[Cite as *Sandoval v. Sandoval*, 2026-Ohio-4634.]

IN THE COURT OF APPEALS

TWELFTH APPELLATE DISTRICT OF OHIO

WARREN COUNTY

ADRIENNE L. SANDOVAL nka HILDEBRANDT, Appellee, vs. SEAN A. SANDOVAL, Appellant.	:	CASE NO. CA2026-03-040 OPINION AND JUDGMENT ENTRY 11/23/2026

APPEAL FROM WARREN COUNTY COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
Case No. 99DR24444

Adrienne L. Sandoval nka Hildebrandt, pro se.

Sean A. Sandoval, pro se.

O P I N I O N

M. POWELL, J.

{¶ 1} Father appeals a judgment of the Warren County Court of Common Pleas, Domestic Relations Division, that overruled his objections to a magistrate's decision as moot. The objections were not moot, and the trial court was required to decide them. We therefore affirm in part, reverse in part, and remand.

I. Factual and Procedural Background

{¶ 2} Father and Mother were divorced in the domestic relations court on March 13, 2000,[1] in an action filed the year before. Father was ordered to pay support for the parties' two children, both now emancipated, based on the income from the job he then held. On August 15, 2000, on Mother's motion to hold Father in contempt for failing to pay child support, a magistrate ordered the Warren County Child Support Enforcement Agency ("CSEA") "to conduct an audit to determine the exact amount of any arrearage." Father says the docket contains no record that the audit was ever completed or filed.

{¶ 3} In 2002, Father moved to reduce his support. A magistrate dismissed the motion in a decision filed March 15, 2002. Father objected, and on May 17, 2002, the trial court overruled his objections. The court found that Father had quit the job on which support was based "for a higher paying job," "was then fired from that job," and had since held no job paying "anywhere near what he was making." He had also been incarcerated "both for non-payment of support and for a probation violation of criminal charges involving domestic violence." The court concluded that Father's "income has reduced solely because of his own misconduct and not due to factors outside of or beyond his control." It found that the statutory arrearage payment would impose an undue hardship and reduced it. Father did not appeal.

{¶ 4} More than a decade later, on October 31, 2013, the clerk of courts sent notice to Mother's attorney and Father's former attorney that the "depositions, transcripts and/or exhibits" in the case would be destroyed unless retrieved within 60 days. Father says he did not receive the notice. An entry filed January 14, 2014, records the destruction of the "Transcript dated March 15, 2002."

1. Father and the magistrate's January 9, 2026 decision state that the final judgment was entered on December 13, 2000. The docket and the entry itself indisputably show that it was filed on March 13, 2000.

{¶ 5} Over the years, Father's failure to pay support brought him before the trial court many times, and he served jail time for contempt. By January 2026, his arrearage exceeded $50,000.

{¶ 6} Father says that the Social Security Administration found him permanently disabled in 2024. He received his first benefit payment of $994 in December 2025. That same month, Father filed a pro se motion asking the court to approve an $8,000 settlement of his arrearage. Both parties appeared without counsel at a hearing before a magistrate on January 9, 2026. Father told the magistrate that he could pay only $2,500 and that he needed the money for his property taxes. Mother rejected the offer. The magistrate declined to approve the settlement, noting that the arrearage "accumulated well before his disability claim was submitted and approved." Father also asked for an order barring CSEA from reaching his "social security disability payment" through his bank account. The magistrate denied that request too. It reasoned that CSEA "has the authority to intercept SSDI [Social Security Disability Insurance] payments as well as funds deposited into an Obligor's bank account for purposes of satisfying an arrearage."

{¶ 7} Father filed objections on January 22, 2026. He argued that his benefit is Supplemental Security Income ("SSI"), which federal law exempts from legal process, and that the magistrate's decision failed to protect the SSI deposited in his bank account. He also argued that the magistrate failed to address his challenge to the arrearage under *Ayers v. Ayers*, 2024-Ohio-1833. Finally, he argued that allowing continued collection from his bank account was an abuse of discretion given his economic hardship. He attached documents that he said confirm the nature of his benefit. On March 3, 2026, the trial court overruled the objections as moot because CSEA "will now handle this administratively because Father now receives Social Security income."

{¶ 8} Father filed a notice of appeal on March 25, 2026. He also moved for a stay,

which the trial court denied on April 7, 2026.

II. Analysis

{¶ 9} Father's pro se brief raises three assignments of error. Mother did not file a brief.

{¶ 10} Our standard of review "is dictated by the issue presented to the magistrate and affirmed by the trial court." *Reed v. Morgan*, 2012-Ohio-2022, ¶ 16 (12th Dist.). Because Father filed no transcript or affidavit of the evidence with his objections, the trial court's independent review was "'limited to an examination of the magistrate's conclusions of law and recommendations in light of any accompanying findings of fact.'" *Suwareh v. Nwankwo*, 2026-Ohio-2225, ¶ 16 (12th Dist.), quoting *Levy v. Seiber*, 2016-Ohio-68, ¶ 18 (12th Dist.). Our own review is similarly confined. We accept the magistrate's findings of fact and ask whether the trial court erred in applying the law to them. *Levy* at ¶ 18. We review questions of law de novo. *Id.* at ¶ 21. Nor may we consider materials that were not before the trial court when it ruled, including exhibits attached for the first time to Father's brief. *Suwareh* at ¶ 24.

A. The Mootness Ruling

{¶ 11} The first assignment of error states:

> THE TRIAL COURT ERRED AS A MATTER OF LAW BY AFFIRMING A MAGISTRATE'S DECISION THAT AUTHORIZES SEIZURE OF SUPPLEMENTAL SECURITY INCOME IN DIRECT VIOLATION OF 42 U.S.C. § 407(a), BINDING SUPREME COURT PRECEDENT, AND THE SUPREMACY CLAUSE.

{¶ 12} In the first assignment of error, Father argues that the magistrate authorized the seizure of SSI. He also challenges the trial court's refusal to decide his objections.

1. The Governing Law

{¶ 13} SSDI is an earned benefit paid under Title II of the Social Security Act

(subchapter II of 42 U.S.C. Chapter 7). SSI is a means-tested benefit paid under Title XVI. Both are protected by 42 U.S.C. 407(a), which provides that "none of the moneys paid or payable . . . under this subchapter shall be subject to execution, levy, attachment, garnishment, or other legal process." Section 407(a) governs Title II benefits directly, and 42 U.S.C. 1383(d)(1) extends it to SSI "to the same extent." The protection follows the benefits into a bank account so long as the funds remain "readily withdrawable and retain[] the quality of 'moneys.'" *Philpott v. Essex Cty. Welfare Bd.*, 409 U.S. 413, 416 (1973).

{¶ 14} The protection differs, though, when the debt is child support. Under 42 U.S.C. 659(a), "[n]otwithstanding any other provision of law (including section 407 of this title . . .)," federal moneys "the entitlement to which is based upon remuneration for employment" are subject to withholding and other legal process to enforce child support. Those moneys include benefits paid "under the insurance system established by subchapter II." 42 U.S.C. 659(h)(1)(A)(ii)(I). SSI is not among them, because entitlement to SSI does not rest on remuneration for employment. SSDI may therefore be withheld to pay child support, but SSI may not.

{¶ 15} Ohio law follows federal law. A court or child support enforcement agency may require a financial institution to deduct support from funds "that are not exempt under the laws of this state or the United States from execution, attachment, or other legal process." R.C. 3121.03(B)(1). Accordingly, if Father's benefit is SSI, neither the court nor CSEA may reach it through a deduction notice to his bank while the funds keep their character as benefits.

2. The Magistrate's Decision

{¶ 16} The magistrate's decision here does not authorize the seizure of SSI. Father asked for an order barring CSEA from reaching his "social security disability payment"

through his bank account. The magistrate denied the request, explaining that CSEA "has the authority to intercept SSDI payments as well as funds deposited into an Obligor's bank account for purposes of satisfying an arrearage." That statement correctly describes the law as to SSDI and as to non-exempt funds on deposit. The decision orders no withholding or deduction. It does not mention SSI, and it does not find which program pays Father's benefit. That is a question of fact, and without a transcript we cannot know what evidence the magistrate heard. We will not supply a finding the magistrate did not make.

3. The Objections Were Not Moot

{¶ 17} The trial court never reached these questions, though it was required to. When a party timely objects to a magistrate's decision, Civ.R. 53(D)(4)(d) requires the court to "rule on those objections" after "an independent review as to the objected matters to ascertain that the magistrate has properly determined the factual issues and appropriately applied the law." The rule "imposes a mandatory duty on the trial court to address and dispose of a party's timely objections." *Motes v. Motes*, 2026-Ohio-307, ¶ 21 (12th Dist.). A court that fails to rule on objections and conduct an independent review abuses its discretion. *Id*.

{¶ 18} Ordinarily, we presume that the trial court performed its independent review, and "'the party asserting error bears the burden of affirmatively demonstrating the trial court's failure to perform its duty of independent analysis.'" *Id.* at ¶ 22, quoting *Pietrantano v. Pietrantano*, 2013-Ohio-4330, ¶ 14 (12th Dist.). Father has satisfied that burden. The entry here does not even state that the trial court reviewed the record. The court did not consider any objection on its merits because it believed nothing remained to decide.

{¶ 19} Whether the objections were moot is a question of law, which we review de novo. The result would be the same under an abuse-of-discretion standard, because a

court that declines to rule on timely objections abuses its discretion. *Motes* at ¶ 21.

{¶ 20} The objections were not moot. Courts will not decide cases "in which there is no longer an actual legal controversy between the parties." *Cyran v. Cyran*, 2018-Ohio-24, ¶ 9. A live controversy remained here. Father's objections disputed whether CSEA may reach his benefit and his bank account, whether the arrearage itself is valid, and whether his circumstances warrant relief from collection. CSEA's administrative role resolved none of those questions. R.C. 3121.03(B)(1) binds a "child support enforcement agency" just as it binds a court, so whether CSEA may reach Father's benefit depends on what the benefit is.

{¶ 21} Father also relies on the trial court's April 7, 2026 entry denying a stay, which stated that he "will not be required to pay his child support arrearage from SSI." That entry postdates Father's notice of appeal, and we do not consider it in reviewing the March 3 judgment. *Suwareh*, 2026-Ohio-2225, at ¶ 36, 47 (12th Dist.). Even if we did, it would neither help Father nor moot this appeal. The entry ruled only on the stay. It did not vacate or modify the magistrate's decision or the March 3 judgment.

4. The Remedy

{¶ 22} Father asks us to vacate the magistrate's decision, to enjoin CSEA from collecting against his SSI, and to declare the benefit exempt. We decline. No order before us applies legal process to SSI, so there is nothing to vacate on that ground. And the character of Father's benefit is a question of fact that no one has yet decided.

{¶ 23} That leaves the question whether we should decide Father's objections ourselves rather than remand. We have done so before. In *Levy*, the trial court failed to consider objections to a magistrate's legal conclusions. We decided those questions de novo and held that the objecting parties "have not suffered any prejudice by the trial court's failure to consider the objections to the magistrate's legal conclusions." *Levy*,

2016-Ohio-68, at ¶ 21 (12th Dist.). That course is open here only in part. Father's third objection presents a pure question of law, and we resolve it in addressing the third assignment of error. His first, second, and fourth objections do not. Whether the magistrate properly refused to shield Father's bank account depends on which program pays his benefit, a fact the magistrate did not find. Whether Father's circumstances warrant relief from collection is committed to the trial court's discretion.

{¶ 24} On remand, the trial court must rule on Father's first, second, and fourth objections. It may hear additional evidence, subject to the limits of Civ.R. 53(D)(4)(d), or return the matter to the magistrate under Civ.R. 53(D)(4)(b). If it does neither, its review is limited to "an examination of the magistrate's conclusions of law and recommendations in light of any accompanying findings of fact." *Levy* at ¶ 18.

{¶ 25} To the extent the first assignment of error challenges the trial court's ruling that Father's objections were moot, it is sustained. In all other respects, it is overruled.

B. The Audit and the Arrearage

{¶ 26} The second assignment of error states:

> THE TRIAL COURT ERRED BY DECLARING FATHER'S OBJECTIONS "MOOT" WHEN (A) THE $50,202.40 ARREARAGE WAS NEVER REDUCED TO A "FINAL AND ENFORCEABLE DETERMINATION" UNDER R.C. 3123.06, RENDERING IT STATUTORILY VOID AND UNENFORCEABLE; AND (B) ACTIVE LEGAL DISABILITIES CONTINUE TO OPERATE AGAINST FATHER.

{¶ 27} Part of the second assignment of error repeats the mootness challenge we have already sustained, and to that extent it is sustained. What remains is Father's contention that the arrearage is "statutorily void" because CSEA never completed the audit the magistrate ordered in August 2000.

{¶ 28} "Except for a claim of plain error," a party may not assign as error on appeal the court's adoption of a magistrate's finding or conclusion "unless the party has objected

to that finding or conclusion." Civ.R. 53(D)(3)(b)(iv). Father's four objections addressed the exempt status of SSI, the denial of protection for his bank account, the *Ayers* challenge to the 2002 finding, and his economic hardship. None mentions the audit, R.C. 3123.06, or any claim that the arrearage is void.

{¶ 29} A void judgment, though, may be challenged at any time. *Pratts v. Hurley*, 2004-Ohio-1980, ¶ 11. But nothing here is void. A judgment is void when the court that rendered it lacked jurisdiction over the subject matter or the parties. *Id.* at ¶ 11-12. "[W]hen a specific action is within a court's subject-matter jurisdiction, any error in the exercise of that jurisdiction renders the court's judgment voidable, not void." *Ostanek v. Ostanek*, 2021-Ohio-2319, ¶ 24. The domestic relations court has had jurisdiction over these parties and their support obligations since 1999. Any failure to complete the audit was, at worst, an error in the exercise of that jurisdiction. Nor does R.C. 3123.06 support Father's theory. The statute governs what follows when a court or agency "makes a final and enforceable determination that an obligor is in default under a support order." R.C. 3123.06(A). It directs the issuance of withholding and deduction notices after that determination. It does not require an audit, and it does not make the existence of an arrearage depend on one. None of the cases Father cites holds otherwise.

{¶ 30} Because the arrearage is not void, Father has forfeited this argument except for plain error. He does not argue plain error, and we will not construct that argument for him. *Suwareh*, 2026-Ohio-2225, at ¶ 14 (12th Dist.). The argument would fail in any event. Civil plain error is reserved for "those extremely rare cases where exceptional circumstances require its application to prevent a manifest miscarriage of justice." *Goldfuss v. Davidson*, 79 Ohio St.3d 116, 121, 1997-Ohio-401. Father has shown no error at all, plain or otherwise.

{¶ 31} The second assignment of error is sustained in part and overruled in part.

C. The 2002 Entry

{¶ 32} The third assignment of error states:

> THE TRIAL COURT DENIED FATHER DUE PROCESS BY REFUSING TO ADDRESS THE FACIAL INVALIDITY OF THE MAY 17, 2002 "MISCONDUCT" FINDING, WHICH SIMULTANEOUSLY ACKNOWLEDGES FATHER WAS FIRED AFTER SEEKING HIGHER-PAYING WORK YET CONCLUDES HIS INCOME REDUCTION RESULTED FROM "VOLUNTARY MISCONDUCT"—A LOGICAL IMPOSSIBILITY THAT RENDERS ONGOING ENFORCEMENT OF THE RESULTING ARREARAGE A VIOLATION OF AYERS V. AYERS, 17[8] OHIO ST.3D 10[1], 2024-OHIO-1833, AND DUE PROCESS.

{¶ 33} In the third assignment of error, Father asks us to vacate the 2002 entry on the ground that its misconduct finding is invalid under *Ayers*.

1. The 2002 Entry Is Final

{¶ 34} The 2002 entry was a final, appealable order. Father did not appeal it within the 30 days App.R. 4(A) allows, and this appeal is from the March 3, 2026 ruling on his objections. "'[A]n unappealed judgment is final and the prevailing party may fully rely upon it.'" *State ex rel. LTV Steel Co. v. Gwin*, 1992-Ohio-20, ¶ 18, quoting *Wigton v. Lavender*, 9 Ohio St.3d 40, 43 (1984). Father cites *LTV Steel* for the proposition that statutory prerequisites cannot be waived, but the decision does not support that proposition. What it does say, though, is that an appellate court lacks jurisdiction to reconsider a judgment that has become final when no one appealed it. *Id.* ¶ 18.

{¶ 35} Father describes his challenge as one to "ongoing enforcement" rather than to the 2002 entry itself. But he seeks vacatur of the 2002 finding and a recalculation of support from that date forward. That relief would undo the 2002 entry.

2. The 2002 Entry Is Not Void

{¶ 36} Nor is the 2002 entry void. The trial court had jurisdiction over the parties and over Father's motion to modify support. Any error in deciding that motion was an error

in the exercise of jurisdiction. Such an error renders a judgment voidable at most, and it can be corrected only on direct appeal. *Pratts*, 2004-Ohio-1980, at ¶ 12, 21; *Ostanek*, 2021-Ohio-2319, at ¶ 24.

{¶ 37} *Ayers* itself confirms the point. There, the trial court imputed income to a parent without finding him voluntarily unemployed. The Ohio Supreme Court called the omission "error" and "reversible error," and it remanded for the trial court to make the required determination. *Ayers*, 2024-Ohio-1833, at ¶ 22, 26-27. It did not declare the support order void. And *Ayers* reached the Court on direct appeal from the support order itself. *Id.* at ¶ 9-10.

{¶ 38} Father argues that, even though it was decided after the 2002 entry, *Ayers* governs his case because it construed R.C. 3119.01 rather than announcing new law. He relies on *Peerless Elec. Co. v. Bowers*, 164 Ohio St. 209, 210 (1955), which states the general rule that a decision overruling a prior decision operates retrospectively. Whatever *Ayers*'s retrospective reach, it does not extend to judgments that became final before it was decided. "A new judicial ruling may be applied only to cases that are pending on the announcement date." *Ali v. State*, 2004-Ohio-6592, ¶ 6. When *Ayers* was decided in May 2024, the 2002 entry had been final for nearly 22 years.

{¶ 39} In any event, the 2002 entry does not have the facial defect Father attributes to it. *Ayers* does not require particular words. The order need only "clearly evince a finding that a parent's unemployment or underemployment is voluntary." *Ayers* at ¶ 23. The 2002 entry expressly found that Father's "income has reduced solely because of his own misconduct and not due to factors outside of or beyond his control." Whether the facts the court recited supported that finding, including how it treated Father's termination and his incarcerations, was a question for a timely direct appeal.

3. The Destroyed Transcript

{¶ 40} Finally, Father argues that the 2014 destruction of the March 15, 2002 transcript denied him due process. He says the notice to retrieve it went to his former counsel rather than to him, and that he never received it. He asks us to infer that the transcript would have undermined the 2002 finding.

{¶ 41} Due process requires "notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections" in a "proceeding which is to be accorded finality." *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). The destruction of the transcript was not such a proceeding. The proceeding the transcript recorded had been accorded finality more than a decade earlier, when Father let the time for appeal expire. The transcript existed throughout that period, and Father could have used it. Its later destruction deprived him of nothing to which he was still entitled. Nor may we draw the adverse inference Father seeks. Such an inference is a tool for weighing evidence in a pending dispute, and no dispute over the 2002 finding remains pending.

4. Disposition of Father's Third Objection

{¶ 42} Our resolution of this assignment of error also disposes of Father's third objection. That objection rested on *Ayers* and presented only a question of law, which we have now answered. The trial court's failure to rule on it therefore caused Father no prejudice. *Levy*, 2016-Ohio-68, at ¶ 21 (12th Dist.).

{¶ 43} The third assignment of error is overruled.

III. Conclusion

{¶ 44} The first and second assignments of error are sustained in part and overruled in part, and the third assignment of error is overruled. The trial court's judgment is affirmed insofar as it overruled Father's third objection and is otherwise reversed. This

case is remanded for the trial court to rule on Father's first, second, and fourth objections consistent with this opinion.

SIEBERT, J. concurs.

PIPER, P.J., concurs in part and dissents in part.

PIPER, J., concurring in part and dissenting in part.

{¶ 45} With respect to my colleagues in the majority, I dissent from the decision to reverse and remand on Father's first and second assignments of error. Although I concur with my colleagues' substantive reasoning on the second assignment of error, I disagree with the procedural outcome. I also concur in overruling the third assignment of error. For the reasons set forth more fully below, I therefore concur in part and dissent in part, as I find reversal and remand to the trial court unwarranted.

Father's First Assignment of Error

{¶ 46} In his first assignment of error, Father contends that the trial court erred in adopting the magistrate's decision authorizing the seizure of his SSI benefits. I disagree with Father's contention and would affirm the trial court's decision.

{¶ 47} It is important to note that Social Security has different categories of disability payments. SSI payments may not be intercepted for child support; by contrast, SSDI payments may be intercepted and used for child support. Father claims that "as a matter of law," the magistrate erred in authorizing the seizure of his SSI payments. As my colleagues in the majority state, and as do I, the magistrate's decision did not authorize or order the seizure of Father's SSI funds. In such a ruling, it is my opinion that this left nothing for this court to decide, and for this reason alone, Father's first assignment of error should be overruled.

{¶ 48} What is more, Father's objection that the magistrate committed an error of

law by failing to distinguish between SSI and SSDI funds is unfounded. Because there was no hearing transcript, there is no evidentiary basis to determine whether Father asserted that his bank account contained SSI payments. Without such testimony referencing SSI payments, the magistrate had no obligation to investigate, sua sponte, whether SSI funds might be involved. Therefore, the trial court could not conclude that the magistrate misapplied the law merely because she did not raise the possibility of SSI benefits existing in Father's account.

{¶ 49} Father continues by arguing that his objections were not "moot," as the trial court found. As discussed above, because there is no transcript, Father's assignment of error permits review only of the magistrate's conclusions of law. *Christopher Michael Homes, LLC v. Treillage Residence Owners' Assn.*, 2014-Ohio-4754, ¶ 42 (12th. Dist.). Here, the magistrate made no error in its conclusion of law because the record does not support the existence of SSI payments. Yet the majority opinion disagrees with the trial court's conclusion that nothing remains to be discussed, suggesting a live controversy remains and requires further independent review on the part of the trial court. But neither the law nor the circumstances herein support that such a procedure is proper.

{¶ 50} A case is considered moot if it "'seeks to get a judgment on a pretended controversy, when in reality there is none, or a decision in advance about a right before it has been actually asserted and contested, or a judgment upon some matter which, when rendered, for any reason cannot have any practical legal effect upon a then-existing controversy.'" *State ex rel. Cincinnati Enquirer v. Hunter*, 2014-Ohio-5457, ¶ 4, quoting *In re L.W.*, 2006-Ohio-644, ¶ 11 (10th Dist.). A claim is not moot if it is capable of repetition, yet evading review. *State ex rel. Community Journal v. Reed*, 2014-Ohio-5745, ¶ 27 (12th Dist.). Here, because the magistrate committed no error of law, nothing else remained to be reviewed when no transcript was presented.

{¶ 51} Furthermore, Father's disability payments were subject to review, as will be any future attachment of proceeds paid toward child support arrears. Although the trial court may have technically misused the term "moot," that imprecision does not justify reversal. The court appears to have understood that SSI payments could not be attached. This is particularly true here, as Father did not argue, either in the trial court or on appeal, that any specific portion of his bank account was exempt because it consisted of SSI funds. Therefore, because Father has not identified an improperly seized protected amount, he cannot establish that he suffered any resulting prejudice requiring this matter be reversed. *See Orion Mgt., Inc. v. Kaeka*, 2025-Ohio-1047, ¶ 45 (noting that, "to demonstrate reversible error on appeal, an appellant has the burden to demonstrate error as well as prejudice resulting from that error").

Father's Second Assignment of Error

{¶ 52} I would likewise affirm the trial court's adoption of the magistrate's decision on Father's second assignment of error. As my colleagues and I agree, the arrearage was not void, and Father forfeited that argument on appeal. Accordingly, there is no need to remand for further consideration of the claimed error.

{¶ 53} As with the first assignment of error, the absence of a transcript is dispositive. Without a transcript, it cannot be determined what testimony, if any, was presented to the magistrate on the issue Father now raises. The trial court cannot be faulted for failing to consider arguments not timely raised or otherwise unsupported by the record.

{¶ 54} Although Father proceeded pro se, courts are not to give pro se litigants special treatment. That is why, even when appearing pro se on appeal, we do not construct arguments on the appellant's behalf. *See Streaker v. Streaker*, 2019-Ohio-832, ¶ 7 (12th Dist.) (holding "[a]n appellate court will neither construct assignments of error

nor create arguments on behalf of an appellant because it is not the duty of an Ohio appellate court to raise arguments for the parties").

{¶ 55} Father was free to present evidence, make his arguments before the magistrate, and raise related objections before the trial court. The record shows that Father understood the difference between SSDI and SSI. The record does not establish, however, that he presented evidence of SSI payments, let alone traced specific funds in his bank account to SSI benefits. Father also had procedural means to supplement the record in support of his objections. Civ.R. 53(D)(3)(b)(iii). Father did no such thing.

{¶ 56} Whether intentional or inadvertent, Father presented these issues vaguely and without support in the trial court. The resulting lack of clarity is created by the absence of evidence and testimony and cannot be resolved in Father's favor merely because he represented himself pro se. Father sought to negotiate a reduced settlement of his child-support arrearage and retain funds for property-tax obligations. However, obtaining the necessary documents or providing a transcript might have been well-advised to support the arguments he now attempts. We will never know whether any documents or testimony could provide that support. With that in mind, Father is not entitled to a second hearing to salvage his failed arguments.

Father's Third Assignment of Error

{¶ 57} I concur with the majority opinion overruling Father's third assignment of error. As the majority correctly concludes, Father is untimely in his attempts to resurrect and relitigate issues resolved in 2002.

Conclusion

{¶ 58} With respect to my colleagues in the majority, I would affirm the trial court's judgment and overrule Father's three assignments of error. Therefore, for the reasons set forth herein, I concur in part and dissent in part, as I find reversing and remanding to the

trial court on Father's first and second assignments of error to be unwarranted, but I agree with the majority on the conclusion of Father's third assignment of error.

JUDGMENT ENTRY

The assignments of error properly before this court having been ruled upon, it is the order of this court that the judgment or final order appealed from be, and the same hereby is, affirmed in part and reversed in part and this cause is remanded for further proceedings according to law and consistent with the above Opinion.

It is further ordered that a mandate be sent to the Warren County Court of Common Pleas, Domestic Relations Division, for execution upon this judgment and that a certified copy of this Opinion and Judgment Entry shall constitute the mandate pursuant to App.R. 27.

Costs to be taxed 65% to appellant and 35% to appellee.

/s/ Mike Powell, Judge

/s/ Melena S. Siebert, Judge