[Cite as *In re J.L.L.*, 2026-Ohio-4373.]

COURT OF APPEALS OF OHIO

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

IN RE J.L.L. :

No. 116186

[Appeal by Je.L.L., Mother] :

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED
RELEASED AND JOURNALIZED: November 5, 2026

Civil Appeal from the Cuyahoga County Court of Common Pleas
Probate Division
Case No. 2025MSC296170

Appearances:

Je.L.L., *pro se*.

Cavitch, Familo & Durkin Co., LPA, Roger L. Kleinman, and Mary C. Sotera, *for appellee*.

MICHELLE J. SHEEHAN, A.J.:

{¶ 1} Appellant-mother Je.L.L. ("Mother") appeals the probate court's decision granting appellee-father J.L.'s ("Father") application to change the surname of their minor child ("Child") pursuant to R.C. Ch. 2717. Mother and Father were never married, and Child was given Mother's surname at birth. Father's application requested that his surname be added to the Child's existing surname resulting in a hyphenated surname that would reflect both parents' surnames.

Mother objects to this decision arguing that the probate court abused its discretion in three ways: (1) in determining that the best interests of the Child weighed in favor of the name change; (2) in issuing a decision against the manifest weight of the evidence; and (3) in issuing a decision without sufficient evidence.

{¶ 2} After our thorough review of the record and controlling legal authority, we affirm the probate court's decision. Specifically, we find that the probate court did not abuse its discretion in determining that reasonable and proper cause had been established for the name change and that the requested name change was in the best interests of the child. We further find that this decision was supported by sufficient evidence and not against the manifest weight of the evidence. Assignments of error Nos. 1 – 3 are overruled.

Statement of the Facts

{¶ 3} In March 2025, Father filed an application to change Child's name in probate court pursuant to R.C. 2717.02 and 2717.13. Father requested that his surname be added to Child's existing surname resulting in a hyphenated surname reflecting both parents' surnames. Mother objected to Father's application.

{¶ 4} Thus, a hearing before a magistrate was held in July 2025. At the hearing, Father and Mother both testified. Mother also called as witnesses Mother's sister, V.T., and V.T.'s mother-in-law, P.T. At the time of the hearing, Child was approximately four and a half years old.

{¶ 5} The hearing testimony established that Mother and Father were never married. Mother and Father dated for approximately one year. When Mother discovered she was pregnant, Father ended the relationship.

{¶ 6} Father did not reestablish contact with Mother until Child was approximately eight and a half months old. Father testified that prior to that time, his emails to Mother went unanswered. While she disputes the level of contact, both Father's and Mother's testimony demonstrated that Father has been consistently part of Child's life since Father established contact.

{¶ 7} Father testified that he has provided financial support since Child was eight and a half months old. Pursuant to their shared parenting agreement, Child is with Mother 60% of the time and Father 40% of the time. Under the agreement, both Mother and Father are designated as residential parents. Mother is the residential parent for school purposes. Father moved to be closer to Child. Child accompanies Father on family vacations. On days that Child is not with Father, they Facetime. Mother testified that it was important for Child to identify with Father and for them to bond and have a relationship.

{¶ 8} Regarding the name change, Father testified that he requested the name change because "[Child] and I play a significant role in each other's lives" and he wanted to express to Child how much he loves, values, and cares for Child. He further testified that he was not asking for the name change to undermine or replace Mother's relationship with Child. He purposely chose to include both surnames to reflect both him and Mother. Father requested that his surname precede Mother's

surname because he thought it "sounded nicer and was easier to say." Father also believed his surname first would be "easiest for him to learn."

{¶ 9} Father testified that he believes Child thinks of Father, Mother, and himself as a family unit and adding his name to Child's surname is an expression of their family unit. Father also testified that it would be easier for Child to have both parent's names so that Child would not have to answer questions about why Child's name is not the same as Father's. Father requested the name change at this time so that Child would have the new name when school started and therefore have a consistent name moving forward.

{¶ 10} Mother objected to the name change on two principal grounds. First, Mother objected to the name change because Child had speech apraxia or delayed speech and she believed it would be difficult for Child to learn how to say, spell, and write a new name. Both Mother and Father testified at length regarding the Child's delayed speech. The hearing testimony demonstrates that the parties disputed the Child's diagnosis as well as the severity of the speech delay. Mother testified that Child spoke below age level and had difficulty speaking certain words especially multisyllable words. Both Mother and Father agreed that Child had been in speech therapy for two years and that Child could read, write, and say the current surname.

{¶ 11} Mother further testified that changing Child's surname would cause Child hardship because she believed Child would lose the confidence gained from learning how to say, spell, and write current name. She believed Child would be frustrated. Mother testified Child had worked very hard to learn how to spell and

write their existing name. Mother further testified that she believed Child would suffer bullying due to adding Father's surname because Child would have to learn how to say the new name and that would be difficult. V.T. testified in support of the conclusion that it would be hard for Child to learn a new surname. Mother presented no medical or expert testimony supporting these conclusions during the hearing. Mother did introduce copies of medical records stating Child's speech-delay diagnosis as exhibits.

{¶ 12} Second, Mother testified that she believed Child would be bullied if Child had a hyphenated surname. She testified that when she worked in education, hyphenated surnames were not common and caused confusion. V.T. and P.T. also testified regarding their belief that hyphenated surnames were not common and would subject Child to bullying.

{¶ 13} The magistrate's decision ("Decision") was issued on October 8, 2025. The Decision set forth a detailed recitation of the hearing testimony. The Decision then identified the applicable legal standard for deciding whether to grant or deny a name change under R.C. 2717.02 and 2717.13. Specifically, the Decision outlined the best interest factors identified by the Ohio Supreme Court in *In re Willhite*, 85 Ohio St.3d 28 (1999), as the controlling authority determining whether reasonable and proper cause has been established for the name change. The Decision then considered each factor with reference to the hearing testimony. After its detailed analysis, the Decision concluded, "[L]ooking at the factors set forth in *Willhite* and applying those factors to this case, reasonable and proper cause has been established

to permit the proposed name change and the Application should be granted." Decision at p. 10.

{¶ 14} Mother filed preliminary, amended, and supplemental objections to the Decision. Father filed responses thereto. On January 30, 2026, the trial court adopted the Decision. The trial court's judgment entry stated, in relevant part, the following:

> The Court finds that the Magistrate, in his Decision, set forth in detail the evidence presented at hearing. The Court further finds that the Magistrate's Decision analyzes the evidence presented in conjunction with the criteria set forth in an applicable case, *In re Willhite*, (1999), 85 Ohio St.3d 28.
>
> The Court finds that the Supplemental Objections, which cite to the transcript, do not set forth any significant errors in the findings of fact or application of law. The Court finds that the objector simply disagrees with the Magistrate's conclusion.

Judgment entry dated January 30, 2026. Accordingly, the trial court dismissed Mother's objections and adopted the Decision ordering the name change of minor Child as requested by Father.

{¶ 15} This appeal follows.

Law and Analysis

{¶ 16} Mother assigns three errors for our review:

> (1) The Trial Court erred and abused its discretion in determining the best interests of the child in the name change of the minor child.
>
> (2) The Trial Court abused its discretion in granting the application for change of name because the decision was against the manifest weight of the evidence from appellant.

(3) The Trial Court abused its discretion by granting the name change without sufficient evidence from Appellee that the change was in the child's best interest.

{¶ 17} For ease of discussion, we will address Mother's assignments of error together.[1]

Standard of Review

{¶ 18} "When reviewing a trial court's decision determining that a child's name either should or should not be changed, a reviewing court may not substitute its own judgment for that of the trial court, but it must consider whether the trial court abused its discretion." *D.W. v. T.L.*, 2012-Ohio-5743, ¶ 10; *In re Change of Name of A.L.P.*, 2012-Ohio-368, ¶ 6, 12 (8th Dist.). Appellate courts are "not free to substitute its judgment for that of the trial court when reviewing a decision that a child's surname should be changed." *Boysel v. Perrill*, 2001 Ohio App. LEXIS 3999, *4 (12th Dist. Sept. 10, 2001). Further, "[a] reviewing court should also presume that the trial court's findings are accurate, since the trial judge is best able to view the witnesses and observe their demeanor, gestures, and voice inflections and use these observations in weighting credibility of witnesses." *Id.*

{¶ 19} In general, an abuse of discretion occurs when "a court exercises its judgment, in an unwarranted way, in regard to a matter over which it has discretionary authority." *Johnson v. Abdullah*, 2021-Ohio-3304, ¶ 35. However,

[1] Mother has not raised any assignment of error based on the probate court's adoption of the Decision. Rather, her assignments of error focus on the decision to grant Father's name change application in general. Therefore, we need not address whether there were any irregularities in the lower court's adoption of the Decision.

"[w]hen there is insufficient evidence as a matter of law that a name change is in the best interest of the child, a trial court's judgment changing a child's surname must be reversed." *D.W.* at ¶ 10, citing *Bobo v. Jewell*, 38 Ohio St.3d 330, 335 (1988), and *In re Wolfe*, 2002-Ohio-3277, ¶ 11 (2d Dist.) (A trial court abuses its discretion when it orders a surname change upon insufficient evidence that the change is in the child's best interest.). As stated by the Eleventh District Court of Appeals, "The moving party must present sufficient evidence to affirmatively demonstrate that altering the status quo via a name change is in the child's best interests." *Guzzo v. Kercher*, 2013-Ohio-2825, ¶ 12 (11th Dist.); *In re Crisafi*, 104 Ohio App.3d 577, 581 (8th Dist. 1995) (holding that the scope of our review in a name change application matter is limited to whether the lower court's judgment is supported by any credible and substantial evidence). "When reviewing the sufficiency of the evidence in civil cases, the question is whether, after viewing the evidence in a light most favorable to the prevailing party, the judgment is supported by competent, credible evidence." *Mtge. Electronic Registration Sys. v. Mosley*, 2010-Ohio-2886, ¶ 28 (8th Dist.).

{¶ 20} The manifest-weight standard is the same in a civil case as in a criminal case. *Caldwell v. Custom Craft Builders, Inc.*, 2026-Ohio-115, ¶ 91 (8th Dist.), citing *Eastley v. Volkman*, 2012-Ohio-2179, ¶ 17. In general, a court "'weighs the evidence and all reasonable inferences, considers the credibility of witnesses and determines whether in resolving conflicts in the evidence, the [finder of fact] clearly lost its way and created such a manifest miscarriage of justice that the [judgment] must be reversed and a new trial ordered.' (Cleaned up.)" *Id.* "In weighing the

evidence, the court of appeals must always be mindful of the presumption in favor of the finder of fact." *Id.*, quoting *Eastley* at ¶ 21. "Reversal on manifest-weight grounds is reserved for the '"exceptional case in which the evidence weighs heavily against the conviction."'" *Id.*, quoting *State v. Thompkins*, 78 Ohio St.3d 380, 387 (1997), quoting *State v. Martin*, 20 Ohio App.3d 172, 175 (1st Dist. 1983); *see also State v. Reillo*, 2026-Ohio-2701, ¶ 26-28.

{¶ 21} In conclusion, "'absent a showing that the trial court's decision has no basis in the evidence before it or was otherwise an abuse of discretion, an appellate court will not reverse the decision on appeal.'" *In re Name Change of E.S.*, 2022-Ohio-2107, ¶ 15 (10th Dist.), quoting *Boysel*, 2001 Ohio App. LEXIS 3999, at *6-7.

Legal Standard for Name-Change Proceedings

{¶ 22} The law controlling our review of this matter is well-settled. *See Bobo,* 38 Ohio St.3d 330; *In re Willhite*, 85 Ohio St.3d 28 (1999); *D.W.,* 2012-Ohio-5743. "R.C. 2717.01(A) requires the court to determine whether the facts set forth in the application show reasonable and proper cause for changing the name of the applicant."[2] *Willhite* at 32. "When deciding whether to permit a name change for a minor child pursuant to R.C. 2717.01(A), the trial court must consider the best

[2] In 2021, R.C. Ch. 2717 was revised by the Ohio legislature and the statutory authority for a parent to file an application to change the name of a minor was moved to R.C. 2717.13. Additionally, the "reasonable and proper cause" language is now found in R.C. 2717.09. Most of the caselaw reviewing name-change applications is based on the prior version of this statute. However, the best-interest-of-the-child analysis remains controlling of this issue. *See generally In re Change of Name of J.K.J.M.*, 2026-Ohio-2727, ¶ 8 (7th Dist.).

interest of the child in determining whether reasonable and proper cause has been established." *Id.* Specifically, courts should consider the following factors:

> the effect of the change on the preservation and development of the child's relationship with each parent, the identification of the child as part of a family unit; the length of time that the child has used a surname, the preference of the child if the child is of sufficient maturity to express a meaningful preference; whether the child's surname is different from the surname of the child's residential parent; the embarrassment, discomfort, or inconvenience that may result when a child bears a surname different from the residential parent's; parental failure to maintain contact with and support of the child; and any other factor relevant to the child's best interest.

Id., citing *Bobo* at paragraph two of the syllabus. Further, courts "should consider only those factors present in the particular circumstances of each case." *Bobo* at 335; *D.W.* at ¶ 17-18. The parent who seeks the name change "bears the burden of presenting sufficient evidence to affirmatively demonstrate that the change is in the child's best interest." *D.W.* at ¶ 17; *In re A.B.*, 2010-Ohio-2227, ¶ 11 (8th Dist.).

{¶ 23} Additionally, we note that Ohio courts have supported the use of hyphenated surnames to reflect both parents' involvement in a child's life. As stated by the Ohio Supreme Court, "[a] combined surname is a solution that recognizes each parent's legitimate claims and threatens neither parent's rights. The name merely represents the truth that both parents created the child and that both parents have responsibility for that child." *Willhite* at 33; *see also In re Name Change of E.S.* at ¶ 22.

Analysis

{¶ 24} Our review of the record reveals that the magistrate and probate judge applied the proper legal standard to this name change proceeding. Specifically, both the Decision and the probate court's judgment entry adopting the Decision referenced *In re Willhite* and then appropriately considered the best-interest factors outlined therein to the facts of this matter. Indeed, the magistrate provided a detailed summary of the hearing testimony as well as a legal analysis of this testimony to each of the applicable best-interest factors. The magistrate weighed each factor and concluded that the requested name change was in the best interests of the Child. Our review of the hearing transcript demonstrates that the magistrate's analysis of the best-interest factors was supported by some competent, credible evidence from the record. Therefore, the Decision and the probate court's adoption thereof were supported by sufficient evidence as a matter of law.

{¶ 25} Mother's primary objections to the Decision arise from her contention that the magistrate did not properly consider the testimony that changing the Child's surname would be difficult because he had speech apraxia and that having a hyphenated surname would cause the Child to be bullied. The record demonstrates, however, that the magistrate considered these arguments but found them unsupported by medical evidence and unpersuasive. As the factfinder, the magistrate is in the best position to consider the credibility of the witnesses and to resolve conflicts in the evidence. In summary, where the record supports that the lower court applied the correct legal standard to the facts of the present matter, it is

not the reviewing court's role to second guess the factfinder or to reweigh the evidence. Simply put, Mother disagrees with the magistrate's analysis and the weight given or not given to certain factors but she has identified no error requiring reversal as a matter of law. Therefore, we will not disturb this decision.

{¶ 26} Based on the specific facts of this case and in light of the Supreme Court authority favoring the adoption of hyphenated surnames that properly reflect both parents' roles in a child's life, we cannot conclude that the probate court abused its discretion, lost its way, or created such a manifest miscarriage of justice that reversal of this matter is required. Accordingly, assignments of error Nos. 1 – 3 are overruled.

{¶ 27} Judgment affirmed.

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

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the common pleas court, probate division, 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.

_____

MICHELLE J. SHEEHAN, ADMINISTRATIVE JUDGE

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