

IN THE OHIO COURT OF APPEALS
FIFTH APPELLATE DISTRICT
FAIRFIELD COUNTY, OHIO

JASON L. LESCHINSKI,

Plaintiff - Appellee

-vs-

JACKLYN C. RIZER nka
JACKLYN C. SMITH,

Defendant - Appellant

Case No. 2026 CA 00001

Opinion And Judgment Entry

Appeal from the Fairfield County Court of
Common Pleas, Domestic Relations Division,
Case No. 23 PA 153

Judgment: Affirmed

Date of Judgment Entry: August 27, 2026

BEFORE: William B. Hoffman; Craig R. Baldwin; Robert G. Montgomery, Judges

APPEARANCES: JASON A. PRICE, for Plaintiff-Appellee; JACKLYN RIZER nka
JACKLYN C. SMITH, Pro Se Defendant-Appellant.

Montgomery, J.

{¶1} Mother-Appellant, Jacklyn Rizer nka Jacklyn Smith, appeals from the judgment of the Fairfield County Court of Common Pleas, Domestic Relations Division, awarding legal custody to Father, Jason Leschinski. For the reasons below, we AFFIRM.

STATEMENT OF FACTS

{¶2} This appeal concerns the trial court’s custody determination of a minor child, L.L., d/o/b November 2, 2017. Jason Leschinski (“Father”) is the minor’s father, and

Jacklyn Rizer nka Jacklyn Smith (“Mother” or “Appellant”) is the minor’s mother. The parties were never married to each other and there had been no prior court order allocating parental rights and responsibilities concerning L.L. The parties always worked out parenting time among each other until July/August, 2023. At the end of July, 2023, Father received communication from one of Mother’s relatives that Mother’s live-in boyfriend and now husband, David Smith (“Smith”), was charged with the rape of a juvenile (in Pike County) and that Mother failed to tell Father about this fact.

{¶3} Shortly thereafter, on August 17, 2023, Father filed a Complaint and Motion for Emergency Temporary Custody of L.L. The trial court granted Father’s motion for temporary emergency custody and set the matter for a full trial on August 29, 2025. Father allowed Mother to have supervised parenting time. However, Mother’s counsel continued the August 29, 2023, hearing date. On December 21, 2023, the parties entered an agreed temporary custody order, with temporary custody to Father and supervised parenting time for Mother, to remain effective during the pendency of the case. Nearly two years later, on November 18, 2025, after multiple additional delays by Mother and her counsel, as well as Mother’s ultimate termination of counsel, the custody trial on the merits took place.

{¶4} At trial, the court heard testimony from Mother and Father, the guardian ad litem, David E. Smith, K.R., and Pike County law-enforcement personnel. The court learned that upon learning of Smith’s arrest for rape, Smith told Mother the allegations were false and Mother bailed Smith out of jail, allowed him to return to their shared residence with L.L. present, and then married him while the custody and rape cases were pending. Mother testified that she was aware of K.R.’s allegations against Smith in July 2023, but she did not reach out to K.R. because she was not interested in K.R.’s version of the events. Mother

testified that she believes K.R. is lying and that it never crossed her mind that the allegations might be true. Mother testified she has no idea how K.R. would know the characteristics of Smith's genital area as disclosed during her forensic interview (discussed *infra*). Mother is not worried at all about Smith being around L.L. and that she remains with Smith because she has other children to think about. Mother testified that Smith told her that the evidence in the rape case was tainted, and she therefore determined the rape charges were false.

{¶5} Smith testified that in August 2025, the charges for which he was indicted were dismissed and he entered a plea to amended felony charges, obstruction of justice. Smith testified that Mother learned about his rape charges after he was arrested in July 2023. He testified that he did not tell Mother about the previous rape charge that was dismissed prior to his 2023 arrest. Smith acknowledged he did not disclose any prior criminal charges/history to Mother or Father.

{¶6} K.R., who was 21 years old at the time of trial, testified in detail regarding the sexual abuse by Smith when K.R.'s mother was married to Smith. She stated the abuse began when she was 13 years old and lasted until she was 15, when she finally reported Smith to law enforcement. K.R. explained that at first, Smith forced her to perform oral sex on him and forced her to touch his penis. K.R. testified that he also touched her breasts and vaginal area. K.R. described two incidents of vaginal rape by Smith in 2020, when she was 15 years old. K.R. testified that Smith told her repeatedly not to disclose the sexual abuse to anyone. Further, during the years of abuse, K.R. stated that Smith would show her images of children on pornographic bodies. She testified that the children's faces were children from the church they attended. She testified that Smith told her that those children were also having sex with adults and it was "normal" behavior. K.R. testified that Smith had a skin tag (an unusually

large tag) on his testicle, which she disclosed to law enforcement. K.R. did not agree with the reduced plea agreement and testified that Smith should not have any contact with children.

{¶7} Two Pike County law enforcement officers testified regarding allegations that K.R. made against Smith. Captain James Burchett confirmed that Smith's genital area matched K.R.'s description with a large skin tag. The officers confirmed that Smith was charged with four counts of rape, felonies of first degree, and four counts of sexual battery, felonies of the third degree. The alleged victim in each charge was Smith's then step-daughter, K.R. Burchett testified that their investigation indicated that Smith absolutely poses a risk of harm. He further testified that because a deputy mishandled the electronic evidence in Smith's case, it cost them the appropriate conviction against Smith.

{¶8} Sonya Drake, the Guardian ad Litem for L.L., also testified at the hearing and filed a written report recommending legal custody to Father. Ms. Drake is concerned with Mother's overall decision-making due to Mother's continued minimization of allegations against Smith. Ms. Drake has safety concerns for L.L. in Mother's home where Smith currently resides and that Mother has no hesitation regarding L.L. being around Smith. Due to Smith's claims of innocence, Ms. Drake requested that Smith disclose his criminal file to her, but he refused. Thus, Ms. Drake recommended custody to Father with supervised parenting time to Mother.

{¶9} After considering the testimony and evidence, and examining the factors set forth in R.C. 3109.04(F)(1) and (2), the Court determined it was in the minor child's best interest to grant full custody of L.L. to Father, with supervised parenting time to Mother, at grandmother Nannette George's home. The trial court also allowed Mother to attend all school and extracurricular events, and to have communication with L.L. twice a week or

more as agreed upon by the parties. The trial court also determined that Smith should have no contact with L.L. Mother appealed.

ASSIGNMENTS OF ERROR

{¶10} “I. THE TRIAL COURT ERRED BY TREATING R.C. 3109.04(F)(1)(h) AS AUTHORITY TO DETERMINE SUSPICION-BASED ABUSE ALLEGATIONS AGAINST A NON-PARTY HOUSEHOLD MEMBER, ABSENT THE STATUTORY PREDICATES REQUIRED FOR CONSIDERATION OF A HOUSEHOLD MEMBER UNDER THAT SUBSECTION, AND BY THEREBY CONVERTING AN EVALUATIVE, PREDICATE-BASED FACTOR INTO AN UNAUTHORIZED ADJUDICATIVE MECHANISM FOR DETERMINING ABUSE-AN EXERCISE OF JUDICIAL AUTHORITY PATENTLY AND UNAMBIGUOUSLY BEYOND A DOMESTIC-RELATIONS COURT’S JURISDICTION.”

{¶11} “II. THE TRIAL COURT ERRED BY MAKING FINDINGS AND IMPOSING A CATEGORICAL NO-CONTACT RESTRAINT AGAINST A NAMED NON-PARTY OVER WHOM THE COURT NEVER ACQUIRED PERSONAL JURISDICTION.”

{¶12} “III. THE TRIAL COURT ERRED BY DISREGARDING THE LEGAL EFFECT OF A PRIOR FINAL DOMESTIC-RELATIONS ADJUDICATION INVOLVING THE SAME PERSON-SPECIFIC ABUSE-RELATED STATUTORY INQUIRY AND SUBSTITUTING ITS OWN DE NOVO DETERMINATION OF THAT INQUIRY AS TO A NON-PARTY UNDER R.C. 3109.04(F)(1)(h), BASED ON ALLEGATIONS ARISING FROM THE HOUSEHOLD SUBJECT TO THAT PRIOR ADJUDICATION, IN VIOLATION OF PRINCIPLES OF FINALITY AND COORDINATE-COURT JURISDICTION, AND WITHOUT JURISDICTION TO UNDERTAKE THAT DETERMINATION.”

{¶13} “IV. THE TRIAL COURT ERRED BY DEPRIVING DEFENDANT-APPELLANT OF STATUTORY CUSTODY THROUGH THE PURPORTED EXERCISE OF TEMPORARY EMERGENCY JURISDICTION WITHOUT SATISFYING R.C. 3127.18, BY CONTINUING THAT DEPRIVATION WITHOUT THE PROMPT POST-DEPRIVATION HEARING REQUIRED BY DUE PROCESS AND LOCAL RULE 8.61 OR OBTAINING A VALID WAIVER, AND BY CARRYING THAT UNLAWFUL POSTURE INTO THE FINAL CUSTODY DETERMINATION.”

PRELIMINARY MATTERS

A. Standing Generally

{¶14} After reviewing Mother’s Brief and her four assignments of error, it is clear that Mother’s arguments are predominantly on behalf of Smith. Because Smith is a non-party to

the custody proceedings, Mother lacks standing to assert such claims or arguments on appeal on his behalf. "The Supreme Court of Ohio has defined standing as '[a] party's right to make a legal claim or seek judicial enforcement of a duty or right.'" *Brown v. Columbus City School Bd. of Edn.*, 2009-Ohio-3230, ¶ 6 (10th Dist.), quoting *Ohio Pyro, Inc. v. Ohio Dept. of Commerce*, 2007-Ohio-5024, ¶ 27. "In order for a party to have standing to appeal, that party must have been aggrieved or prejudiced by the order appealed." *Alesi v. Warren Cty. Bd. of Commrs.*, 2014-Ohio-5192, ¶ 51 (12th Dist.).

{¶15} "To have standing, the general rule is that 'a litigant must assert its own rights, not the claims of third parties.'" *Utility Serv. Partners, Inc. v. Pub. Util. Comm.*, 2009-Ohio-6764, ¶ 49, quoting *N. Canton v. Canton*, 2007-Ohio-4005, ¶ 11. Thus, as a general matter, "the party bringing an appeal can only challenge trial court rulings that are injurious to her[.]" *Cain v. Cain*, 2017-Ohio-708, ¶ 20-21 (11th Dist.); *UBS Financial Services Inc. v. Lacava*, 2017-Ohio-7916, ¶ 9 (9th Dist.); *Am. Sav. Bank, FSB v. Wrage*, 2016-Ohio-2879, ¶ 19 (4th Dist.); *Warino v. Worldwide News Corp.*, 2013-Ohio-5884 (7th Dist.) (Appellant did not "have standing to assert alleged errors relating to * * * nonparties to th[e] appeal."); *Bedi-Hetlin v. Hetlin*, 2014-Ohio-4997, ¶ 40 (3d Dist.) (Appellant "cannot complain about the failure of the trial court to grant a non-appealing party's motion, unless she can demonstrate how the alleged error prejudiced her.").

{¶16} Here, Mother attempts to vicariously assert arguments related solely to Smith, a non-party, for which Mother lacks standing. Indeed, Mother's appeal barely focuses on L.L.'s best interest or Mother's relationship with L.L., but rather, on Smith, and how the trial court misjudged him and/or improperly "adjudicated" him.

B. Appellate Rule 16

{¶17} Aside from Mother's lack of standing, Mother's brief fails to comply with Appellate Rule 16. The Rule requires, among other things, a statement of facts relevant to the assignments of error presented for review, with appropriate references to the record (App.R. 16(A)(6)); and an argument containing appellant's contentions with respect to each assignment of error presented for review and the reasons in support of the contentions, with citations to the authorities, statutes, and parts of the record on which appellant relies (App.R. 16(A)(7)). Importantly, App.R. 12(A)(2) states, "(2) The court may disregard an assignment of error presented for review if the party raising it fails to identify in the record the error on which the assignment of error is based or fails to argue the assignment separately in the brief, as required under App.R. 16(A)." *Mock v. Schupp*, 2025-Ohio-4659, ¶ 25 (5th Dist.).

{¶18} "It is the duty of the appellant, not this court, to demonstrate [her] assigned error through an argument that is supported by citations to legal authority and facts in the record." *State v. Humphries*, 2008-Ohio-388, ¶ 47, quoting *State v. Taylor*, 1999 Ohio App. LEXIS 397, *9 (9th Dist.); see also, App.R. 16(A)(7). "It is not the function of this court to construct a foundation for [an appellant's] claims; failure to comply with the rules governing practice in the appellate courts is a tactic which is ordinarily fatal." *Id.*, citing *Kremer v. Cox*, 114 Ohio App.3d 41, 60 (1996).

{¶19} First, it appears that Mother used some type of AI program to write her Brief. While this fact alone does not prohibit our review because Appellant is *pro se*, it is noteworthy that many of the authorities cited by Appellant are general propositions of law that do not demonstrate how the trial court erred. Indeed, several assignments of error in Mother's Brief do not acknowledge the highly deferential abuse-of-discretion standard of review governing

custody determinations made by trial courts. Ohio appellate courts have repeatedly recognized that trial courts are vested with broad discretion in custody matters. Further, portions of Appellant's Brief contain broad legal assertions that are simply inapplicable to this case. Mother repeatedly cites authority for generalized propositions while failing to demonstrate how those cases compel reversal under the facts presented here. Second, Mother cites to the Judgment Entry numerous times throughout her Brief, but she does not identify any other portions of the record to support an alleged error.

{¶20} While we acknowledge Mother filed this appeal without the assistance of legal counsel, the Supreme Court of Ohio has "repeatedly declared that 'pro se litigants * * * must follow the same procedures as litigants represented by counsel.'" *State ex rel. Neil v. French*, 2018-Ohio-2692, ¶ 10, quoting *State ex rel. Gessner v. Vore*, 2009-Ohio-4150, ¶ 5. Pro se litigants who choose to represent themselves in court are also "'presumed to have knowledge of the law and legal procedures and . . . are held to the same standard as litigants who are represented by counsel.'" *State ex rel. Fuller v. Mengel*, 2003-Ohio-6448, ¶ 10, quoting *Sabouri v. Ohio Dep't of Job & Family Servs.*, 145 Ohio App.3d 651, 654 (10th Dist. 2001).

{¶21} Although the deficiencies in Mother's brief and her lack of standing would permit this court to dismiss many, if not all, aspects of her appeal, "in the interests of justice and finality, we elect to review the appeal." *Foster v. Stuff*, 2025-Ohio-5584, ¶ 14 (5th Dist.). We will briefly discuss the merits of each assignment of error for clarity, finality, and completeness.

STANDARD OF REVIEW

{¶22} It is well settled that a trial court is given broad discretion in its determination of parental custody rights. *Booth v. Booth*, 44 Ohio St.3d 142, 144 (1989). A trial court's custody

determination will not be disturbed unless it involves an abuse of discretion. *Bechtol v. Bechtol*, 49 Ohio St.3d 21, 23 (1990). Stated differently, because trial courts have broad discretion in allocating parental rights and responsibilities, appellate courts will affirm a custody determination absent an abuse of discretion. Abuse of discretion is a term used to indicate that a trial court's decision is unreasonable, arbitrary or unconscionable. *Reynolds v. Reynolds*, 2026-Ohio-309 (12th Dist.); *Teufel v. Teufel*, 2017-Ohio-5732 (1st Dist.) (The domestic relations court has broad discretion when determining child custody and the appellate court will not disturb the trial court's judgment if it is supported by competent, credible evidence).

{¶23} “In proceedings involving the custody and welfare of children the power of the trial court to exercise discretion is peculiarly important. The knowledge obtained through contact with and observation of the parties and through independent investigation can not be conveyed to a reviewing court by printed record.” *Woods v. Woods*, 1997 Ohio App. LEXIS 2391, *6-7, quoting *Trickey v. Trickey*, 158 Ohio St. 9, 13 (1952). Indeed, the issue of witness credibility is primarily for the trier of fact to determine. *Davis v. Flickinger*, 77 Ohio St.3d 415, 419 (1997). “The ‘rationale of giving deference to the findings of the trial court rests with the knowledge that the trial judge is best able to view the witnesses and observe their demeanor, gestures and voice inflections, and use these observations in weighing the credibility of the proffered testimony.’” *In re J.Y.*, 2008-Ohio-3485, ¶ 33 (2d Dist.), quoting *Seasons Coal Co., Inc. v. City of Cleveland*, 10 Ohio St.3d 77, 80 (1984).

[I]t is inappropriate in most cases for a court of appeals to independently weigh evidence and grant a change of custody. The discretion which a trial court enjoys in custody matters should be accorded the utmost respect, given the nature of the proceeding and the impact the court's determination will have on

the lives of the parties concerned. The knowledge a trial court gains through observing the witnesses and the parties in a custody proceeding cannot be conveyed to a reviewing court by a printed record. In this regard, the reviewing court in such proceedings should be guided by the presumption that the trial court's findings were indeed correct.

Teufel, at ¶ 15, quoting *Miller v. Miller*, 37 Ohio St.3d 71, 75 (1988).

APPLICABLE LAW AND ANALYSIS

Custody and the Child's Best Interest - R.C. 3109.04(F)(1), (2)

{¶24} When making an original allocation of parental rights and responsibilities, the trial court shall consider the best interest of the child. R.C. 3109.04(B)(1). *Thomas v. Thomas*, 2003-Ohio-6393, ¶ 8 (7th Dist.). To determine best interests, R.C. 3109.04(F)(1) requires the domestic relations court to consider “all relevant factors.” No single best-interest factor is determinative. *Vaughn v. Vaughn*, 2022-Ohio-1805, ¶ 42 (12th Dist.). The statute provides:

1) In determining the best interest of a child pursuant to this section, whether on an original decree allocating parental rights and responsibilities for the care of children or a modification of a decree allocating those rights and responsibilities, the court shall consider all relevant factors, including, but not limited to:

- (a) The wishes of the child's parents regarding the child's care;
- (b) If the court has interviewed the child in chambers pursuant to division (B) of this section regarding the child's wishes and concerns as to the allocation of parental rights and responsibilities concerning the child, the wishes and concerns of the child, as expressed to the court;
- (c) The child's interaction and interrelationship with the child's parents, siblings, and any other person who may significantly affect the child's best interest;

- (d) The child's adjustment to the child's home, school, and community;
- (e) The mental and physical health of all persons involved in the situation;
- (f) The parent more likely to honor and facilitate court approved parenting time rights or visitation and companionship rights;

* * *

(h) Whether either parent or any *member of the household of either parent* previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether either parent, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of an adjudication; whether either parent or any member of the household of either parent previously has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code or a sexually oriented offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding; whether either parent or any member of the household of either parent previously has been convicted of or pleaded guilty to any offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding and caused physical harm to the victim in the commission of the offense; and whether there is reason to believe that either parent has acted in a manner resulting in a child being an abused child or a neglected child.

* * *

Reynolds v. Reynolds, 2026-Ohio-309, ¶ 17 (12th Dist.).

{¶25} Importantly, a trial court is not limited to the factors listed in R.C. 3109.04(F) in determining custody issues, but may consider any “relevant factors.” *In re E.F.S.*, 2006-Ohio-499, ¶ 19 (12th Dist.); *Thomas*, *supra* (the maturity and stability of one parent is a proper and relevant factor for a trial court to consider). The court must consider several additional factors when determining whether a party's proposed shared parenting plan is in the child's best interest. *Chaney v. Chaney*, 2022-Ohio-1442, ¶ 37 (12th Dist.); R.C. 3109.04(F)(2). Such factors include the ability of the parents to cooperate and make joint decisions regarding the children; the ability of each parent to encourage the sharing of love, affection, and contact between the children and the other parent; any history or potential for abuse; the geographic proximity of the parents to one another; and, if applicable, the recommendation of the children's guardian ad litem. R.C. 3109.04(F)(2)(a)-(e). Here, Father withdrew his request for a shared parenting plan and Mother did not properly propose a plan.

First Assignment of Error

{¶26} In the first assignment of error, Mother claims that because the trial court heard testimony regarding sexual abuse allegations against Smith, the court engaged in an unauthorized “adjudicative function” against Smith and the resulting custody order must be vacated. Appellant argues “the trial court identified no conviction, guilty plea, or adjudication involving abuse, neglect, domestic violence, or a sexually oriented offense satisfying R.C. 3109.04(F)(1)(h). Instead, it relied upon obstruction-of-justice pleas under R.C. 2921.32(A)(4), which are not qualifying offenses and did not involve the subject family or household.” Appellant's Brief, pp. 5-6. Mother's argument is without merit.

{¶27} First, as outlined above, Mother lacks the requisite standing to assert an argument regarding the trial court's alleged adjudication of Smith. Second, even assuming a proper argument, the record is clear that the trial court did not conduct any such "adjudication." To the contrary, the trial court fulfilled its statutory obligations under R.C. 3109.04(F)(1) to consider any and all relevant factors affecting the child's welfare and safety and determine the child's best interests. Such factors include evidence regarding abuse or *the potential for* abuse as well as the interrelationship between the child and *any person* who may affect the child's best interest. No doubt this includes Smith, to whom Mother is married and with whom Mother resides.

{¶28} The trial court heard testimony from the alleged victim, K.R., as well as testimony from Pike County law enforcement regarding the criminal investigation. The trial court heard this testimony not for the purpose of adjudicating Smith, but for the sole purpose of determining the best interest of L.L. and those who would impact L.L.'s living and home environment. The evidence demonstrated that Mother maintained her relationship with Smith after learning of rape charges, Mother immediately bonded Smith out of jail and allowed him to return to their shared residence, married him during the pendency of this custody litigation, had his child, and continued to defend him while simultaneously minimizing *any* potential harm to L.L., physically or mentally. Mother's reason for doing this was simply "he told me he didn't do it."

{¶29} R.C. 3109.04(F)(1) expressly requires the Court to consider the child's interaction and interrelationship with persons who may significantly affect the child's best interests, the mental and physical health of all persons involved, and whether there is reason to believe abuse-related concerns exist. The trial court properly executed its statutory duty

and discussed the facts regarding each of these factors. The fact that Mother does not agree with the trial court's overall conclusion as to the minor child's safety and well-being does not equate to error. This court will not substitute its judgment regarding custody and/or shared parenting when competent, credible evidence exists to support the trial court's determination. Appellant's first assignment of error is overruled.

Second Assignment of Error

{¶30} In her second assignment of error, Mother argues the trial court improperly entered "findings" concerning Smith even though he was not a formal party to the case and the court did not have personal jurisdiction over Smith. We disagree.

{¶31} Again, Mother lacks standing to assert this argument on behalf of Smith. *Utility Serv. Partners, supra*. Even assuming proper standing, Mother's argument is wholly without merit. The custody proceeding concerned one narrow and specific issue: the best interests of the minor. The trial court was obligated to consider any individuals residing in Mother's household and those who may significantly affect the child's welfare. The trial court did not enter any sort of judgment or adjudication against Smith. The trial court evaluated whether Mother's decision to maintain Smith within the child's environment was contrary to L.L.'s best interests and properly made "findings" regarding same.

{¶32} As set forth above, the Court's concerns surrounding Smith are highly relevant regarding L.L.'s living and home environments. The fact that Mother cannot and will not see the relevance of the testimony is nothing short of astounding. The fact that multiple individuals testified in detail regarding his sexual conduct should at the very least raise Mother's suspicion. Instead, Mother immediately bonded him out of jail, married him, and continually disregards the charges and testimony against Smith. Mother minimizes any

potential harm to L.L. simply because Smith has not yet harmed L.L. Smith was indicted twice for serious sex offenses involving his stepchild at the time he lived with that stepchild. Although Smith entered felony pleas to lesser charges, law enforcement testified concerning the investigation and the fact that much of the evidence against Smith was mishandled and had to be discarded. The alleged victim testified in detail about Smith's sexual conduct and abuse of her – beginning at age 13 and continuing for over two years. The victim had nothing to gain from her testimony.

{¶33} In the final analysis, it is clear the trial court's "findings" were directed to the parties before the Court - Mother, Father, L.L, and their custodial arrangement. The trial court was absolutely permitted to consider all relevant evidence in making "findings" regarding Mother's judgment, parenting decisions, and Smith's credibility. Appellant's second assignment of error is overruled.

Third Assignment of Error

{¶34} In the third assignment of error, Mother argues that the prior Pike County domestic proceedings involving Smith and his former wife and children, and their custodial arrangement, somehow prohibited the trial court from considering allegations against Smith in the present case. We disagree.

{¶35} Mother does not cite any case or other legal authority to properly support her argument as required by App.R. 16. As set forth above, it is the duty of appellant, not this court, to demonstrate the "assigned error through an argument that is supported by citations to legal authority and facts in the record." *Humphries*, ¶ 47. Appellant's third assignment of error is legally inept and fails to cite applicable or accurate legal principles. For this reason alone, the court may reject the assignment of error.

{¶36} Even assuming some basis for asserting this error, the prior Pike County proceedings involved different parties, different children, different facts, and an entirely different custody determination. The existence of a prior shared parenting order involving Smith and his previous wife does not preclude the court from determining the present custody situation involving L.L. Moreover, contrary to Mother's continued argument, the trial court's custody determination did not rest solely upon allegations against Smith. The Court considered Mother's testimony, her judgment, her decision-making, her credibility, Mother's minimization of Smith's criminal conduct, and the Guardian ad Litem's recommendations. The trial court was not re-litigating the Pike County matter in the least. Appellant's third assignment of error is overruled.

Fourth Assignment of Error

{¶37} Mother's final assignment of error attacks the temporary emergency custody proceedings in August 2023. Again, Mother's argument must fail. It is well-established that a pre-adjudicatory, interim emergency order awarding temporary legal custody is not a final, appealable order under R.C. 2505.02. *See, e.g., Parris v. Chapman*, 2021-Ohio-3501, ¶ 13 (10th Dist.) ("An order ruling on the temporary allocation of custody between parents is an interlocutory order, not a final, appealable order."); *Howard v. Catholic Soc. Servs. of Cuyahoga Cty., Inc.*, 70 Ohio St.3d 141, 146 (1994) (noting that "[father] is correct that he possesses no immediate appeal from any preadjudicatory emergency temporary custody order").

{¶38} The reason that emergency orders are not final and appealable is because issues regarding temporary emergency orders are rendered moot by the final custody trial and judgment. *See, e.g., Parris*, at ¶ 15-18; *Barry v. Rolfe*, 2008-Ohio-3131, ¶ 39-40 (8th Dist.); *Ryan v. Ryan*, 2007-Ohio-6568, ¶ 11 (5th Dist.) (recognizing a juvenile court's final decision on

custody superseded the temporary order, thereby rendering the temporary decision moot); *In re J.L.*, 2026-Ohio-1216 (1st Dist.) (Where juvenile court entered final custody order awarding legal custody to grandmother, father's challenges to January 2023 interim custody order granting temporary custody to grandmother pending resolution of competing custody petitions were moot and not subject to appellate review); *In re C.T.T.*, 2019-Ohio-3362, ¶ 11 (8th Dist.) (finding that the interlocutory emergency custody orders merged into the final custody decree, and Mother's arguments relating to the temporary custody are moot).

{¶39} Moreover, Mother had multiple chances to challenge the emergency order and she declined to do so. The record reveals the trial court granted the Father's Motion for Emergency Custody on August 17, 2023, and then set the motion for a full hearing on August 29, 2023. However, Mother's counsel continued the August 29, 2023, hearing date several times and as a result, the parties were able to come to an agreement for temporary custody orders. Thereafter, nearly two years later, Appellant received a full trial on the merits. In other words, Mother herself agreed to temporary custody orders but now argues that the trial court improperly relied on such orders.

{¶40} In the final analysis, the trial court independently evaluated the evidence presented and conducted a comprehensive best-interest analysis under R.C. 3109.04. The court issued a detailed decision with numerous findings of fact based on the evidence presented at the full custody hearing. Without question, the final judgment was based upon the evidence presented during trial - not merely the existence of temporary orders. Appellant's fourth assignment of error is overruled.

CONCLUSION

{¶41} Mother's first, second, third, and fourth assignments of error are overruled in their entirety. The judgment of the Fairfield County Court of Common Pleas, Domestic Relations Division, is affirmed in all respects.

{¶42} Costs to Appellant.

By: Montgomery, J.

Hoffman, P.J. and

Baldwin, J. concur.