

IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
MONTGOMERY COUNTY

IN RE: B.A.G.A.

:
: C.A. No. 30776
:
: Trial Court Case No. H-2015-007252-
: 0E
:
: (Appeal from Common Pleas Court-
: Juvenile Division)
:
: **FINAL JUDGMENT ENTRY &
OPINION**

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Pursuant to the opinion of this court rendered on August 21, 2026, the judgment of the trial court is affirmed.

Costs to be paid as stated in App.R. 24.

Pursuant to Ohio App.R. 30(A), the clerk of the court of appeals shall immediately send a copy of the court's ruling to each party and note that action on the docket. Additionally, pursuant to App.R. 27, the clerk of the court of appeals shall send a certified copy of this judgment, which constitutes a mandate, to the clerk of the trial court and note the service on the appellate docket.

For the court,



CHRISTOPHER B. EPLEY, JUDGE

HUFFMAN, J., and HANSEMAN, J., concur.

OPINION
MONTGOMERY C.A. No. 30776

T.G., Appellant, Pro Se
A.A. III, Appellee, Pro Se

EPLEY, J.

{¶ 1} Mother appeals from the judgment of the Montgomery County Common Pleas Court, Juvenile Division, granting Father the standard order of parenting time (“SOPT”) with the parties’ minor son, B.A.G.A. Mother asserts that the trial court abused its discretion by failing to properly consider relevant evidence and the best interest of the child. For the following reasons, the judgment of the trial court is affirmed.

I. Facts and Procedural History

{¶ 2} The parties are the unmarried parents of one son, B.A.G.A., born on July 2, 2015. Prior to the proceedings at issue here, there had not been any court-ordered allocation of parental rights and responsibilities regarding B.A.G.A. Mother was the custodial parent, and Father would see B.A.G.A. occasionally. However, on July 21, 2025, Father filed a pro se motion for allocation of parental rights and responsibilities, requesting “a court order for custody of [his] son.”

{¶ 3} On September 8, 2025, Mother filed a motion requesting that the trial court conduct an in-camera interview with B.A.G.A. so that he could express his feelings and concerns regarding custody. On the same day, the trial court granted Mother’s motion for an in-camera interview and set the matter for a hearing before the magistrate on October 3, 2025.

{¶ 4} Both parties represented themselves at the hearing. Father testified that he wanted to have a court order in place so that he could see B.A.G.A. on a regular basis.

Mother also testified, expressing concern that B.A.G.A. was not safe with Father due to alleged physical abuse. In addition, Mother presented two witnesses. They stated that Father had almost no involvement in B.A.G.A.'s life and that Mother communicated mostly with Father's parents regarding B.A.G.A.'s activities and schedule.

{¶ 5} On October 6, 2025, the magistrate granted Father parenting time in accordance with the SOPT. The magistrate noted that Mother and Father had a "highly contentious relationship" and acknowledged Mother's allegations that Father had physically abused B.A.G.A. on at least one occasion, leading Mother to take B.A.G.A. to the emergency room. However, the records from that emergency room visit indicated that B.A.G.A. did not have any visible injuries, that children services was notified but did not open an investigation, and that Mother did not contact law enforcement to report any alleged abuse. Additionally, Mother still allowed B.A.G.A. to spend time with Father following the incident. The magistrate ultimately denied Father's request for change of custody but found that it was in B.A.G.A.'s best interest to have parenting time with Father.

{¶ 6} On October 16, 2025, Mother filed objections to the magistrate's decision. She reiterated the arguments that she had made during the hearing, including that it was not in B.A.G.A.'s best interest to have parenting time with Father. She supported her objections with a transcript of the October 3, 2025 hearing.

{¶ 7} On December 11, 2025, the trial court was made aware of the magistrate's in-camera interview with B.A.G.A. and immediately sent the audio recording of the interview to be transcribed through eScribers, LLC. On the same day, eScribers contacted Mother to notify her of the additional transcript and deposit cost. Although Mother was granted additional time to pay for the transcript, she did not submit payment.

{¶ 8} On February 2, 2026, the trial court overruled Mother’s objections and adopted the magistrate’s decision. In its decision, the trial court first recognized that the transcript of the hearing in this matter had been properly filed. The trial court noted that “[m]ore than 45 days have elapsed since the eScribers, LLC contacted Mother regarding the in-camera transcript however Mother has not submitted payment.” Reviewing the magistrate’s decision on its face only, the trial court found that the magistrate’s decision did not appear to be unjust, unreasonable, or in plain error. The court awarded Father parenting time in accordance with the SOPT.

{¶ 9} Mother appeals from the trial court’s judgment, raising two assignments of error. Because they are interrelated, we consider them together. Father did not file a responsive brief.

II. Appellate Review

{¶ 10} In her assignments of error, Mother asserts that the trial court abused its discretion by adopting the magistrate’s decision granting Father parenting time in accordance with the SOPT, because it did not properly consider B.A.G.A.’s best interest or relevant evidence regarding B.A.G.A.’s “mental health, therapeutic needs, and lack of prior relationship” with Father.

{¶ 11} Pursuant to Juv.R. 40(D)(3)(b)(iii), objections to a magistrate’s decision “shall be supported by a transcript of all the evidence submitted to the magistrate relevant to that finding.” When the objecting party fails to file a transcript of the proceedings, the trial court may adopt the magistrate’s factual findings without additional consideration. *In re A.B.*, 2025-Ohio-4771, ¶ 36 (2d Dist.). When a party submits only a partial transcript and “where the failure to provide the relevant portions of the transcript or suitable alternative is **clear** on the face of the submissions, the trial court cannot then address the merits of that factual

objection because the objecting party, whether through inadvertence or bad faith, has not provided all of the materials needed for the review of that objection.” (Emphasis in original.) *Allread v. Allread*, 2011-Ohio-1271, ¶ 17 (2d Dist.); accord *Huffman v. Huffman*, 2009-Ohio-5511, ¶ 24 (5th Dist.) (when only a partial transcript is filed and portions of the transcript necessary for resolution of assigned errors are omitted, the reviewing court must presume the validity of the trial court’s proceedings and affirm).

{¶ 12} Notably, we have held that where objections only pertain to questions of law, a trial court can review them without the benefit of a transcript. *Allread* at ¶ 25. However, the allocation of parenting time requires the consideration of multiple factual questions, including the best interest of the child. *Palichat v. Palichat*, 2019-Ohio-1379, ¶ 28 (2d Dist.). “Absent a transcript . . . , a trial court is limited to an examination of the magistrate’s conclusions of law and recommendations.” *Allread* at ¶ 25. We have further held that it is “simply unreasonable” for a trial court to address a party’s objections when the materials submitted in support of the objections are inadequate. *Id.* at ¶ 30.

{¶ 13} Mother’s assignments of error pertain to the magistrate’s factual determination that parenting time with Father was in B.A.G.A.’s best interest. In making this determination, the magistrate relied, in part, on the in-camera interview with B.A.G.A. In objecting to the magistrate’s decision, Mother failed to submit the transcript of that interview, so the trial court was unable to review the complete record of everything the magistrate relied on to reach her final determination. Therefore, the trial court was precluded from addressing the merits of Mother’s objections and did not abuse its discretion when it adopted the magistrate’s decision.

{¶ 14} Both of Mother’s assignments of error are overruled.

III. Conclusion

{¶ 15} The judgment of the trial court is affirmed.

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HUFFMAN, J., and HANSEMAN, J., concur.