inc.*, 78 Ohio St.3d 118, 121-22 (1997).

{¶ 25} Actions for divorce, custody, and spousal support constitute "special statutory proceedings" for purposes of R.C. 2505.02. *See, e.g., Roberts v. Roberts*, 1995 Ohio App. LEXIS 3088, *5 (10th Dist. July 20, 1995); *State ex rel. Fowler v. Smith*, 68 Ohio St.3d 357, 360 (1994); *State ex rel. Papp v. James*, 69 Ohio St.3d 373, 378-79 (1994). Here, the September 16, 2025 order denying Mother's motion for contempt implicates a "substantial right" because the order involves "a right that the United States Constitution, the Ohio Constitution, a statute, the common law, or a rule of procedure entitles a person to enforce or protect." R.C. 2505.02(A)(1). Specifically, the contempt procedure set forth in R.C. 2705.02 and 2705.031 entitles Mother to enforce her rights under the terms of the January 13, 2021 agreed judgment entry. Nonetheless, an order made in a special proceeding is final only if it **affects** a substantial right. R.C. 2505.02(B)(2). "An order affects a substantial right for the purposes of R.C. 2505.02(B)(2) only if an immediate

appeal is necessary to protect the right effectively.” *Wilhelm-Kissinger v. Kissinger*, 2011-Ohio-2317, ¶ 7.

{¶ 26} Here, Mother appeals the trial court’s finding that Father was not in contempt of the court’s agreed judgment entry and the denial of her contempt motion. “There is no right of appeal from a dismissal of a contempt motion when the party making the motion is not prejudiced by the dismissal.” *Denovchek v. Bd. of Trumbull Cty. Commrs.*, 36 Ohio St.3d 14 (1988). *See also Miller v. Kutschbach*, 111 Ohio App.3d 157, 160 (4th Dist. 1996) (Harsha, J., dissenting) (disagreeing with the application of *Denovchek* in father’s post-divorce contempt action seeking enforcement of the mutual right of visitation with his daughter and concluding father was clearly prejudiced).

{¶ 27} In this case, Mother was prejudiced by the denial of her motion for contempt. This case is readily distinguishable from *Denovchek*. There, a non-party witness failed to appear for trial, despite being subpoenaed. The appellant, Denovchek, did not request a continuance or claim prejudice. The matter proceeded to trial and a final judgment was entered, which was affirmed on appeal. Denovchek separately filed a show cause motion regarding the absent witness, which the trial court dismissed, because of improper service of process. The Supreme Court concluded the dismissal of the contempt motion was not a final appealable order because Denovchek could not demonstrate how he was prejudiced. Specifically, the Court observed that Denovchek did “not seek a benefit other than that of establishing a principle and seeing [the absent witness] punished. [Denovchek’s] underlying action on the merits has run its course and the appellate procedure has been exhausted.” *Denovchek* at 16.

{¶ 28} By contrast, the contempt dismissal in this case involved a party to the lawsuit, and concerned a central issue in the case, i.e., whether Father was in compliance with the January 13, 2021 agreed judgment entry. Further, Mother’s August 21, 2021 contempt motion sought enforcement of her rights under the agreed judgment entry, a benefit beyond that of establishing a principle and punishment. Thus, we find the September 16, 2025 order denying Mother’s contempt motion is a final order and is appealable under R.C. 2505.02(B)(2).

B. Analysis of Trial Court's Denial of Mother's Motion for Contempt

{¶ 29} On appeal, Mother takes issue with the trial court's interpretation of the January 13, 2021 agreed judgment entry that was the subject of her contempt motion (First Assignment of Error), failure to apply the indirect civil contempt standard to all six contempt claims (Second Assignment of Error), and determination that Father was not in contempt of the agreed judgment entry (Third Assignment of Error). Because her three assignments of error are interrelated, we address them together.

{¶ 30} In her August 6, 2021 motion for contempt, Mother alleged Father had violated the terms of the January 13, 2021 agreed judgment entry in the following respects:

1. Parenting time. Father has failed to supervise or appear for any parenting time since the Agreed Entry was filed on January 13, 2021 despite multiple visits being scheduled and 24-hours' notice was provided.
2. Cell phone. Father has failed to maintain working cellphone number for Mother and child to have contact.
3. Meet the child's needs. Father has failed to meet the child's needs. Father has enrolled the child in an educational program that previously failed to meet the child's needs. Father has not maintained counseling for the child as needed.
4. Records. Father has failed to provide school and medical/counseling records and/or allow Mother access to the child's medical/counseling records and educational records. Father has also refused to provide online access to Mother and/or provide her information to allow her to obtain on-line access to medical and educational records, including school reports, health treatment, and IEPs.
5. Reconciliation. Father has failed to encourage contact and reconciliation of the child with Mother and Maternal Family.
6. Cease and desist. Father has failed to cease and desist from communication to non-parties unsubstantiated allegation. Father has filed affidavits in Franklin County Common Pleas Court in a civil action the unsubstantiated allegation.

(Sic passim.) (Aug. 6, 2021 Mot. at 1-2.)

{¶ 31} The trial court found “the first alleged violation involving parenting time” was “in the nature of indirect civil contempt under R.C. 2705.031.” (Sept. 16, 2025 Jgmt. Entry at 2.) The court then determined that “[a]ll other alleged violations of the January 13, 2021” agreed judgment entry were “in the nature of indirect criminal contempt.” (Sept. 16, 2025 Jgmt. Entry at 2.)

{¶ 32} “Generally, contempt proceedings in domestic relations matters are civil in nature as their purpose is to encourage compliance with the court’s orders.” *Wehrle*, 2013-Ohio-81, at ¶ 55 (10th Dist.), citing *Byron*, 2004-Ohio-2143, at ¶ 12 (10th Dist.). On appeal, Mother contends the trial court erred in applying the criminal contempt standard (proof beyond a reasonable doubt; specific intent to violate a court order required) to five of her six contempt allegations. However, even assuming she is correct and all claims should have been evaluated under the civil contempt standard (clear and convincing evidence; no specific intent required), we conclude such error is harmless. This is because, as explained more below, all of Mother’s contempt claims against Father are without merit when examined under either the civil or criminal contempt standard.

1. Parenting Time

{¶ 33} Mother’s first contempt allegation involves parenting time. Specifically, Mother alleged that Father “failed to supervise or appear for any parenting time” since the January 13, 2021 agreed judgment entry was filed, despite her numerous attempts at arranging parenting time with M.R. Under the terms of the agreed judgment entry, Father was designated as M.R.’s “sole custodian and residential parent.” (Jan. 13, 2021 Agreed Jgmt. Entry at 7.) The agreed judgment entry further stated that “[t]here is **no SET Parenting Time for Mother** because the Child is currently still threatening and /or attempting to cause physical harm to Mother.” (Emphasis added.) (Jan. 13, 2021 Agreed Jgmt. Entry at 7; *see also* Dec. 10, 2024 Tr. at 16-17.) Further, any in-person visits scheduled “within the next twelve (12) months” were required to “be scheduled in writing by email at least twenty-four (24) hours in advance by the Child, Mother, Father and / or any Maternal Relative and / or Treatment Provider who will be supervising” and must set forth “the date, time, and duration” of the requested in-person visit. (Jan. 13, 2021 Agreed Jgmt. Entry at 7.)

{¶ 34} There is no dispute that the agreed judgment entry provided Mother with no set parenting time. Furthermore, contrary to Mother’s contention otherwise, the agreed judgment entry did not provide Mother or the Maternal Family with a visitation **right**. Instead, the agreed judgment entry **permitted** supervised in-person visits within the discretion of Father as the “sole custodian and residential parent” of M.R. (Jan. 13, 2021 Agreed Jgmt. Entry at 7.) Therefore, under the terms of the agreed judgment entry, Mother’s **requests** for parenting time with M.R. do not confer upon her a **right** to the parenting time she requests. (See Nov. 14, 2024 Tr. at 71-76.) It is true that Mother emailed Father on several occasions about scheduling visits with M.R., and Father admitted he did not respond to some of Mother’s emailed visitation requests. (See, e.g., Dec. 16, 2024 Tr. at 43-45, 182-86.) But nothing in the agreed judgment entry **required** Father to respond or agree to any of Mother’s emailed visitation requests. Thus, like the trial court, we are unable to find by clear and convincing evidence that Father violated this provision of the agreed judgment entry.

{¶ 35} Furthermore, we find evidence in the record before us supports the trial court’s determination that “Father made good faith attempts to arrange for supervised parenting time for the Mother [and Maternal Family], but there was not a full meeting of the minds in the attempts[.]” (Sept. 16, 2025 Jgmt. Entry at 6; see, e.g., Oct. 3, 2024 Tr. at 126-32, 136-37, 173-78, 248-52; Dec. 10, 2024 Tr. at 54-61; Dec. 16, 2024 Tr. at 39-78, 166-75, 189-91, 203-06, 209-13, 220-34.) For instance, it was undisputed that Father agreed to Mother’s request for a visit with M.R. in March 2021 for her birthday. (See Dec. 16, 2024 Tr. at 46, 53-56.) However, Father testified the visit did not happen because they could not agree on the time or the person who would be supervising the visit and Father was not available to supervise at the requested time. (See Dec. 16, 2024 Tr. at 47, 53-56; Oct. 3, 2024 Tr. at 249-50.) Mother also requested a visit with M.R. in May 2021 for Mother’s Day, to which Father agreed. (See Dec. 16, 2024 Tr. at 42, 56-70.) Father testified this visit did not take place, however, because the parties did not agree on the location. (Dec. 16, 2024 Tr. at 62-70.) Although the visit was originally scheduled to take place at her church, Father testified he preferred to take M.R. to another church because M.R. was familiar with it and conveyed this information to Mother two days prior to the scheduled visit. (See Oct. 3, 2024 Tr. at 129-31, 250-52; Dec. 16, 2024 Tr. at 62-70.) Father testified that Mother’s sister, G.P.,

and her husband assisted Father with reserving a section of that church for the visit and getting M.R. there. (Oct. 3, 2024 Tr. at 250-52.) Mother did not appear for this visit. (See Oct. 3, 2024 Tr. at 250-52.)

{¶ 36} In explaining why Mother did not have more visits with M.R. between January and August 2021, Father testified that M.R. did not want to visit with Mother and conveyed as much by protesting, becoming violent, and threatening harm. (See, e.g., Dec. 10, 2024 Tr. at 57-58; Dec. 16, 2024 Tr. at 42, 169-75.) Father described reaching out to Micah Morgan, a Family and Children First Council Coordinator working with M.R., for advice on how to facilitate such visits. (See Dec. 10, 2024 Tr. at 36-38, 46-47, 54-61; Dec. 16, 2024 Tr. at 56-62.) Father also described calling law enforcement to help deescalate one such situation in June 2021 when a visit with Mother was scheduled. (Dec. 16, 2024 Tr. at 47-48, 58-59.) Because M.R. refused to be transported to the scheduled visit with Mother and the officers Father called for assistance arrived long after the scheduled visitation time, the visit did not occur. (See Dec. 10, 2024 Tr. at 47-48, 58-59.)

{¶ 37} Although acknowledging that custodial parents are typically expected to ensure their child attends parenting time as arranged, the trial court in this case found that, in light of the “circumstances in this particular situation involving this special needs child who has repeatedly threatened” credible harm to Mother, “Father took prudent action in not going forward with the visitation or parenting time.” (Sept. 16, 2025 Jgmt. Entry at 6.) To that end, following the November 2021 hearing on Mother’s contempt motion, the presiding magistrate suspended Mother’s visits with M.R. entirely “until it is required by a professional that those resume.” (See Nov. 22, 2021 Tr. at 13; see also Sept. 27, 2024 Tr. at 257-59.)

{¶ 38} We note the agreed judgment entry made clear that M.R. “may contact and/or visit Mother at any time without obstruction from Father.” (Jan. 13, 2021 Agreed Jgmt. Entry at 7.) However, nothing in the record before us suggests M.R. wanted to have any contact or in-person visits with Mother at any time between January and August 2021. (See Dec. 10, 2024 Tr. at 75-76; Dec. 16, 2024 Tr. at 23-34.) Indeed, the evidence established that, since November 2019, M.R. had strong negative reactions during and in anticipation of interactions with Mother.

{¶ 39} For these reasons, the trial court did not abuse its discretion, under either the civil or criminal contempt standard, in finding Mother’s evidence failed to sufficiently prove Father was in contempt of the January 13, 2021 agreed judgment entry concerning her lack of in-person visits with M.R. between January and August 2021.

2. Lack of Cellphone and Contact

{¶ 40} Mother also alleged Father was in contempt of the January 13, 2021 agreed judgment entry because he “failed to maintain a working cellphone number for Mother and child to have contact.” (Aug. 6, 2021 Motion at 1; *see also* Oct. 18, 2024 Tr. at 76.) The agreed judgment entry required Father to “provide his and the Child’s current address and the Child’s current and working contact information ***such as email and cellphone number*** to Mother.” (Emphasis added.) (Jan. 13, 2021 Agreed Jgmt. Entry at 8.)

{¶ 41} Father irrefutably testified he provided Mother with M.R.’s address, Father’s phone number, and an email address for Mother to contact M.R. after the January 13, 2021 agreed judgment entry was signed. (Dec. 10, 2024 Tr. at 62-63.) Father also testified that he created a specific email account for the parties to communicate about M.R. and, in the event Mother attempted to contact M.R. at that email address, he would provide M.R. with a copy of the correspondence. (Dec. 10, 2024 Tr. at 67-68, 126.) True, testimony suggested Mother may not have been able to call Father and speak with him directly. Though, we note the May 18, 2020 divorce decree prohibited Mother from initiating or having any contact with Father, except in writing and in relation to M.R. (*See, e.g.*, June 21, 2023 Tr. at 49-51.) And nothing in the January 13, 2021 agreed judgment entry required Father to provide his working cellphone number for oral communications.

{¶ 42} As to M.R.’s cellphone access, the trial court determined that, under the plain language of the agreed judgment entry, Father was not required to provide M.R.—a ten-year-old child at the time—with a fully functioning cellphone or a personal cellphone number. (Sept. 16, 2025 Jgmt. Entry at 7.) Father testified M.R. did not have a fully functioning cellphone or a designated cellphone number capable of calling out and receiving calls during the period of the alleged contempt. (Dec. 10, 2024 Tr. at 63-64, 66-67, 126; Dec. 16, 2024 Tr. at 24-31; *see also* Oct. 3, 2024 Tr. at 257-58; Oct. 18, 2024 Tr. at 76-78; Mar. 10, 2025 Tr. at 44.)

{¶ 43} We likewise find the record before us insufficient to support Mother's contention that Father otherwise interfered with or failed to adequately encourage M.R.'s contact with Mother and the Maternal Family. Father testified M.R. did not want to respond to Mother's emails and, in fact, often became angry, agitated, or violent when Mother attempted to correspond with M.R. (*See* Dec. 10, 2024 Tr. at 67-68, 74-75.) Further, according to Father's unrefuted testimony, M.R. did not attempt to initiate any contact with Mother or the Maternal Family at any point between January and August 2021. (*See, e.g.*, Dec. 10, 2024 Tr. at 75-76; Dec. 16, 2024 Tr. at 23-34.) Nothing in the record before us suggests that M.R.'s refusal to communicate with Mother or the Maternal Family was borne out by Father's interference or purported failure to provide Mother with M.R.'s available existing contact information. And to the extent Mother is arguing Father has an affirmative obligation to purchase and maintain a separate cellphone with calling capabilities for M.R., we find no such provision in the agreed judgment entry.

{¶ 44} For these reasons, and even applying the civil contempt standard, we find no error in the trial court's determination that Mother's evidence failed to sufficiently prove that Father was in contempt of the January 13, 2021 agreed judgment entry requiring him "to provide his and the Child's current address and the Child's current and working contact information **such as** email and cellphone number to Mother." (Emphasis added.) (Jan. 13, 2021 Agreed Jgmt. Entry at 8.)

3. Meeting M.R.'s Needs

{¶ 45} Mother alleged Father "failed to meet [M.R.'s] needs" by enrolling M.R. "in an educational program that previously failed to meet" M.R.'s needs and failing to maintain counseling for M.R. "as needed," as was required by the January 13, 2021 agreed judgment entry. (Aug. 6, 2021 Mot. at 1.) The agreed judgment entry provided that Father was obligated "to continue to meet the child's needs in all aspects such as but not limited to education, medical, dental, mental health treatments, food, shelter, clothing, etc." (Jan. 13, 2021 Agreed Jgmt. Entry at 8.) The agreed judgment entry further indicated that "Father will have final decision-making authority[.]" (Jan. 13, 2021 Agreed Jgmt. Entry at 8.)

{¶ 46} On review of the record, Mother's primary concern was M.R.'s placement in an autism program. (*See, e.g.*, Nov. 14, 2024 Tr. at 60-61, 85-88; Mar. 10, 2025 Tr. at 44.) Father testified he attempted to enroll M.R. in an autism program, but he was on a waitlist

to enroll during the January through August 2021 timeframe. (Oct. 3, 2024 Tr. at 193-95; Nov. 14, 2024 Tr. at 60-61.) Mother presented no evidence to refute that claim. And, on the record before us, there is no reasonable basis to find that delays attributable to healthcare access limitations,¹ especially in the midst of an ongoing state emergency caused by the COVID-19 pandemic,² constitute a violation of the January 13, 2021 agreed judgment entry's requirement that Father meet M.R.'s educational, counseling, and mental health needs with respect to his autism diagnosis. As such, we find no error in the trial court's determination that Mother's contempt claim against Father in this respect was unsupported by the record.

{¶ 47} The trial court further found Mother failed to produce evidence supporting her claim that M.R. was not receiving adequate mental health treatment, by way of counseling and pharmaceuticals, between January and August 2021. (Sept. 16, 2025 Jgmt. Entry at 7-8.) We agree. Father disputed any gaps in M.R.'s counseling. (*See, e.g.*, Dec. 10, 2024 Tr. at 38, 59-61; July 12, 2022 Depo. of [Father] at 42-48.) At most, Mother expressed "concerns" about the counseling M.R. was receiving without providing any evidence or factual basis to suggest Father was failing to meet M.R.'s needs in this respect. (*See, e.g.*, Oct. 18, 2024 Tr. at 79-80; Nov. 14, 2024 Tr. at 62-63.) And contrary to Mother's contention otherwise, Father explicitly denied taking M.R. off his prescribed medications, except when Father was medically advised to do so. (Oct. 3, 2024 Tr. at 152; July 12, 2022 Depo. of [Father] at 48-58.) Mother apparently believed Father previously admitted to taking M.R. off his prescribed medications without prior authorization from a medical

¹ Long waitlists for children seeking autism-related services are a well-recognized issue within the healthcare community. *See, e.g.*, Adele F. Dimian, et al., *Delay to Early Intensive Behavioral Intervention and Educational Outcomes for a Medicaid-Enrolled Cohort of Children with Autism*, 51 J. AUTISM & DEV. DISORDERS 1054-66 (Apr. 2021), available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC12599662/> (accessed Sept. 29, 2026) [<https://perma.cc/W29Y-CJZ5>]; Eliza Gordon-Lipkin, et al., *Whittling Down the Wait Time: Exploring Models to Minimize the Delay from Initial Concern to Diagnosis and Treatment of Autism Spectrum Disorder*, 63(5) PEDIATRIC CLINICS OF N.AMERICA 851-59, available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC5583718/> (accessed Sept. 29, 2026) [<https://perma.cc/HB8D-8NTQ>].

² Governor Mike DeWine declaring a public-health emergency, effective March 9, 2020, because of the COVID-19 pandemic. The public-health-emergency declaration was rescinded on June 18, 2021. *See* Executive Order 2020-01D, *Declaring a State of Emergency*, <https://governor.ohio.gov/media/executive-orders/executive-order-2020-01-d> (accessed Sept. 29, 2026) [<https://perma.cc/WGN3-YW8Z>]; Executive Order 2021-08D, *Rescinding Executive Order 2020-01D and Ending the Declared State of Emergency*, <https://governor.ohio.gov/media/executive-orders/executive-order-2021-08d> (accessed Sept. 29, 2026) [<https://perma.cc/SBB3-VH5G>].

provider in his July 2022 deposition. (*See, e.g.*, Oct. 3, 2024 Tr. at 152-54, 244-46, 261-66, 294-98.) However, on review of that deposition transcript, we find no merit to such claim. (*See* July 12, 2022 Depo. of [Father] at 48-58.) Moreover, Mother, herself, admitted she could not identify any actual documentation or verifiable support for her claim that Father failed to meet M.R.’s educational, mental health, and medical needs. (Nov. 14, 2024 Tr. at 83-84.)

{¶ 48} Based on the foregoing, the trial court did not abuse its discretion in finding Mother failed to establish, even under the civil contempt standard, that M.R.’s educational, mental health, and counseling needs were not being adequately met by Father. Accordingly, we cannot say the court abused its discretion in finding Father was not in contempt of the January 13, 2021 agreed judgment entry as to this claim.

4. Access to M.R.’s Medical and Educational Records

{¶ 49} Mother also alleged Father was in contempt of the agreed judgment entry because he failed to provide her all copies of or access to M.R.’s medical, counseling, and/or educational records. (Aug. 6, 2021 Mot. at 2.) The agreed judgment entry required that Father “identify Mother and her contact information on all medical and school records of the Child to help ensure that Mother will receive records from the schools and treatment providers.” (Jan. 13, 2021 Agreed Jgmt. Entry at 8.) Specifically, the agreed judgment entry required that Father provide Mother with “online access to the child’s medical and educational records.” (Jan. 13, 2021 Agreed Jgmt. Entry at 8.) The agreed judgment entry further provided that only “[i]f direct access is not available for Mother,” Father was then required to provide “all medical and mental health treatment notes, school reports, IEPs[,] and other similar records to Mother along with a current picture of the child **at least every six months** following the date of this Order.” (Emphasis added.) (Jan. 13, 2021 Agreed Jgmt. Entry at 8-9.)

{¶ 50} Generally, Mother claimed Father provided her only with some—but not all—of the relevant records through a Google Drive shared folder after the January 13, 2021 agreed judgment entry was entered and before the contempt motion was filed on August 6, 2021. (*See, e.g.*, Oct. 3, 2024 Tr. at 169-71; Oct. 18, 2024 Tr. at 109-10, 123-24; Nov. 14, 2024 Tr. at 103-134.) Even if that is true, on review of the record, it is not clear whether Mother attempted to access M.R.’s records directly through M.R.’s schools or medical

providers before she filed her contempt motion, or whether Father was unaware of Mother's inability to access these records. (*See, e.g.*, Oct. 18, 2024 Tr. at 109-117, 123-29; Nov. 14, 2024 Tr. at 105-07; Dec. 10, 2024 Tr. at 131; Dec. 16, 2024 Tr. at 86-87, 191-201.)

{¶ 51} Father testified about providing Mother with M.R.'s "shared school records, medical records[,] and other documents related to the child" via the shared Google Drive he created in January 2021. (*See* Dec. 10, 2024 Tr. at 69-132; Dec. 16, 2024 Tr. at 88-162, 178-82.) Father testified Mother was given access to the shared Google Drive folder with these records and described uploading files into that shared folder a few days after the January 13, 2021 agreed judgment entry was entered. (Dec. 10, 2024 Tr. at 69-132.)

{¶ 52} But, more significantly, it is unclear from the record before us precisely which records Mother believes Father failed to timely provide, in violation of the agreed judgment entry. (*See, e.g.*, Oct. 18, 2024 Tr. at 110-16.) Mother filed her motion for contempt against Father 6 months and 24 days after the agreed judgment entry was entered. Under the terms of the agreed judgment entry, Father was required to provide Mother with records and a current picture of M.R. "at least every **six months** following the date of this Order." (Emphasis added.) (Jan. 13, 2021 Agreed Jgmt. Entry at 8-9.)

{¶ 53} We recognize Mother believes the phrase in the agreed judgment entry—"at least every six months following the date of this Order"—applies only to Father's obligation to produce a current photograph of M.R. to Mother, not M.R.'s records. (*See* Oct. 3, 2024 Tr. at 259-60.) However, in a natural reading of the language, the absence of a comma before the "along with a current picture of the child" phrase suggests the picture is an additional or parenthetical accompaniment to Father's principal obligation to provide Mother with M.R.'s school and counseling records. The placement of "at least every six months following the date of this Order" at the very end of the sentence means it modifies the entire preceding obligation: that Father provide Mother with the records **and** a current picture of M.R. at least every six months. Thus, with regard to any records created on or after February 7, 2021, Father could not be in contempt of the agreed judgment entry at the time Mother's August 6, 2021 contempt motion was filed because the six-month deadline to provide such records had not yet passed. To the extent Mother contends Father failed to provide her with additional records after August 6, 2021, that issue is not before us.

{¶ 54} At a minimum, it is ambiguous as to whether the temporal adverbial phrase in the agreed judgment entry (“at least every six months following the date of this Order”) applies to Father’s obligation to provide Mother with M.R.’s current photograph **and** M.R.’s educational, counseling, and mental health records. Suffice it to say that a party cannot be found in contempt if the contempt charge is premised on a party’s failure to obey an order of the court that is not clear, definite, unambiguous, and subject to a single interpretation. *See, e.g., Lakhi v. Healthcare Choices & Consultants, L.L.C.*, 2007-Ohio-4127, ¶ 23 (10th Dist.), quoting *Chilcote v. Gleason Constr. Co.*, 2002-Ohio-746, ¶ 11 (5th Dist.); *Washington Mut. Bank v. Beatley*, 2020-Ohio-4658, ¶ 26 (10th Dist.)

{¶ 55} For these reasons, we find no basis to conclude the trial court abused its discretion in finding Mother failed to sufficiently prove, under the criminal or civil contempt standard, that Father was in contempt of the records requirement during the relevant period as stated in the January 13, 2021 agreed judgment entry.

5. Encourage Contact and Reconciliation

{¶ 56} Mother additionally alleged Father was in contempt of the agreed judgment entry because he “failed to encourage contact and reconciliation of the child with Mother and Maternal Family.” (Aug. 6, 2021 Mot. at 2.) On this matter, the January 13, 2021 agreed judgment entry required Father to “encourage contact and reconciliation of the Child with Mother and Maternal Family” and “provide the child with any correspondence and / or gifts” therefrom, and to “allow and encourage the Child to talk with Mother [and Maternal Family] **as the Child requests**, and with Mother as recommended by the child’s Treatment providers.” (Emphasis added.) (Jan. 13, 2021 Agreed Jgmt. Entry at 9.)

{¶ 57} The trial court found no evidence to support Mother’s contention that Father was in contempt of this provision of the agreed judgment entry. (Sept. 16, 2025 Jgmt. Entry at 9-10.) As stated above, Father described M.R. becoming violent during and in anticipation of visits with Mother. Father also testified M.R. did not express any desire to see or otherwise communicate with Mother. (Dec. 10, 2024 Tr. at 37, 73-76. *See also* Dec. 16, 2024 Tr. at 23-25.) Father explicitly denied discouraging M.R. from having contact with Mother or the Maternal Family, and maintained that he had attempted to facilitate contact between them to the best of his ability. (*See, e.g.,* Dec. 10, 2024 Tr. at 61-76; Dec. 16, 2024 Tr. at 78-85.) Father also testified that he never failed to give M.R. any gifts sent by

Mother. (Dec. 10, 2024 Tr. at 114; *See also* Dec. 16, 2024 Tr. at 23.) Moreover, Mother admitted she had no evidence to support her claim that Father failed to encourage contact and reconciliation with Mother and her family. (Oct. 18, 2024 Tr. at 88-90.)

{¶ 58} For these reasons, and even applying the civil contempt standard, we find no error in the trial court’s determination that Mother’s evidence failed to sufficiently prove Father was in contempt of the January 13, 2021 agreed judgment entry by failing to facilitate contact and reconciliation between M.R., Mother, and the Maternal Family.

6. Cease and Desist

{¶ 59} Finally, Mother alleged Father was in contempt of the January 13, 2021 agreed judgment entry because he “failed to cease and desist from communication to non-parties [regarding] unsubstantiated allegation[s].” (Aug. 6, 2021 Mot. at 2.) Specifically, Mother took issue with Father’s reference to the “unsubstantiated allegation” in affidavits filed in a separate civil case. (Aug. 6, 2021 Mot. at 2.) The agreed judgment entry required both parties to “cease and desist from communicating to non-parties (whether they be treatment providers, educational staff, etc.) any unsubstantiated allegations of child abuse and/or neglect against Mother, Maternal Family, and/or Father.” (Jan. 13, 2021 Agreed Jgmt. Entry at 9.) The agreed judgment entry further required that “[i]f the Child re-hashes unsubstantiated allegations previously raised in this matter, Parties shall confirm to such person(s) that such allegation was unsubstantiated.” (Jan. 13, 2021 Agreed Jgmt. Entry at 9.) On this issue, the agreed judgment entry also prohibited both parties from allowing contact between M.R. and the “non-party who resides in Australia who admitted to reporting unsubstantiated allegations to FCCS.” (Jan. 13, 2021 Agreed Jgmt. Entry at 9.)

{¶ 60} The trial court found Mother failed to adequately prove Father violated the cease-and-desist order in the agreed judgment entry. (Sept. 16, 2025 Jgmt. Entry at 10.) We agree. Indeed, Mother failed to specify which affidavits contained the infringing statements relevant to her contempt claim—much less cite to *any* specific statements in affidavits filed by Father during the relevant timeframe that she believed violated the terms of the agreed judgment entry. (*See* Oct. 18, 2024 Tr. at 90-96.) Thus, under either the criminal or the civil contempt standard, we find no error in the trial court’s determination that Mother’s evidence failed to sufficiently prove Father was in contempt of the cease-and-desist clause of the January 13, 2021 agreed judgment entry.

7. Disposition

{¶ 61} Based on the foregoing, we find the trial court did not abuse its discretion in failing to find Father in contempt of court for multiple alleged violations of the January 13, 2021 agreed judgment entry concerning the custody of M.R. Accordingly, we overrule Mother's three assignments of error.

III. CONCLUSION

{¶ 62} Having overruled Mother's three assignments of error, we affirm the September 16, 2025 judgment of the Franklin County Court of Common Pleas, Division of Domestic Relations, Juvenile Branch, denying Mother's motion for contempt against Father.

Judgment affirmed.

BOGGS, P.J., MENTEL, J., and EDELSTEIN, J., concur.
