[Cite as *Connelly v. Connelly*, 2026-Ohio-4572.]

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

WILLIAM CONNELLY,

PLAINTIFF-APPELLEE,

v.

CARRIE CONNELLY,

DEFENDANT-APPELLANT.

CASE NO. L-25-00313

OPINION AND JUDGMENT ENTRY

Appeal from Lucas County Common Pleas Court
Domestic Relations Division
Trial Court No. DR2012 1096

Judgment Affirmed

Date of Decision: November 19, 2026

APPEARANCES:

***Carrie A. Connelly,* Appellant**

***Patricia A. Kovacs* for Appellee**

WILLAMOWSKI, J.

{¶1} Defendant-appellant Carrie Connelly ("Mother') brings this appeal from the judgment of the Court of Common Pleas of Lucas County, Domestic Relations Division, modifying child support between Mother and plaintiff-appellee William Connelly ("Father"). On appeal Mother claims that the trial court erred by 1) considering facts not properly before the trial court to justify the deviation and 2) granting an extreme downward deviation in child support. For the reasons set forth below, the judgment is affirmed.

{¶2} The parties divorced in 2013 and a shared parenting plan was implemented in regards to their two children (born 2007 and 2010). As part of the order, the decree ordered Father to pay Mother $1,745.48 per month in child support. The amount was a deviation from the guideline calculation of $1,894.34 per month. On October 27, 2023, Father filed a motion to vacate the shared parenting plan and to designate him as the residential parent and legal custodian of the children. Mother filed a response on November 29, 2023, requesting that Father's motion be dismissed, requested a modification of child support, and requested an award of attorney fees. Father then requested a guardian ad litem ("GAL") be appointed and the trial court did so on January 25, 2024. On June 7, 2024, Father filed a motion to amend his motion to vacate indicating he no longer wished to vacate the shared parenting plan, just to modify it and requesting that his

child support be decreased. The trial was held on June 24, 2024, with both children being interviewed *in camera*. Testimony was presented by Father, Mother, and the GAL. The trial court issued a decision on July 22, 2024. The decision modified the shared parenting schedule to be one where the parties alternated weeks. The trial court then ordered a deviation in support of $1,407.37 per month due to the equal parenting time. Father was then ordered to pay Mother $140.71 per month. Mother appealed from the judgment.

{¶3} While the first appeal was pending, Mother filed a motion to reallocate the tax credits. A hearing was held on this motion on September 19, 2025. At the beginning of this hearing, the parties agreed the purpose of the hearing was "solely regarding the allocation of the children for tax purposes." Tr. 5. The trial court ruled on this motion on October 1, 2025.

{¶4} On October 28, 2025, this Court affirmed the modification of parenting time schedule, but reversed and remanded the deviation in child support due to the trial court having overlooked making certain findings of fact and conclusions of law. *Connelly v. Connelly*, 2025-Ohio-4929 (6th Dist.) ("*Connelly I*"). The trial court entered a new judgment making the required findings of fact and conclusions of law on November 21, 2025. The trial court again ordered a deviation and ordered Father to pay Mother $140.71 per month. Mother appealed from this judgment and raised the following assignments of error.

First Assignment of Error

The trial court erred by violating the basic concept of due process when using facts from a hearing unrelated to child support, held while the first appeal was pending.

Second Assignment of Error

The trial court abused its discretion by granting an extreme downward deviation in child support that is unsupported by the record and contrary to law.

{¶5} In the first assignment of error, Mother alleges that the trial court erred by considering information from a hearing not related to child support and held while the first appeal was pending to support the deviation. When a trial court is determining child support for a shared parenting order, the trial court must consider the circumstances of the parties and enter the amount calculated in the child support worksheet in its journal entry. R.C. 3119.22. The decision whether to deviate from the calculated amount is left to the sound discretion of the trial court. *Hurdelbrink v. Hurdelbrink*, 45 Ohio App.3d 5 (6th Dist. 1989). To deviate from this amount, the trial court must then determine that the calculated amount would be unjust or inappropriate and not in the child's best interest. R.C. 3119.22. The trial court must also enter findings of fact supporting that determination. R.C. 3119.22. The failure to provide the required findings is reversible error. *Connelly I, supra*. Upon remand, the trial court must take up the matter at the point where the first error was committed. *Miller v. Miller*, 114 Ohio App. 234 (6th Dist. 1960). A new hearing

is not required if the issue can be resolved without further evidence. *Flynn v. Flynn*, 2004-Ohio-3881 (10th Dist.).

{¶6} In this case, the trial court made the required findings to deviate from the calculated amount of child support. While considering the deviation factors under R.C. 3119.23, the trial court did note that Father had paid for a trip to Spain for the children that cost approximately $10,000. This was in response to the "in kind contributions" factor under R.C. 3119.23(I). This information was learned from the tax exemption hearing and arguably should not have been considered by the trial court as it was information from a hearing which was limited to the allotment of the tax exemption. However, "[i]t is axiomatic that an error must be prejudicial to warrant a reversal of a judgment based upon that error." *Hunley v. Hunley*, 2020-Ohio-5053, ¶ 60 (12th Dist.). An error is not deemed prejudicial if no change in the result would result from the avoidance of the error. *Goins v. Oliverio*, 2010-Ohio-3849 (9th Dist.).

{¶7} In this case, even assuming that the trial court erred by considering information from a second hearing not for the purpose of determining child support, we cannot find that the error was prejudicial. First, the hearing was one at which Mother was present and was able to present evidence regarding her in kind contributions and cross-examine Father's presentation of evidence. Second, the statements to which Mother points were only a minimal part of the facts found when the trial court considered the statutory factors for deviation. Several other factors

were included, such as the testimony that they each purchased "clothing and other associated expenses of the children when they are in their care and custody and in their home." October 28, 2025 Judgment Entry. Based upon the record before it, the trial court determine that not allowing a deviation "would be unjust and inappropriate and not in the best interest of the children." Oct. 28, 2025 Judgment Entry. The trial court based this conclusion on the facts that the parents split the parenting time equally and noted that not deviating would reduce Father's gross income from $147,293.84 to $128,717.00 while raising Mother's income from $118,211.00 to $136,787.00. The trial court also noted that Father was responsible for paying 55% of expenses for the children while Mother was responsible for 45%. Additionally, we note that the amount of deviation did not change from that ordered in *Connelly I* to this order. Based upon the record before us we do not find that the trial court committed prejudicial error by mentioning a fact from a later hearing. The first assignment of error is overruled.

{¶8} Mother's second assignment of error challenges the trial court's decision to deviate from the calculated child support amount. As noted above, the decision as to whether to deviate from the calculated amount is left to the sound discretion of the trial court. "Absent an abuse of discretion, a trial court's decision on whether or not to deviate from the child support guidelines will not be reversed." *Kitchen v. Kitchen*, 2006-Ohio-6542, ¶10 (12th Dist.). An abuse of discretion "implies that the court's attitude is unreasonable, arbitrary or unconscionable."

State v. Adams, 62 Ohio St.2d 151, 157 (1980). An abuse of discretion is a judgment that is against reason and evidence. *State v. Hancock*, 2006-Ohio-160, ¶ 130.

{¶9} Initially, we note that Father's obligation on the worksheet was $1,548.08 and Mother's obligation was $1,266.67, for a difference of $281.41 a month. Mother's obligation was subject to a deviation of 100% so that she pays no support. Father's obligation was deviated by approximately 90% and he was ordered to pay support of $140.71 per month. Thus, the net difference between what Mother would have received with no deviation is $140.70.

{¶10} In support of her argument, Mother claims that the trial court was misinterpreting the evidence before it. A review of the record shows that the trial court's findings are supported by the evidence in the record from the June 2024 hearing (excluding the information discussed above). The trial court previously erred by failing to "make a finding that the failure to deviate was not in the best interest of the children or that a failure to deviate would be unjust or inappropriate and did not set forth any findings of fact supporting the decision." *Connelly I* at ¶ 12. The trial court has now made the required finding. The trial court also attached a copy of the worksheet, stated the calculated amount in the journal entry, and made findings of fact supporting the determination. Thus, the trial court has met all of the statutory requirements to deviate from the amount of child support. Mother's disagreeing with the trial court's determination as to what facts were important is not a basis for finding that the trial court erred. A reviewing court will not overturn

the findings of fact by a trial court if the record contains some competent, credible evidence supporting them. *Bell v. Bell*, 2017-Ohio-7956. As there is some competent, credible evidence to support the factual determinations of the trial court, we do not find the trial court erred in making its factual findings. Nor do we find that the trial court's judgment was unreasonable, arbitrary, or unconscionable. The second assignment of error is overruled.

{¶11} Having found no error prejudicial to appellant in the particulars assigned and argued, the judgment of the Court of Common Pleas of Lucas County, Domestic Relations Division, is affirmed.

Judgment Affirmed

ZIMMERMAN, P.J. and WALDICK, J., concur.

JUDGMENT ENTRY

For the reasons stated in the opinion of this Court, the assignments of error are overruled and it is the judgment and order of this Court that the judgment of the trial court is affirmed with costs assessed to Appellant for which judgment is hereby rendered. The cause is hereby remanded to the trial court for execution of the judgment for costs.

It is further ordered that the Clerk of this Court certify a copy of this Court's judgment entry and opinion to the trial court as the mandate prescribed by App.R. 27; and serve a copy of this Court's judgment entry and opinion on each party to the proceedings and note the date of service in the docket. *See* App.R. 30.

John R. Willamowski, Judge

William R. Zimmerman, Judge

Juergen A. Waldick, Judge

DATED:
/hls

Judges William R. Zimmerman, John R. Willamowski, and Juergen A. Waldick, from the Third District Court of Appeals, sitting by assignment of the Chief Justice of the Supreme Court of Ohio.