[Cite as *In re Y.D.*, 2026-Ohio-3443.]

COURT OF APPEALS OF OHIO

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

IN RE Y.D.	:	
		No. 115956
A Minor Child	:	
[Appeal by Father, M.S.]	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: REVERSED AND REMANDED
RELEASED AND JOURNALIZED: September 3, 2026

Civil Appeal from the Cuyahoga County Court of Common Pleas
Juvenile Division
Case No. FA23704239

Appearances:

M.S., *pro se*.

MICHAEL JOHN RYAN, J.:

{¶ 1} Proceeding pro se, appellant-Father appeals the decision of the Cuyahoga County Court of Common Pleas, Juvenile Division, establishing child support. For the reasons that follow, we reverse and remand the case to the trial court.

{¶ 2} Father and appellee-Mother are parents to one minor child, born November 22, 2022. In 2024, the Office of Child Support Services ("OCSS") filed a motion to establish child support. The matter proceeded to a hearing before a magistrate. Father and Mother each proceeded pro se, and a Cuyahoga County assisting prosecuting attorney was present on behalf of OCSS.

{¶ 3} The court subsequently issued a journal entry, adopting the magistrate's decision. The court determined that Mother is the residential parent and custodian of the child. Father does not contribute to the care of the child and does not exercise parenting time. Mother is employed as an insurance agent with a gross income of $73,146.71, which includes her base salary and commission. Mother pays $4,270.76 annually for health insurance for her and the child and annual childcare and preschool costs of $13,983. Mother owes $514.15 in outstanding medical bills for the child.

{¶ 4} The court found that Father has been self-employed for the past ten years and owns his own business doing online marketing and creating websites. Father did not know his year-to-date earnings for 2025. Father rents his home and does not have out-of-home office space; his office is in his home. Father is the only employee but employs the services of contractors who report their earnings from Father via a 1099 form. Father is paid by invoice or by transfer into one of three business accounts. Father described 2024 as a "rough year," but expected 2025 to be "better." Father has a GED and has previously worked in restaurants, hospitals, and cleaning toilets. Father did not know if he could earn more money working for another employer. Father identified his skill as being a business owner for ten years.

{¶ 5} Based on the exhibits admitted into evidence, the court found that Father's gross income in 2024 was $27,660, with a net profit of $5,747, which is the amount Father listed as income on his 2024 personal tax return. The court found that Father receives help from another person with his personal and business expenses.

{¶ 6} The court concluded that, absent evidence to the contrary, Father was voluntarily unemployed or voluntarily underemployed and that if he was fully employed, he would be earning at least a wage $15 per hour or $31,200 annually based upon his education, special skills and training, and evidence that he has the ability to earn the imputed income. The court ordered child support in the amount of $790.01 per month (including $18.40 per month for cash medical) to OCSS plus a two percent processing fee beginning January 1, 2025, and $463.55 a month to OCSS from November 22, 2022, to December 31, 2024.

{¶ 7} Father appealed and raises the following assignments of error for our review, some of which we combine for review:

> I. The trial court erred by adopting the Magistrate's finding that Father is "voluntarily unemployed or voluntarily underemployed" when the Decision fails to identify any evidence that Father's self-employment income resulted from intentional income suppression rather than normal business conditions, in violation of R.C. 3119.01(C)(18) and the Ohio Supreme Court's holding in *Ayers v. Ayers*, 2024-Ohio-1833.
>
> II. The trial court erred by adopting the Magistrate's income imputation of $31,200.00 annually when the Decision fails to demonstrate analysis of the mandatory statutory criteria enumerated in R.C. 3119.01(C)(18)(a), rendering the imputation arbitrary and unsupported by law.

III. The trial court erred by adopting a child support order that circumvents the mandatory self-sufficiency reserve provisions of R.C. 3119.021(B)(2) through improper income imputation, resulting in an order that far exceeds Father's actual ability to pay.

IV. The trial court abused its discretion by applying inconsistent income calculation methodologies, utilizing a three-year average to reduce Mother's commission income while refusing to apply averaging to Father's self-employment income and instead imputing potential income, resulting in disparate treatment in violation of R.C. 3119.05(D).

V. The trial court violated Father's due process rights by overruling his objection to proceeding without discovery, where the Magistrate found that discovery was exchanged "through counsel" in a separate custody proceeding despite Father appearing pro se in the child support establishment hearing.

{¶ 8} In the first assignment of error, Father argues that the trial court erred in finding that Father was voluntarily unemployed or voluntarily underemployed.

{¶ 9} We review a juvenile court's determination of child-support obligations for abuse of discretion. *V.C. v. O.C.*, 2022-Ohio-1506, ¶ 10 (8th Dist.). A trial court "abuses its discretion when it exercises its judgment in an unwarranted way with respect to a matter over which it has discretionary authority." *Johnson v. Abdullah*, 2021-Ohio-3304, ¶ 35.

{¶ 10} The determinations of whether a parent is voluntarily unemployed or voluntarily underemployed, as well as the amount of potential income to impute, must be based on the facts and circumstances of the particular case. *In re L.S.*, 2018-Ohio-5116, ¶ 54, citing *In re B.S.*, 2009-Ohio-4660 (9th Dist.). First, a court determines whether a parent is voluntarily unemployed or voluntarily underemployed. *In re M.C.M.*, 2018-Ohio-1307, ¶ 22 (8th Dist.). If a court finds that a parent is voluntarily unemployed or voluntarily underemployed the court then determines the amount of income to impute to that parent. *Id.* at ¶ 23.

{¶ 11} Father cites *Ayers v. Ayers*, 2024-Ohio-1833, to support the position that the trial court abused its discretion in finding that he was voluntarily underemployed. Specifically, Father argues that the onus was on OCSS, not him, to show that he was voluntarily unemployed or voluntarily underemployed, but the trial court analyzed the case as though it was Father's burden to show he was not voluntarily underemployed. Unfortunately, Father's attempt to cite *Ayers* fails.

{¶ 12} In *Ayers*, the Ohio Supreme Court considered whether a trial court must "expressly find that a parent is voluntarily unemployed or underemployed as a condition precedent to imputing income for child support calculation purposes, or can the trial court's silence be construed as an implied finding that is sufficient to impute income." *Id.* at ¶ 10.

{¶ 13} The Court held that it was improper to infer "from a trial court's silence that it made a proper determination of voluntary unemployment." *Id.* at ¶ 17. Instead, a trial court must "expressly find that a parent is voluntarily unemployed or underemployed as a condition precedent to imputing potential income for child-support-calculation purposes." *Id.* at ¶ 27. The Court concluded that none of the trial court's orders could be interpreted as a determination that the father was voluntarily unemployed. Thus, the trial court's failure to clearly state its findings was reversible error. *Id.* at ¶ 12.

{¶ 14} The quotations in Father's appellate brief, purportedly from *Ayers*, simply do not exist. Because *Ayers* is the only authority Father cited in his brief relative to this assignment of error, Father has failed to support his argument with citations to authority. App.R. 16(A)(7) requires appellants to include "[a]n argument containing the contentions of the appellant 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." "'[P]ro se litigants are presumed to have knowledge of the law and legal procedures and . . . are held to the same standards as litigants who are represented by counsel.'" *Anderson v. Jack Cleveland Casino LLC*, 2026-Ohio-3027, ¶ 18, quoting *State ex rel. Fuller v. Mengel*, 2003-Ohio-6448, ¶ 10. Indeed, "[p]ro se litigants are not entitled to greater rights, and they must accept the results of their own mistakes." *Anderson* at *id.*, citing *Fazio v. Gruttadauria*, 2008-Ohio-4586 (8th Dist.).

{¶ 15} Nevertheless, there was evidence in the record to support the trial court's finding that Father was voluntarily unemployed or underemployed. Father testified that he possessed special skills in that he had owned his own business for ten years. Father testified that he had his GED and a variety of prior work experience. Father never testified how many hours a week he devoted to his business. And Father worked from home, so he did not have the expense of office rent or commuting. Father also admitted he did not spend time with his daughter.

Thus, Father did not present any evidence that he had any limitation on his time that would prohibit him from obtaining additional employment.

{¶ 16} The trial court did not abuse its discretion in finding that Father was voluntarily unemployed or underemployed. The first assignment of error is overruled.

{¶ 17} In the second, third, and fourth assignments of error, Father challenges the amount of income the court imputed to him.

{¶ 18} R.C. 3119.01(C)(18) defines "potential income" as "[i]mputed income that the court or agency determines the parent would have earned if fully employed as determined from the following criteria":

> (i) The parent's prior employment experience;
>
> (ii) The parent's education;
>
> (iii) The parent's physical and mental disabilities, if any;
>
> (iv) The availability of employment in the geographic area in which the parent resides;
>
> (v) The prevailing wage and salary levels in the geographic area in which the parent resides;
>
> (vi) The parent's special skills and training;
>
> (vii) Whether there is evidence that the parent has the ability to earn the imputed income;
>
> (viii) The age and special needs of the child for whom child support is being calculated under this section;
>
> (ix) The parent's increased earning capacity because of experience;
>
> (x) The parent's decreased earning capacity because of a felony conviction;

(xi) Any other relevant factor.

{¶ 19} Pursuant to R.C. 3119.01(C)(18), potential income may be imputed if the court determines that the party was either voluntarily unemployed or voluntarily underemployed. Here, the juvenile court found that Father was voluntarily unemployed or voluntarily underemployed and had he been fully employed he would be earning at least $15 per hour or $31,200 per year.

{¶ 20} R.C. 3119.01(C)(18)(a) requires the trial court to calculate imputed income from the criteria set forth in R.C. 3119.01(C)(18)(a)(i)-(xi). There is no requirement in the statute that the court state that it expressly considered all factors or perform an analysis of each factor before determining a party's imputed income.

{¶ 21} Here, the trial court found that Father did not present complete copies of his business tax returns or income and business receipts for 2023 and 2024. The court noted that although Father testified that 2024 was a "rough year," he failed to provide his 2023 tax return to show his income for that year to compare. The court placed doubt that Father's stated income of $5,747 was enough to support him. The court also noted that Father pays rent and has borrowed money from a friend to help with his expenses.

{¶ 22} The court concluded that absent any evidence to the contrary, Father was voluntarily unemployed or voluntarily underemployed and that if fully employed he would be earning at least the wage of $15 per hour or $31,200 per year based upon his education, his special skills and training, and evidence that he has the ability to earn the imputed income. However, the court never stated how it determined the amount to be imputed to Father.

{¶ 23} This court has held that while a trial court need not "'include a specific and thorough analysis of each R.C. 3119.01(C)(11)(a) factor in its judgment[,]' there must still be a sufficient basis upon which to impute income to a parent." *In re M.C.M.*, 2018-Ohio-1307, at ¶ 29 (8th Dist.), quoting *In re T.S.*, 2011-Ohio-6756, ¶ 4.

{¶ 24} In *In re M.C.M.*, the trial court imputed an income to the mother that was $30,000, even though the mother's salary as an administrative assistant in a family-owned company was only $10,500. This court noted that the trial court "seemingly came to the $30,000 amount by adding [the mother's] $10,500 salary to the $19,500 the court imputed to her . . . ." *Id.* at ¶ 27. This court determined that there was no evidence that established that the mother could have found full-time employment as an administrative assistant or marketer with an annual salary of $30,000, reasoning,

> [t]he record is devoid of any evidence showing how or why the court concluded that mother could earn $30,000 in her particular geographic area with an uncompleted college education other than her W-2 forms. The court's discussion of mother's qualifications, without additional information concerning the geographical area's salaries for similarly qualified individuals, is not enough in this particular case to support its imputed income to mother.

Id. at ¶ 29, 30.

{¶ 25} This court further determined that even if it were to "assume that mother could have obtained full-time employment with a minimum wage salary, she would only have made $16,536 in 2014 and $16,848 in 2015 and 2016. All of those amounts are much smaller than the $30,000 amount imputed by the juvenile court." *Id.* at ¶ 34.

{¶ 26} In *Yenni v. Yenni*, 2022-Ohio-2867 (8th Dist.), this court found that the trial court did not abuse its discretion when imputed income of $120,000 to a husband. The husband had been previously employed as a consultant with an annual income of $120,000. His employer was bought out and the new owner offered him a position, which he declined. His annual salary dropped to $15,000 to $21,000. The trial court found that if the husband had made reasonable attempts to secure employment consistent with his prior work history, coupled with his education and experience, he could earn at least $120,000. *Id.* at ¶ 30. This court noted that while the record was silent on several R.C. 3119.01(C)(17)(a) factors, the statute "does not require evidence be presented as to each factor before the court may impute income." *Id.* at ¶ 32, citing *Chapman v. Chapman*, 2007-Ohio-1414 (10th Dist.).

{¶ 27} This court found that "'the trial court has no obligation to investigate and develop evidence that the parties have failed to present.'" *Yenni* at *id.*, quoting *In re J.M.G.*, 2013-Ohio-2693, ¶ 26 (8th Dist.). "'Where the parties failed to present evidence in regard to each of the [R.C. 3119.01(C)(17)] factors [. . .], it was reasonable for the trial court to consider such factors immaterial to a determination of the issues.'" *Yenni* at *id.*, quoting *August v. August*, 2014-Ohio-3986, ¶ 43 (3d Dist.).

{¶ 28} In this case, Father presented evidence, and the trial court found, that his income for 2024 was $5,747. The court determined that if fully employed, Father would be earning at least the wage of $15 per hour or $31,200 per year based upon his education, his special skills and training, and evidence that he had the ability to earn the imputed income. The record, however, is devoid of evidence showing how or why the court concluded that Father could earn that amount. Father had been a business owner for ten years, but the evidence presented at trial was that, as a business owner, he only earned $5,747 in 2024. Father had no education beyond his GED, and his previous employment was in the service industry — a traditionally low wage industry — working in restaurants, hotels, and cleaning toilets.

{¶ 29} The court's determination that Father should have been earning $15 per hour or $31,200 was arbitrary. The court's discussion of Father's qualifications, without additional information concerning how it concludes what his earning capability, is not enough under the facts and circumstances of this case to support its imputed income to Father. If we find under *Yenni* that the trial court did not need to consider those R.C. 3119.01(C)(18) factors for which no evidence was presented, we still conclude that the trial court abused its discretion. There is no evidence to show that Father's salary of $5,747 was added to an imputed income. Even if we were to assume that Father could have obtained full-time employment with a minimum wage salary, Ohio's minimum wage was $10.45 per hour in 2024 and $10.70 per hour in 2025, which is much less than the $31,200 amount imputed by the juvenile court. Simply, there was no evidence in the record to support the court's calculation of imputed income.

{¶ 30} The trial court abused its discretion in imputing an income of $31,200 to Father. Accordingly, the second, third, and fourth assignments of error are sustained, and the case is remanded for the trial court to redetermine Father's income for purposes of child support.

{¶ 31} In the fifth assignment of error, Father argues that he was denied due process when the trial court did not grant a continuance based on Father's contention that he had not received discovery from Mother.

{¶ 32} Generally, the decision whether to grant a continuance lies within the trial court's discretion, and this court will not reverse the decision on appeal absent an abuse of that discretion. *In re K.F.*, 2025-Ohio-174, ¶ 21 (8th Dist.), citing *State v. Unger*, 67 Ohio St.2d 65, 67 (1981). Under Juv.R. 23, "[c]ontinuances shall be granted only when imperative to secure fair treatment for the parties." In addition, Juv.R. 35(C) provides:

> No case will be continued on the day of trial or hearing except for good cause shown, which cause was not known to the party or counsel prior to the date of trial or hearing, and provided that the party and/or counsel have used diligence to be ready for trial and have notified or made diligent efforts to notify the opposing party or counsel as soon as he/she became aware of the necessity to request a postponement.

{¶ 33} The record reflects that the day of trial was the first time that Father raised the issue of the alleged missing discovery. The record reflects that the court had a pretrial hearing in June 2025 where it ordered the parties to exchange discovery and a subsequent hearing in August 2025 where it ordered Father to produce discovery. The record also shows that Father's previous attorney received discovery. Father failed to claim that he himself had not received discovery until the day of trial, which was almost five months after the initial order was made.

{¶ 34} Father did not seek a continuance until the day of the hearing, did not offer any explanation as to why he was unable to obtain discovery, and did not even attempt to demonstrate "good cause." We cannot say that the trial court abused its discretion in denying Father's motion for continuance.

{¶ 35} The fifth assignment of error is overruled.

{¶ 36} Judgment reversed, and case remanded for the trial court to redetermine Father's income for purposes of child support.

It is ordered that appellant recover from appellee costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate be sent to said court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

____
MICHAEL JOHN RYAN, JUDGE

EILEEN T. GALLAGHER, P.J., and
TIMOTHY W. CLARY, J., CONCUR