[Cite as *S.W. v. J.C.*, 2026-Ohio-4696.]

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

S.W.	:	
	:	C.A. No. 2026-CA-7
Petitioner	:	
	:	Trial Court Case No. 2025 DR 15
v.	:	
	:	(Appeal from Common Pleas Court-
J.C.	:	Domestic Relations)
	:	
Respondent	:	**FINAL JUDGMENT ENTRY & OPINION**

. . . . . .

Pursuant to the opinion of this court rendered on November 25, 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,



MICHAEL L. TUCKER, JUDGE

EPLEY, J., and HUFFMAN, J., concur.

OPINION
CHAMPAIGN C.A. No. 2026-CA-7

S. TODD BRECOUNT, Attorney for Respondent
S.W., Petitioner, Pro Se

TUCKER, J.

{¶ 1} J.C. appeals from the trial court's judgment entry overruling his objections to a magistrate's decision and his motion to modify a domestic violence civil protection order.

{¶ 2} J.C. contends the protection order unreasonably denied him parenting time with his minor child, S.C., one of the protected parties. He argues that the trial court abused its discretion and that its decision is against the weight of the evidence presented during three hearings before the magistrate.

{¶ 3} Although J.C.'s argument cites transcripts of the proceedings before the magistrate, he did not provide the trial court with those transcripts when filing objections. He also did not make them part of the record on appeal. Because the trial court had no opportunity to review the transcripts, we could not consider them even if he had included them in the appellate record. Having no ability to review the evidence, we see no abuse of discretion in the trial court's overruling of J.C.'s objections and his motion to modify the protection order. Accordingly, we affirm the trial court's judgment.

I. Background

{¶ 4} S.W. obtained a protection order against J.C. in March 2025 on behalf of herself and her minor children. The order was based on allegations of serious physical harm to H.S., who was one of her children. J.C. moved to modify the order in July 2025 to allow contact with his biological child, S.C., who also was a protected person under the order. A magistrate overruled the motion following a hearing. On November 24, 2025, J.C. again moved to

modify the order, seeking to allow contact with S.C. After holding another hearing on December 30, 2025, the magistrate overruled the motion. J.C. filed pro se objections to the magistrate's decision. Along with his objections, he requested findings of fact and conclusions of law, moved for transcripts at the State's expense, and introduced statements of the evidence in lieu of transcripts. Without addressing these issues, the trial court overruled J.C.'s objections and adopted the magistrate's decision in a February 6, 2026, judgment entry.

{¶ 5} J.C. timely appealed and filed a praecipe for transcripts of (1) the magistrate's hearing on S.W.'s application for a protection order, (2) the magistrate's hearing on J.C.'s first motion to modify the protection order, and (3) the magistrate's hearing on J.C.'s second motion to modify the protection order. On May 19, 2026, we issued an order noting that the time for filing transcripts had passed and directing J.C. to show cause within 14 days why the record should not be deemed complete without them. On June 8, 2026, we noted J.C.'s failure to respond and deemed the record complete. Thereafter, J.C. filed his appellate brief, arguing that the evidence presented at the three hearings did not support designating S.C. a protected person under the civil protection order. In support, he cited transcripts of the three hearings.

II. Analysis

{¶ 6} J.C.'s sole assignment of error states:

> **The Domestic Relations Court of Champaign County, Ohio abused its discretion by arbitrarily and unreasonably refusing to modify the Civil Protection Order between Appellant/Father [J.C.] and Appellee/Mother [S.W.], thereby thwarting Appellant/Father's attempt to gain parenting time with his minor daughter [S.C.]**

{¶ 7} J.C.'s lengthy appellate brief is replete with references to transcripts of the three hearings mentioned above. He cites evidence presented to the magistrate at the initial protection order hearing and the two hearings on his motions to modify the order. J.C. argues that this evidence demonstrates the trial court's abuse of discretion in refusing to modify the order to allow contact with S.C.

{¶ 8} We begin our analysis by noting our inability to consider transcripts of the proceedings before the magistrate. When a trial court enters judgment without a transcript or affidavit, "an appellate court only considers whether the trial court correctly applied the law to the facts as set forth in the magistrate's decision." *Christoff v. Am. Airlines, Inc*., 2024-Ohio-4810, ¶ 12 (2d Dist.), citing *Geter v. Geter*, 2022-Ohio-2804, ¶ 26 (2d Dist.); *see also In re A.B*., 2025-Ohio-4771, ¶ 36-37 (2d Dist.). Here the magistrate's decision contained few factual findings or legal conclusions. It noted that the protection order had been issued due to concerns of abuse involving another of S.W.'s children. It found that removing S.C. from the protection order was not in the child's best interest. Although J.C. requested more specific findings of fact and conclusions of law following the magistrate's decision, he has not raised their absence as an issue on appeal.

{¶ 9} Because the trial court lacked the benefit of the three hearing transcripts, we have no record of the evidence presented and cannot speculate about whether the testimony supported overruling J.C.'s motion. *Christoff* at ¶ 13, citing *Wise v. Webb*, 2015-Ohio-4298, ¶ 15 (2d Dist.). Moreover, even if we were permitted to review the transcripts upon which J.C. relies, he failed to respond to our show-order or make them part of the appellate record. Regardless, as we have explained, we could not consider them anyway.

{¶ 10} We recognize that J.C. claimed indigence and sought transcripts at the State's expense following the magistrate's decision. He also filed two pro se statements of the

evidence in lieu of transcripts. But he was not entitled to free transcripts. *St. Germaine v. St. Germaine*, 2010-Ohio-3656, ¶ 15 ("Ohio courts have limited an indigent's right to have transcript fees taxed as costs to criminal cases, termination of parenting rights, and defense of paternity cases."). On the other hand, an indigent party generally may file an affidavit of the evidence in lieu of a transcript. *State ex rel. Motley v. Capers*, 23 Ohio St.3d 56, 58 (1986) (finding a transcript "unavailable" for purposes of App.R. 9(C) where a party is indigent); *see also* Civ.R. 53(D)(3)(b)(iii) ("An objection to a factual finding . . . shall be supported by a transcript of all the evidence submitted to the magistrate relevant to that finding or an affidavit of that evidence if a transcript is not available.").

{¶ 11} Here J.C. submitted two "statements of evidence" along with his objections to the magistrate's decision. The first statement, which was unsworn, read:

> 1. The magistrate stated that the petitioner's motion was denied based on the "significant testimony" of the respondent, [S.W.].
>
> 2. The magistrate explicitly noted that she relied on statements made by [S.W.] regarding [H.S.] as a basis for the denial.
>
> 3. The magistrate did not reference any corroborating evidence, documentation, or witness testimony to support [S.W.'s] statements.
>
> 4. The magistrate indicated that, based on this testimony alone, the denial was appropriate and in the child's best interest, without providing additional explanation or evidence to justify this reliance.
>
> 5. The magistrate's statements were made on the record and directly communicated to the petitioner during the hearing.

{¶ 12} The foregoing statement was not a proper statement of evidence in lieu of a transcript. It was unsworn, and it does not appear to have been served on S.W. In addition,

it merely summarized J.C.'s recollection of the magistrate's oral explanation for overruling his motion. It did not summarize the evidence. The trial court adequately addressed this purported "statement of evidence" in its February 6, 2026, judgment entry, reasoning:

> The Magistrate heard the testimony of the parties and based upon that decided that based on all relevant factors a modification was not proper. If she made this decision based solely upon the testimony of [S.W.] that is well within her discretion to do so. Not all testimony can or needs to be corroborated by another witness. The Magistrate stated in her decision that "the CPO was granted due to the allegations of serious physical harm to a child." If [S.W.] was the only one to witness this physical harm, she would be the only one who could testify to that fact. If there were no other witnesses and the Magistrate found [S.W.'s] testimony credible, there is no other evidence necessary, and she can base her decision on that testimony alone. That is what she did here, and the Court finds that to be proper.

{¶ 13} J.C.'s second "statement of evidence" was equally ineffective. Although it was notarized, it too does not appear to have been served on S.W. More importantly, it did not truly summarize the evidence. This statement by J.C., which was in affidavit form, read:

> 1. During the proceedings on March 10th, 2025, the respondent, [S.W.], provided testimony under oath.
>
> 2. The following facts reflect my personal recollection and notes from the hearing, submitted in accordance with Ohio Rule of Appellate Procedure 9(C) due to the unavailability or unaffordability of a full transcript:
>
> 3. [S.W.] stated or admitted the following:
>
> a. That she had physically hit her child, [H.S.], during her care.

b. That she had been struggling with her parenting responsibilities and admitted to being a “bad mom” at times.

c. That she provided false information to Children Services in order to have prior cases closed.

d. That she did not obtain proper medical care for the injuries she stated occurred during the event in question.

4. My observations and recollections of the hearing are true and accurate to the best of my ability.

{¶ 14} Even if we consider this statement by J.C., it was too cursory and contained far too few facts to demonstrate an abuse of discretion in the trial court’s overruling of his most recent motion to modify the protection order. Additionally, the statement addressed only the March 2025 hearing, which involved S.W.’s request for a protection order. On its face, the statement did not address the evidence presented at the two hearings on J.C.’s motions to modify the order.

{¶ 15} For the foregoing reasons, we see no error in the trial court’s judgment entry overruling both J.C.’s objections and his November 24, 2025, motion to modify the protection order. His sole assignment of error is overruled.

III. Conclusion

{¶ 16} The judgment of the Champaign County Common Pleas Court, Domestic Relations Division, is affirmed.

. . . . . .

EPLEY, J., and HUFFMAN, J., concur.