

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

JULIA SHAKH,

Plaintiff - Appellant

-vs-

ANATOLIY SHAKH,

Defendant - Appellee

Case No. 2026 CA 0046

Opinion And Judgment Entry

Appeal from the Richland County Court of
Common Pleas, Domesitc Relations Division,
Case No. 2022 DIV 0757

Judgment: Affirmed

Date of Judgment Entry: October 23, 2026

BEFORE: William B. Hoffman; Robert G. Montgomery; David M. Gormley, Judges

APPEARANCES: JULIA SHAKH, Pro Se, Plaintiff-Appellant, No Appearance, for Defendant-Appellee.

Montgomery, J.

{¶1} Plaintiff-Appellant Julia Shakh appeals seven judgments of the Richland County Common Pleas Court, Domestic Relations Division, surrounding the finding she was in contempt of court for failing to pay guardian ad litem (hereinafter “GAL”) fees she was ordered to pay in her pending divorce case.

STATEMENT OF THE FACTS AND CASE

{¶2} On February 8, 2025, Appellant was personally served with a motion filed by the GAL in the instant divorce action seeking to have Appellant held in contempt of court for failing to pay GAL fees which the court had assessed to Appellant. A hearing was held on September 12, 2025. Appellant failed to appear. By judgment entered on September 19, 2025, the trial court found Appellant in contempt of court. Appellant was sentenced to thirty days in jail and fined \$250. Appellant could purge the contempt finding by paying \$2,000 to the GAL.

{¶3} On February 13, 2026, the trial court dismissed the contempt citation without prejudice, and corrected the September 19, 2025, judgment to reflect the amount of fees Appellant owed the GAL was \$2,500, rather than the \$2,000 previously set forth by the court.

{¶4} Appellant filed a Civ.R. 60(B) motion to vacate. The trial court treated the motion as a motion to clarify. The trial court reinstated the contempt finding of September 19, 2025. The trial court extended the time in which Appellant could purge the contempt by paying the GAL \$2,500 on or before March 20, 2026. The trial court set the matter for a review hearing on April 8, 2026, regarding whether Appellant met the purge conditions or could demonstrate good cause as to why she could not pay.

{¶5} At the review hearing, the GAL attempted to call Appellant as a witness. Appellant refused to take the stand or answer questions, citing her Fifth Amendment right against self-incrimination and her right to have an attorney. The trial court did not permit Appellant to testify at the hearing.

{¶6} After the hearing, the trial court held that as recently as February of 2026, during the parties' divorce hearing, Appellant's bank balance as of January 30, 2026, was

reported to be \$12,643.57. The amount owed the GAL to purge the contempt was \$2,500, and Appellant had over one year prior to the review hearing to pay the GAL fees. The trial court found Appellant failed to purge the contempt finding without cause, ordered Appellant to serve thirty days in jail, and fined Appellant \$250. The trial court ordered Appellant to report to the Richland County Jail on June 1, 2026, if payment was not made to the GAL by that date. The trial court provided findings of fact and conclusions on April 29, 2026.

{¶7} On May 8, 2026, Appellant was summoned to appear in the trial court on June 2, 2026, to show cause as to why she should not be held in contempt of court for failing to pay GAL fees.

{¶8} Appellant filed a notice of appeal to this Court on May 19, 2026. The notice states that she is appealing the judgment entry filed April 24, 2026, as well as the entries filed September 19, 2025; February 13, 2026; February 19, 2026; February 26, 2026; April 29, 2026; and May 8, 2026. Appellant assigns the following errors:

{¶9} “I. THE TRIAL COURT VIOLATED APPELLANT’S PROCEDURAL DUE-PROCESS RIGHTS BY ENFORCING A GUARDIAN AD LITEM FEE CONTEMPT FINDING THAT WAS ENTERED WITHOUT NOTICE OR A SUMMONS TO A CONTEMPT HEARING, IN APPELLANT’S ABSENCE, AND WITHOUT COUNSEL AT THE SEPTEMBER 12, 2025 PROCEEDING, AND BY CARRYING THAT DEFECTIVE CONTEMPT FINDING FORWARD INTO THE FEBRUARY 19, 2026, APRIL 24, 2026, AND APRIL 29, 2026 INCARCERATION-BACKED CONTEMPT ORDERS.”

{¶10} “II. THE TRIAL COURT ERRED BY USING A FEBRUARY 19, 2026 “CLARIFICATION” ENTRY TO PRESERVE, MODIFY, AND ENFORCE A

DEFECTIVE AD LITEM FEE CONTEMPT AFTER THE FEBRUARY 13, 2026 JUDGMENT ENTRY DISMISSED THE CONTEMPT CITATION WITHOUT PREJUDICE AND IDENTIFIED DEFECTS CONCERNING SERVICE, THE OPERATIVE ORDER, AND THE AMOUNT DUE.”

{¶11} “III. THE TRIAL COURT ERRED AND ABUSED ITS DISCRETION BY IMPOSING A THIRTY-DAY JAIL SENTENCE AND A PAYMENT-BASED PURGE CONDITION REQUIRING APPELLANT TO PAY \$2,500 TO THE GUARDIAN AD LITEM OR REPORT TO THE RICHLAND COUNTY JAIL, WITHOUT FIRST MAKING LEGALLY SUFFICIENT FINDINGS THAT APPELLANT HAD THE PRESENT ABILITY TO PAY AND WILLFULLY REFUSED TO COMPLY.”

{¶12} “IV. THE TRIAL COURT ERRED BY IMPOSING INCARCERATION-BACKED ENFORCEMENT FOR GUARDIAN AD LITEM FEE NONPAYMENT WITHOUT DETERMINING WHETHER GAL FEES, AS A COST/DEBT-TYPE OBLIGATION, COULD LAWFULLY SUPPORT A JAIL SENTENCE, AND WITHOUT RESOLVING APPELLANT’S CONSTITUTIONAL, STATUTORY, ABILITY-TO-PAY, AND IMPRISONMENT-FOR-DEBT OBJECTIONS BEFORE ORDERING APPELLANT TO PAY THE GAL OR REPORT TO JAIL.”

{¶13} “V. THE TRIAL COURT ABUSED ITS DISCRETION AND VIOLATED DUE PROCESS BY IMPOSING INCARCERATION-BACKED GAL-FEE ENFORCEMENT WITHOUT ADDRESSING MATERIAL RECORD ISSUES CONCERNING ASYMMETRIC ENFORCEMENT, THE GAL’S ROLE AS FINANCIAL CLAIMANT AND WITNESS, DISPUTED FEE INFLATION, AND THE

COURT’S FAILURE TO CONSIDER WHETHER THE FEES WERE REASONABLE, PROPERLY INCURRED, OR CAUSED BY CONDUCT OUTSIDE THE GAL’S PROPER ROLE.”

{¶14} “VI. THE TRIAL COURT VIOLATED DUE PROCESS BY TREATING APPELLANT’S REQUEST FOR COUNSEL AND CONSTITUTIONAL PROTECTIONS IN A JAIL-BACKED CONTEMPT PROCEEDING AS A REFUSAL TO TESTIFY, THEN USING THAT CHARACTERIZATION TO PREVENT APPELLANT FROM TESTIFYING AND TO CONCLUDE THAT SHE FAILED TO SHOW GOOD CAUSE FOR NONPAYMENT.”

I., II., IV., V.

{¶15} Appellant’s first, second, fourth, and fifth assignments of error address issues decided by the trial court in its entries of September 19, 2025; February 13, 2026; February 19, 2026; and February 26, 2026. Appellant did not appeal these judgments within thirty days, as required by App.R. 4(A)(1). Accordingly, the issues raised by these assignments of error are not properly before this Court.

{¶16} The first, second, fourth, and fifth assignments of error are overruled.

III.

{¶17} In her third assignment of error, Appellant argues the trial court’s findings were insufficient to find she had the ability to purge the contempt.

{¶18} The original contempt finding in the instant case was filed on September 19, 2025, and reaffirmed on February 19, 2026. The trial court’s findings of fact and conclusions of law following the hearing on whether Appellant had purged the contempt find that Appellant’s balance in her bank account as of January 30, 2026, exceeded \$12,000. We find

the trial court's findings of fact are sufficient to support its conclusion that Appellant had the ability to pay and purge the contempt.

{¶19} Appellant has not provided this Court with a transcript of the April 8, 2026, hearing during which the trial court heard evidence concerning Appellant's ability to purge the contempt. "When portions of the transcript necessary for resolution of assigned errors are omitted from the record, the reviewing court has nothing to pass upon and thus, as to those assigned errors, the court has no choice but to presume the validity of the lower court's proceedings, and affirm." *Knapp v. Edwards Laboratories*, 61 Ohio St.2d 197, 199 (1980).

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

VI.

{¶21} In her sixth assignment of error, Appellant argues the trial court erred by treating her assertion of her constitutional rights as a refusal to testify and using her refusal to testify to conclude she failed to demonstrate good cause for nonpayment.

{¶22} Appellant argues this assignment of error does not require a transcript of the April 8, 2026, hearing to demonstrate the error, but rather argues the error is reflected in the trial court's findings of fact as follows:

11. The Guardian ad Litem called Plaintiff as a witness whereupon Plaintiff refused to take the stand or answer questions citing her constitutional right against self-incrimination and right to be represented by an attorney.

12. Plaintiff was not permitted to testify at the review hearing since she invoked her right against self-incrimination and refused to testify when previously called as a witness.

Findings of Fact and Conclusions of Law, April 29, 2026.

{¶23} The instant contempt action is a civil contempt action. In a criminal proceeding, the Fifth Amendment permits a criminal defendant to completely refuse to testify. *State v. Yambrisak*, 2011-Ohio-5373, ¶ 10 (5th Dist.). By contrast, in a civil proceeding, the Fifth Amendment prohibits the state from compelling a witness to testify regarding a matter that may tend to incriminate the witness in a future criminal proceeding. *Id.* The privilege applies to evidence that could directly support a criminal conviction, to information that would furnish a link in the chain of evidence that could lead to prosecution, and to evidence that a person reasonably believes could be used against him in a criminal prosecution. *Id.* “While the umbrella of Fifth Amendment guarantees is broad, the prohibition against compulsory testimony does not relieve a party from appearing or answering questions in a civil action.” *State ex rel. Verhovec v. Mascio*, 81 Ohio St.3d 334, 336 (1998).

{¶24} Therefore, in the instant civil contempt proceeding, Appellant did not have an absolute right to completely refuse to testify when called by the GAL but only had the right to refuse to answer specific questions which might incriminate her. In the absence of a transcript, we cannot determine the nature of Appellant’s assertion of her Fifth Amendment right against self-incrimination and the trial court’s subsequent refusal to allow her to testify, nor can we determine the circumstances surrounding her appearance without counsel. We must presume regularity in the proceedings below and affirm. *Knapp*, 61 Ohio St.2d at 199.

{¶25} The sixth assignment of error is overruled.

CONCLUSION

{¶26} The judgment of the Richland County Common Pleas Court is affirmed.

{¶27} Costs are assessed to Appellant.

By: Montgomery, J.

Hoffman, P.J. and

Gormley, J. concur.