[Cite as *In re M.T.*, 2026-Ohio-4511.]

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
WOOD COUNTY

In re M.T.

Court of Appeals No. WD-26-014

Trial Court No. 2024 JC 0354

DECISION AND JUDGMENT

Decided: November 13, 2026

* * * * *

Paul A. Dobson, Wood County Prosecutor and
Charles S. Bergman, Chief Assistant Prosecutor for appellee.

Laurel A. Kendall, for appellant.

* * * * *

ZMUDA, J.

{¶ 1} Appellant, the father of the minor child M.T. ("father"), appeals from the January 21, 2026 judgment of the Wood County Court of Common Pleas, Juvenile Division awarding legal custody of M.T. to her maternal step-grandmother, B.T. ("grandmother"), and granting weekly parenting time to father. Father's single assignment of error challenges the grant of legal custody to grandmother and the amount of his parenting time. For the reasons that follow, the trial court's judgment is affirmed.

I. Facts and Procedural History

{¶ 2} On April 25, 2024, appellee, Wood County Department of Job and Family Services (WCDJFS), filed a complaint alleging that M.T. was a dependent child. The complaint, which alleged that M.T.'s mother, A.T. ("mother"), previously lost custody of her and was not involved in her life,[1] primarily contained allegations regarding father and his then-girlfriend, S.C., who was living with father at the time. According to the complaint, S.C. had a history of substance use and domestic violence, and WCDJFS and other agencies involved in child welfare had received several referrals regarding S.C.'s care of her biological children dating back to at least 2016 and continuing through 2023. The complaint further alleged that on March 11, 2024, law enforcement responded to a 911 call from S.C.'s minor child, G.C., who reported a domestic assault against S.C. committed by father. Although G.C. recanted her report when she spoke to responders in the presence of Father and S.C., the next day she reported to a school resource officer that she was scared of father, father had attempted to push S.C.'s face onto a hot stove burner and when G.C. tried to intervene, father struck her in the face with an open hand. G.C. also reported that both father and S.C. engaged in open drug use in the home.

{¶ 3} On May 13, 2024, grandmother filed a motion styled as a "third-party pro se motion" in which she requested custody of M.T. A court-appointed special advocate and guardian ad litem ("CASA") was appointed for M.T. the same day.

[1] Mother is not a party to this appeal.

{¶ 4} The court held an expedited hearing on May 16, 2024. Following the hearing, the court issued temporary orders under which M.T. remained in the custody of father under WCDJFS's protective supervision. Following a contested hearing before a magistrate at which father appeared with counsel, the court adopted the magistrate's recommendation and adjudicated that M.T. was a dependent child in an order issued August 2, 2024. A contested dispositional hearing was held before a magistrate on August 20, 2024, and on September 6, 2024, the court adopted the magistrate's recommendations, ordering that grandmother receive temporary custody of M.T. under WCDJFS's protective supervision and visitation would be under WCDJFS's discretion.

{¶ 5} The parties engaged in a mediation at the end of 2024, reaching a temporary agreement. The terms of the temporary agreement, which were incorporated in a February 13, 2025 order, included that M.T. would remain in the temporary custody of grandmother, father would have parenting time "upon approval of the Burgoon residence," father would complete an additional assessment with Ohio Guidestone before January 31, 2025, and father was to undergo drug screening upon request.

{¶ 6} WCDJFS subsequently filed a motion requesting that the court place M.T. in the legal custody of grandmother. Mother did not oppose the motion, but father did.

{¶ 7} In an August 19, 2025 hearing on the motion before a magistrate, several witnesses testified: WCDJFS presented the testimony of Alicia Willey, WCDJFS caseworker, Joyce Osterud, the CASA, and grandmother. Father testified on his own behalf.

{¶ 8} In its January 21, 2026 judgment entry, the trial court accurately summarized the testimony and other evidence presented at the hearing, which we find sufficient and accurate for purposes of this appeal, as follows:

> [M.T.] has had the same CASA since the initiation of this case. [M.T.]'s CASA is an experienced CASA with twenty-seven years of experience. M.T.'s CASA has recommended that legal custody of M.T. be placed with grandmother. In pertinent part, [M.T.]'s CASA testified that [M.T.] is "ensconced in [grandmother's] home, in [her] relationship with [grandmother and grandfather] [and] with her [biological] sisters…" [M.T.]'s CASA testified grandmother's home "seems to feel like this is where [M.T.] belongs."
>
> [M.T.] has resided and interacted with a number of family members in her young life. Exhibit 2 - the report of the CASA-references that for the first year of [M.T.]'s life, [M.T.] was cared for in the home of grandmother's daughter. The testimony and Exhibit 2 then establish that [M.T.] resided with grandmother and grandfather for approximately one year. As a result of proceedings in Lucas County, father was then granted custody of [M.T.] and [M.T.] then resided with father for roughly two years. [M.T.] was then placed in the temporary custody of grandmother in the subject matter case as part of the court's initial dispositional orders. [M.T.] has remained in the home of grandmother to this date.
>
> As noted, [M.T.] currently resides with, and interacts with Grandmother and her grandfather on a daily basis. [M.T.] was described as 'very close' to grandmother and grandfather. [M.T.]'s interaction with grandmother is very good. [M.T.] calls grandmother "mama" and grandfather "papa." [M.T.] has resided with grandmother for nearly one half of her young life at different periods of time. Most recently, [M.T.] has resided with grandmother for the last one and one half years leading up to the August 19, 2025 hearing.
>
> [M.T.] has two half siblings - - ages eight and nine, who are [M]other's children -- who also reside with grandmother, grandfather, and [M.T.]. [M.T.]'s interaction with her two siblings was described generally as very good and a typical sibling relationship. It was noted that [M.T.] 'has fun with and gets along with' her siblings typically.

There was evidence concerning additional half siblings of [M.T.]-who are father's children. There was no substantive evidence as to [M.T.]'s interaction with her half siblings on father's side.

At the time of the August 19, 2025, hearing, father's approved parenting time included two hour visits on Sundays. The evidence presented at the August 19, 2025[] hearing reflected father was, at times, inconsistent in exercising the actual Sunday visits. However, given the proximity between father's work and grandmother's home, father, at times, would stop in after work and visit with [M.T.]. Grandmother helps facilitate these visits. In describing father's interaction with [M.T.], [M.T.]'s CASA testified that [M.T.] was excited to see father and the interaction between father and [M.T.] was generally good. However, when [M.T.] would be asked to talk about her interaction or relationship with father, [M.T.] was hesitant and somewhat withdrawn.
…
The evidence presented establishes that [M.T.] has clearly adjusted to grandmother's home. Grandmother's home is, and has been, in fact. [M.T.]'s most stable environment. While with grandmother, [M.T.] attended a Head Start preschool program for the 2024-2025 school year and was enrolled in a Young 5 program for the 2025 -2026 program.

The evidence establishes that both mother and father have had a history of substance abuse. As reflected in the magistrate's findings within the July 18, 2024, Magistrate's Decision which recommended that [M.T.] be adjudicated a dependent child—and which was adopted as an order of the court without objection—there was evidence of drug use in the home with [M.T.] and/or other children present.

Father's substance use or abuse was the subject of testimony at the August 19, 2025[] hearing. Due to the initial concerns surrounding father's substance use, the case plans, in part, required father to complete a substance use disorder assessment; complete random drug screens; and complete a mental health assessment.

During the pendency of this case, father completed two assessments. The first assessment did not recommend father complete follow up services. [WCDJFS] asserted the first assessment was effectively not accurate in that father had not provided accurate background information to the assessor-including information relative to father's prior substance abuse history and criminal history arising from substance abuse.

Father then completed a second assessment. A review of the testimony presented during the August 19, 2025, hearing establishes that during the course of preparing the second assessment, [WCDJFS] received a tox screen from father which tested positive for cocaine. This tox screen was then provided to Ohio Guidestone and the assessor who was preparing the second assessment. Father denied receiving the positive tox screen results and did not advise the second assessor of any cocaine use since -- in father's words "I wouldn't be dirty for cocaine."

As a result of the information received, the [WCDJFS] caseworker testified father's second substance abuse assessment recommended father complete certain follow up services. Father testified he believed the services recommended by the second assessment consisted of a type of 'volunteer phone counselling.' Father noted "The volunteer counseling I didn't feel like I needed at that time." Father did not complete the recommended follow up services and, per the [WCDJFS] caseworker, is non-compliant with the case plan requirements.

Father uses marijuana/THC. Father testified he has had a medical marijuana card. Father testified his marijuana use is to address anxiety and PTSD related issues. Comparisons were made by counsel for father between father's usage of marijuana/THC and an individual drinking a glass of wine or beer with dinner.

At the August 19, 2025, hearing, the [WCDJFS] caseworker testified that while [WCDJFS] was not necessarily concerned over father's stated level of use of marijuana/THC, the caseworker's main concern was father's use of marijuana/THC around, or accessible to, [M.T.] and the fact that [M.T.], even at five years of age, is "aware of what it is and what it smells like" describing her father smoking "funky cigarettes."

During the August 19, 2025, hearing, there was testimony surrounding where father and [M.T.] would reside should [M.T.] be placed in father's custody. Father owns pieces of property located in Bradner and Burgoon. Ohio. Father testified that should custody of [M.T.] be placed with father, father and [M.T.] would reside at the Burgoon, Ohio property.

The [WCDJFS] caseworker and the CASA testified as to multiple failed attempts to meet with father and [M.T.] at father's properties. When observed by the [WCDJFS] caseworker and/or the CASA, the properties had significant structural and environmental issues. Father testified that since the [WCDJFS] caseworker and CASA have been to his properties, he has made improvements to the properties and that, specifically with regards

to the Burgoon property, the property is now "livable." Father provided no substantive or supporting evidence—in the form of documentary evidence or photographs or videos—of his actual residence at, and the condition of, the Burgoon property.

Father's actual housing situation has been an ongoing issue in the recent history of this case. It is noteworthy. and somewhat concerning, that father has simply not been able to demonstrate he has sufficient, actual housing suitable to care for [M.T.]. The concerns over father's actual residence are apparent from the adjudicatory hearing to the present. For instance, most recently, the temporary agreement reached by the parties reflected in the February 13, 2025 order of the court specifically referenced the need to obtain "approval" of the Burgoon residence for purposes of father's visitation and to do a home visit with [M.T.] and father's other child at the Burgoon residence. [WCDJFS] and the CASA made reasonable efforts to contact father at father's residence(s). Father did not facilitate making his residence(s) available and apparently did not proactively make contact with [WCDJFS] and CASA to have the Burgoon residence made available.

The questions surrounding father's actual residence or where [M.T.] may stay was so acute at the August 19, 2025, hearing that, when asked if she knew where [M.T.] would stay should [M.T.] reside with father, [M.T.]'s CASA indicated "I don't know." Father had a lengthy period of time to work with [WCDJFS] to eliminate issues or concerns over the condition of father's properties. Through the August 19, 2025, hearing, father simply had not addressed those concerns.

There was no direct evidence that either party would not honor or facilitate court-approved parenting time rights. In fact, the testimony suggests that grandmother has facilitated father having contact with [M.T.] outside the existing orders of the court.

Child support was not an issue in this matter.

As noted, [M.T.] was adjudicated to be a dependent child arising from facts occurring while [M.T.] was in father's possession or custody.

…

For purposes of parenting time, the evidence further established it takes approximately one hour and fifteen minutes to drive from father's home to grandmother's home. The evidence established that father's place of employment is relatively close to grandmother's home. Given the

> agreement reached between grandmother and mother, there was no evidence as to issues surrounding mother's parenting time arising from mother and grandmother's geographic location. The geographic distance between grandmother's home and the homes of mother and father is not a determinative issue.
>
> [M.T.] currently resides with grandmother and two relatively same age half siblings from mother. [M.T.] has daily contact with her two half siblings from mother at grandmother's house. Father has an additional child in the area who is a half sibling of [M.T.]. There had been a prior order of the court requiring father to facilitate a visit between father and [M.T.]'s half sibling In the area through father. There was no substantive testimony relative to the interaction between [M.T.] and her half sibling(s) through father.

Following the hearing, the magistrate issued a decision on September 24, 2025. In the decision, the magistrate recommended that M.T. be placed in the legal custody of grandmother. The magistrate further recommended that father have parenting time with M.T. at grandmother's home or in the community as the parties may agree, but if the parties do not agree, father's parenting time shall occur every Tuesday and Thursday from 5:00 p.m. to 7:30 p.m.

{¶ 9} Father filed objections to the magistrate's decision, and in its January 21, 2026 judgment entry, the trial court overruled father's objections and adopted the magistrate's recommendations as to legal custody and parenting time, reasoning as follows:

> Within his objections, father suggests the facts giving rise to [M.T.] being found to be a dependent child have effectively been remedied or are no longer issues. However, a review of the factual findings made by the magistrate at the time of the contested adjudicatory hearing as referenced in the July 18, 2024, Magistrate's Decision following the adjudicatory hearing—findings which were adopted by the court without objection—reflect that father's failure to properly supervise [M.T.]; the use of drugs

within the home; and father's inability to ensure the safety of [M.T.] and other children, all were factors giving rise to the underlying dependency. From this court's review of the facts presented at the August 19, 2025, hearing, father's inability to demonstrate suitable housing for [M.T.], the positive tox screen for cocaine during the pendency of this case, [M.T.]'s unique awareness as a five year old of father's "cigarettes" and the smell associated with them; and father's inability to comply with case plan requirements, all suggest issues remain. The court finds placing legal custody of [M.T.] with father at this time would be detrimental to [M.T.] given the overall circumstances presented.

…

As to the issue of legal custody, the court acknowledges father's parental rights. However, the court must also focus on what is truly in the best interest of [M.T.] – and not necessarily what may be in the best interest of father. In this instance, [M.T.]'s best interest is clearly maintained by allowing [M.T.] to be placed in the legal custody of grandmother.

The court finds placing legal custody of [M.T.] with grandmother would be in [M.T.]'s overall best interests. The court finds placing legal custody of [M.T.] with father at this time would be detrimental to [M.T.] given the actual evidence presented at this point.

The court's determination as to legal custody does not extinguish father's parental rights at all. Father['s] residual parental rights in the form of parenting time and other matters remain intact. Father would also have the ability to seek legal custody as may be allowed by law as father's circumstances change.

….

Father's objections to the September 24, 2025[] Magistrate's Decision focus on the magistrate's recommendations to place legal custody of [M.T.] with grandmother. Father's objections do not directly address the parenting time recommendations within the September 24, 2025[] Magistrate's Decision

From the court's independent review of the evidence before the court and the applicable law, the court finds the magistrate's recommendations relative to parenting time reasonable and in the best interest of the minor child.

The court finds that reasonable efforts have been made to prevent [M.T.] from being removed from her home. Throughout the history of the case, a relative placement was located; assessments were arranged and follow up services were monitored; monthly home visits have occurred; and visitation

and contact between [M.T.] and mother and father has been facilitated or monitored.

Father subsequently filed a timely notice of appeal challenging the trial court's order.

II. Assignment of Error

{¶ 10} In his appeal, father asserts the following assignment of error for review:

> The award of legal custody to the maternal grandmother, with limited parenting time for father, was not supported by a preponderance of the evidence.

III. Law and Analysis

{¶ 11} Father's assignment of error raises two separate issues—the placement of M.T. in the legal custody of grandmother and the amount of his parenting time—which we will address separately.

A. Legal Custody

{¶ 12} An appellate court must affirm a trial court order granting legal custody unless the trial court abused its discretion. *In re H.H.*, 2024-Ohio-686, ¶ 64 (6th Dist.). Accordingly, the trial court's judgment must be affirmed unless the ruling was unreasonable, arbitrary, or unconscionable. *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219 (1983).

{¶ 13} Before awarding legal custody of a child to a nonparent, a trial court must first find by a preponderance of the evidence that the child's parent is unsuitable. *In re A.S.*, 2026-Ohio-3906, ¶ 34, citing *In re Hockstok*, 2002-Ohio-7208, ¶ 17. "A parent is

unsuitable if ‘ “an award of custody to the parent would be detrimental to the child.’ ” *Id*., citing *Hockstock* at ¶ 17, quoting *In re Perales*, 52 Ohio St.2d 89, syllabus.

{¶ 14} After finding a parent unsuitable, the trial court “‘may award legal custody to a nonparent upon a demonstration by a preponderance of the evidence that granting legal custody to the nonparent is in the child’s best interest.’” *In re D.E.*, 2018-Ohio-3341, ¶ 53 (12th Dist.), quoting *In re C.A.*, 2015-Ohio-1410, ¶ 13 (12th Dist.). To determine a child’s best interest, a trial court may consider the factors set forth in R.C. 2151.414(D), R.C. 3109.04(F)(1), “‘a combination of the two, or general notions of what should be considered regarding the best interests of the child.’” *In re H.H.* at ¶ 67, quoting *In re K.S.* at ¶ 19.

{¶ 15} On appeal, father contends that the reason he lost custody of M.T. in this case was “unclear,” and he points out that there was no testimony at the August 19, 2025 hearing regarding the reason M.T. was removed from his custody. Further, though he concedes he had a prior conviction for a drug-related offense and that there was evidence presented at the hearing that he tested positive for cocaine on one occasion during the pendency of the case, he maintains that his subsequent “clean screen” was sufficient for him to have unsupervised visits with M.T. and he had a medical marijuana card, suggesting that his substance abuse history thus could not be a basis for granting grandmother legal custody of M.T. Father also claims that because neither the CASA nor his WCDFJS caseworker visited either of his homes since October 2024 and he testified that they were safe and M.T. would have her own bedroom, unlike at grandmother’s home, the court should not have found that he did not have suitable housing for M.T.

Father contended that the "relationship issues" referred to in the complaint no longer existed and there was no testimony as to the assault described in the complaint. Finally, father points out that he regularly visited M.T. and those visits were "successful."

{¶ 16} Upon review, this court cannot say that the trial court's decision was unreasonable, arbitrary, or unconscionable. The trial court's judgment entry included a well-reasoned explanation of its decision, expressly finding that awarding custody of M.T. to father would be detrimental to M.T. In so finding, the court pointed to evidence in the record of father's inability to demonstrate that his home was safe and suitable for M.T.—which was his obligation to establish under the terms of his agreement with WCDJFS—as well as father's failure to be upfront with his mental health provider about his substance abuse history, his positive screen for cocaine, and legitimate concerns about father's marijuana use despite his medical marijuana card given his history of substance abuse and his apparent use of marijuana in the presence of his young child. Moreover, the trial court considered many factors in determining M.T.'s best interests, including M.T.'s long and close relationship with her grandparents and siblings living in their home, the safety and stability of grandmother's home, M.T.'s regular attendance at school while in grandmother's custody, and grandmother's willingness to arrange parenting time with M.T.'s mother and father

{¶ 17} Based on the foregoing, the trial court did not err in placing M.T. in the legal custody of grandmother.

B. Parenting Time

{¶ 18} As to parenting time, father complains that "there was no evidence at trial presented as to why father's parenting time should be restricted to 4 hours a week, in the absence of an agreement with the custodian, when mother[']s] parenting time is court schedule, in the absence of an agreement."

{¶ 19} However, as the trial court noted, father did not raise any objections to the magistrate's recommendation regarding his parenting time. "The failure to make a timely and specific objection to a magistrate's [decision], as required under the rule, results in a waiver of claimed error by the trial court in adopting a magistrate's findings of fact or conclusions of law." *In re R.B.*, 2024-Ohio-3040, ¶ 18 (6th Dist.), quoting *Foos v. Foos*, 2009-Ohio-3398, ¶ 16 (6th Dist.), citing *Goldfuss v. Davidson*, 79 Ohio St.3d 116, 122 (1997) (The "failure to follow procedural rules can result in forfeiture of rights."). Indeed, absent a showing of plain error, the failure to object to a magistrate's recommendation means that the issue has been waived for purposes of appeal. *Id*., citing *In re S.A.*, 2013-Ohio-3047, ¶ 18 (2d Dist.).

{¶ 20} Moreover, Juv.R. 40(D)(3)(b)(ii) provides, "[a]n objection to a magistrate's decision shall be specific and state with particularity all grounds for objection." Accordingly, the failure to include a specific ground for an objection means that an appellant has waived that grounds on appeal. *See In re B.P.*, 2015-Ohio-4352, ¶ 16 (9th Dist.) (explaining that although father filed an objection to a magistrate's decision regarding child support asserting several grounds for his objection, father waived

argument that magistrate did not follow statutory method to calculate child support because he did not include that argument in his objections).

{¶ 21} Here, because father failed to object to the magistrate's recommendation regarding parenting time, he waived the trial court's adoption of that recommendation. Moreover, father has failed to assert any arguments regarding plain error. Accordingly, we decline to consider the portion of the trial court's order concerning his parenting time. *See In re R.B.*, at ¶ 18. Because the trial court did not abuse its discretion in finding by a preponderance of the evidence that placing M.T. in the legal custody of grandmother was in her best interest and father waived his challenge to parenting time, father's assignment of error is not well-taken.

IV. Conclusion

{¶ 22} For the foregoing reasons, the January 21, 2026 judgment of the Wood County Court of Common Pleas, Juvenile Division is affirmed. Appellant is ordered to pay the costs of this appeal pursuant to App.R. 24.

Judgment Affirmed.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. See, also, 6th Dist.Loc.App.R. 4.

Christine E. Mayle, J.

JUDGE

Gene A. Zmuda, J.

JUDGE

Myron C. Duhart, J.
CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at: http://www.supremecourt.ohio.gov/ROD/docs/.