

STATE OF OHIO)
)ss:
COUNTY OF MEDINA)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

MICHAEL T. DAUBENMIRE

C.A. No. 2025CA0058-M

Appellee

v.

CHRISTINE M. CRAIG

APPEAL FROM JUDGMENT
ENTERED IN THE
COURT OF COMMON PLEAS
COUNTY OF MEDINA, OHIO
CASE No. 19DR0305

Appellant

DECISION AND JOURNAL ENTRY

Dated: September 30, 2026

STEVENSON, Judge.

{¶1} Appellant, Christine M. Craig fka Daubenmire (“Mother”), appeals the judgment of the Medina County Court of Common Pleas, Domestic Relations Division, granting a motion to modify child support. We affirm.

I.

{¶2} Mother and Appellee, Michael T. Daubenmire (“Father”), jointly petitioned the trial court for a dissolution of marriage and a decree of dissolution was issued in September 2019. Mother and Father share two minor children, M.D. and G.D., and the matter proceeded after the dissolution with the court addressing various motions over the years. Relevant to this appeal is Father’s motion to modify child support filed in May 2024.

{¶3} A trial court magistrate held an oral hearing to address numerous pending motions, including Father’s motion to modify child support, on March 10, 2025. Mother and Father were present at the hearing with counsel. The parties informed the magistrate that nine motions had been

resolved by a revised shared parenting plan or were being withdrawn and that only Father's motion to modify child support remained.

{¶4} The magistrate did not take evidence at the oral hearing, with counsel for Mother agreeing that the "simple statements of counsel [would] suffice[.]" The parties stipulated that Father's yearly income was \$134,000 and that Mother's yearly income was \$75,884. They agreed that Mother provides private health insurance, which includes medical, dental, and vision, for the minor children at an annual cost of \$2,963.28. Mother and Father agreed to maintain the division of costs as set forth in an October 21, 2022 judgment entry, with Mother paying for all of M.D.'s expenses and Father paying for all G.D.'s expenses. They further agreed that Mother would continue claiming M.D. for tax purposes and Father would continue claiming G.D. for tax purposes.

{¶5} In support of his motion to modify child support, counsel for Father argued at the oral hearing that Father had purchased a vehicle at a cost of \$10,000 for M.D. and that Father was paying car insurance for M.D. at a cost of \$200 a month. Counsel argued that "if there should be any [child] support that is put in place, then that [\$200] a month . . . should be offset within that support." Counsel maintained that Father was also paying all G.D.'s "expenses as per the court order" and that he was "unclear as to what additional support would actually be needed, as all of those expenses [were] being paid for out-of-pocket already." Father asked the magistrate to set child support "at zero or be modified to include the contributions that Father is making towards [M.D.]."

{¶6} Counsel for Mother argued that child support is needed "to be able to sustain the basic needs of both of the children[.]" He contended that "the extras of . . . car insurance and buying of cars" was not "contemplated or part of the shared-parenting plan or even a split of costs

even from the prior order, and a choice that [Father] made.” Counsel represented that Mother was “not opposed to . . . the Court’s consideration for a downward deviation” but argued that “zeroed-out support . . . is not appropriate under the circumstances[.]”

{¶7} The magistrate issued a decision on March 28, 2025, granting Father’s motion to modify child support and finding that “[a] 100% downward deviation is appropriate and in the best interest of the children herein.” Mother filed a pro se objection and supplemental objection to this decision. Father did not respond in opposition.

{¶8} On August 7, 2025, the trial court issued a decision overruling Mother’s objections and adopting the magistrate’s downward deviation. Mother appeals, asserting five assignments of error for this Court’s review.

II.

ASSIGNMENT OF ERROR I

THE TRIAL COURT ABUSED ITS DISCRETION AND ERRED AS A MATTER OF LAW BY GRANTING A 100% DEVIATION TO \$0 WITHOUT MAKING THE WRITTEN FINDINGS REQUIRED BY R.C. 3119.22 THROUGH 3119.24 OR CONDUCTING AN INDEPENDENT REVIEW UNDER CIV.R. 53(D)(3)(b).

ASSIGNMENT OF ERROR IV

THE TRIAL COURT ERRED IN FAILING TO RECONCILE THE DEVIATION WITH THE ACTUAL PARENTING ARRANGEMENT FOR [G.D.].

{¶9} Mother argues in her first assignment of error that the trial court abused its discretion and erred as a matter of law by granting a 100% downward deviation of child support without making the required statutory findings or conducting an independent review pursuant to Civ.R. 53(D)(3)(b). She similarly argues in her fourth assignment of error that the trial court erred “[b]y eliminating her guideline support without statutory findings[.]” We disagree.

Standard of Review

{¶10} The trial court overruled Mother’s objections and adopted the magistrate’s decision. “Generally, the decision to adopt, reject, or modify a magistrate’s decision lies within the discretion of the trial court and should not be reversed on appeal absent an abuse of discretion.” *Barlow v. Barlow*, 2009-Ohio-3788, ¶ 5 (9th Dist.). “In so doing, we consider the trial court’s action with reference to the nature of the underlying matter.” *Tabatabai v. Tabatabai*, 2009-Ohio-3139, ¶ 18 (9th Dist.). A decision to modify a child support order is also subject to an abuse of discretion standard. *Salmons v. Eubanks*, 2017-Ohio-8985, ¶ 5 (9th Dist.). An abuse of discretion means more than an error of law or judgment; it implies that the trial court’s attitude was unreasonable, arbitrary, or unconscionable. *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219 (1983). An abuse of discretion demonstrates “perversity of will, passion, prejudice, partiality, or moral delinquency.” *Pons v. Ohio State Med. Bd.*, 66 Ohio St.3d 619, 621 (1993). When applying the abuse of discretion standard, a reviewing court is precluded from simply substituting its own judgment for that of the trial court. *Id.*

{¶11} The trial court will necessarily make findings of fact when deciding whether to modify a support order. When applying the abuse of discretion standard, “an appellate court should not reverse the factual findings of the trial court, where there is ‘some competent and credible evidence’ in support of the trial court’s findings.” *Keller v. Keller*, 2005-Ohio-3302, ¶ 7 (9th Dist.), quoting *Huff v. Huff*, 2003-Ohio-1304, ¶ 22 (9th Dist.).

Deviation of Child Support

{¶12} “R.C. 3119.03 establishes a rebuttable presumption that the child support obligation calculated pursuant to the basic child support schedule and applicable worksheet is the correct

amount of child support due.” *Seegert v. Seegert*, 2018-Ohio-5119, ¶ 16 (9th Dist.). We recognized in *Irish v. Irish*, 2010-Ohio-403, ¶ 12 (9th Dist.), that a court may deviate

from the amount as calculated in the worksheet and schedule if [it]: (1) finds that the amount calculated is unjust or inappropriate; (2) finds that the amount calculated does not conform to the [children’s] best interest, and; (3) states findings of fact supporting the deviation from the amount calculated.

{¶13} Mother, argues in her first and fourth assignments of error that the trial court judge, in ruling on her objections, was required to make specific factual findings. She argues that the trial court erred because its denial of objections sustaining the downward deviation “includes no individualized analysis, no citation to the statutory deviation factors, and no findings that guideline support would be unjust or that a \$0 order serves either child’s best interest.” She further argues that the trial court erred as it failed to conduct an independent review of the magistrate’s decision as required by Civ.R. 53(D)(3)(b)(iv) and R.C. 3109.05(E). Mother argues in her fourth assignment of error that the trial court erred by granting a downward deviation “without statutory findings[.]”

{¶14} The parties stipulated that Father’s annual income is \$134,000 and that Mother’s annual income is \$75,884. They agreed that, pursuant to an October 2022 agreed judgment entry, Mother provides private health insurance for the children, Father is financially responsible for 100% of G.D.’s expenses, and Mother is 100% responsible for M.D.’s expenses. There is no dispute that Mother claims M.D. for tax purposes and Father claims G.D. for tax purposes. There is also no dispute that the parties’ revised shared-parenting plan, incorporating a prior agreed judgment entry and standard visitation schedule, was presented to the magistrate at the hearing and that this plan set forth the parenting arrangement for both children.

{¶15} The magistrate stated in her decision that she had considered

the parenting time schedule, health care coverage costs, division of out of pocket costs, extracurricular expenses, costs that either parent has voluntarily undertaken for the benefit of the children, tax dependency exemptions, relative incomes of the

parties, the prior practice of the parties, and the history of this case in how the current plan was determined.

The magistrate further “considered the age and needs of the children and the parents[’] intent evidenced in the revised shared parenting plan.” After considering the aforementioned factors, “along with consideration of factors unnamed herein but listed in [the] statute for child support calculation and for deviations,” the magistrate found that “[t]he guideline support worksheet amount is unjust and inappropriate” and that “[a] 100% downward deviation is appropriate and in the best interests of the children[.]” Mother argued in her objections to magistrate’s decision that there was insufficient justification for a 100% downward deviation.

{¶16} The trial court stated in its judgment entry that it had “engaged in an independent review of the Magistrate’s Decision, the transcript of proceedings, the court record, and the filings of the parties.” The trial court noted the magistrate’s findings, including its best interest findings, and it found “that the Magistrate considered all relevant information, made relevant findings, and applied the law appropriately.” *See Spencer v. Spencer*, 2005-Ohio-5495, ¶ 10-12 (5th Dist.) (trial court evidenced that it had conducted an independent review, even though it did not issue separate findings, when it stated that it had reviewed the matter and found that the magistrate’s decision was “supported by the facts in evidence and is legally correct”). It further evidenced its independent review of the record by summarizing the facts regarding Father’s provision of a car for M.D. and the benefits it would provide the family for transportation. It again stated that, “[u]pon an independent review of the record[,]” it agreed “with the Magistrate’s decision to deviate and the amount of that deviation.” We cannot say the trial court failed to undertake an independent review of the Magistrate’s decision in this case.

{¶17} Mother also argues that the trial court failed to make statutory findings, including a finding that the downward deviation was in the children’s best interest, when it ruled on her

objections to the magistrate's decision. The record shows, however, that the magistrate made the required findings and that the trial court undertook an independent review of the matter, that it addressed Mother's objections, and that it considered the relevant statutory factors when it overruled Mother's objections. *See Linam v. Linam*, 2003-Ohio-7001, ¶ 23 (7th Dist.).

{¶18} Like Mother, the appellant in *Linam* argued that the trial court erred when it overruled objections and adopted a magistrate's child support decision that deviated downward from child support guidelines. *Id.* at ¶ 9-10. The appellant in *Linam* argued that the trial court erred as its judgment entry did not include the following three statutorily required items: (1) the presumed amount of child support, (2) the court's determination that the amount would be unjust or inappropriate and not in the children's best interest, and (3) findings of fact to support the court's determination. *Id.* at ¶ 18-19. The Seventh District Court of Appeals noted that the trial court adopted the magistrate's decision, that the magistrate was the original trier of fact, and that the magistrate had included these statutorily required items in its decision. *Id.* at ¶ 20-23. It concluded that "[t]he decision of the trial court adopting the magistrate's decision need not restate the three statutorily required items" and that "it is not error that the trial court failed to set forth the three items in its own journal." *Id.* at ¶ 23. We agree with the reasoning and analysis of the Seventh District in *Linam*. As in *Linam*, the trial court in this case overruled Mother's objections and adopted the magistrate's decision, the magistrate was the original trier of fact, and the magistrate had included the required statutory items in her decision. In the decision overruling the objections, the trial court in this case undertook an independent review of the magistrate's decision and found that the magistrate made "relevant findings[.]" In considering Mother's objections, the trial court reviewed Father's purchasing of a car and insurance for M.D. facts the Magistrate specifically found to be relevant. The magistrate's "relevant findings" included the required best interest

finding and that the guideline support was not appropriate. Mother objected to the Magistrate's decision in part on the issue of the children's best interests so that issue was clearly considered as part of the denial of her objections.

{¶19} In considering the evidence in the record, we cannot conclude that the trial court abused its discretion in granting Husband's motion to modify child support and granting a downward deviation. Mother's first and fourth assignments of error are overruled.

ASSIGNMENT OF ERROR II

THE TRIAL COURT ERRED BY RELYING ON [FATHER'S] VOLUNTARY PROVISION OF A CAR AND INSURANCE FOR ONE CHILD AS THE BASIS TO ELIMINATE ONGOING CHILD SUPPORT OBLIGATIONS.

ASSIGNMENT OF ERROR III

THE TRIAL COURT'S ADOPTION OF A 100% DOWNWARD DEVIATION LACKED EVIDENTIARY FOUNDATION AND VIOLATED CIV.R. 53(D)(3)(b)(iv).

{¶20} Mother argues in her second assignment of error that the trial court erred when it relied on Father's voluntary action of providing a car and paying car insurance for M.D. as a basis to eliminate child support obligations. She argues in her third assignment of error that the trial court erred as it failed to take "sworn testimony or documentary evidence demonstrating a material change in circumstances" to support the downward deviation.

{¶21} Mother did not object to the magistrate's reliance on Father's voluntary provision of a car and insurance for M.D. with the trial court. Further, Mother did not raise any objections to the magistrate's failure to take evidence and testimony at the oral hearing. Mother has thus forfeited these issues on appeal.

{¶22} Civ.R. 53(D)(3)(b)(iv) states as follows:

Except for a claim of plain error, a party shall not assign as error on appeal the court's adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Civ.R. 53(D)(3)(a)(ii), unless the party has objected to that finding or conclusion as required by Civ.R. 53(D)(3)(b).

{¶23} Civ.R. 53(D)(b)(ii) requires that “[a]n objection to a magistrate’s decision shall be specific and state with particularity all grounds for objection.” “Where a party fails to raise an issue in its objections to a magistrate’s decision, that issue is forfeited on appeal.” *Niederst v. Niederst*, 2018-Ohio-5320, ¶ 34 (9th Dist.), quoting *Bass-Fineberg Leasing, Inc. v. Modern Auto Sales, Inc.*, 2015-Ohio-46, ¶ 24 (9th Dist.); *see also* Civ.R. 53(D)(3)(b).

{¶24} The magistrate recognized Father’s voluntary contribution of a vehicle and car insurance for M.D., stating in her decision that she had considered the costs “voluntarily undertaken for the benefit of the children.” Mother raised no objections to the magistrate’s consideration of Father’s voluntary contribution in the trial court.

{¶25} Further, Mother raised no objections concerning the taking or admission of testimony and evidence at the oral hearing before the magistrate. Counsel for Mother, rather, stated at the oral hearing “that [the] simple statements of counsel [would] suffice[.]”

{¶26} Mother argued in her objections that 1) there was insufficient justification for a 100% deviation, specifically that the magistrate failed to make detailed findings, 2) the magistrate ignored unequal parenting time, 3) the parties’ shared parenting agreement did not justify the deviation, 4) the magistrate failed to consider the best interests of the children, and 4) the magistrate’s CSEA enforcement language preempts future review and may negatively impact the children’s financial support without due process. Mother did not object to any “voluntarily undertaken” costs as found by the magistrate nor did she raise any objections concerning the magistrate’s failure to take testimony and evidence at the oral hearing. Mother has not argued plain error on appeal. Because Mother has forfeited these arguments and has not argued plain error on

appeal, we will not address their merits. *Lucas v. Noel*, 2020-Ohio-1546, ¶ 16 (9th Dist.); *State v. Perkins*, 2018-Ohio-2240, ¶ 7 (9th Dist.).

{¶27} Accordingly, Mother’s second and third assignments of error are overruled.

ASSIGNMENT OF ERROR V

THE TRIAL COURT UNLAWFULLY DIRECTED CSEA TO MAINTAIN THE \$0 DEVIATION IN ALL FUTURE ADMINISTRATIVE REVIEWS.

{¶28} Mother argues in her fifth assignment of error that the trial court unlawfully directed CSEA to maintain the \$0 deviation in all future administrative reviews. She contends that the trial court erred as a matter of law as its ruling directly conflicts with statutory mandates. We disagree.

{¶29} “It is well settled that this [C]ourt’s standard of review concerning questions of law is de novo.” *DeJesus v. DeJesus*, 2007-Ohio-678, ¶ 20 (9th Dist.), citing *Nationwide Mut. Fire Ins. Co. v. Guman Bros. Farm*, 73 Ohio St.3d 107, 108 (1995); *Cleveland Elec. Illum. Co. v. Pub. Util. Comm.*, 76 Ohio St.3d 521, 523 (1996). “[I]t is appropriate for an appellate court to substitute its judgment for that of the trial court where matters of law are involved.’ Indeed, where an appellate court determines that the trial court erred as a matter of law, it may reverse and render judgment.” (Citation omitted.) *Petro v. N. Coast Villas Ltd.*, 136 Ohio App.3d 93, 96 (9th Dist. 2000), quoting *State v. Today’s Bookstore, Inc.*, 86 Ohio App.3d 810, 823 (2d Dist. 1993).

{¶30} Mother argues that the trial court’s order “restricts CSEA’s statutory oversight authority and contravenes both the plain text of R.C. 3119.60 through 3119.79 and established Ninth District precedent holding that trial courts may not ‘tie the agency’s hands’ in advance.” The purported Ninth District precedent on which she relies is *Murray v. Murray*, 128 Ohio App.3d 662 (12th Dist.). *Murray* is a case from the Twelfth District Court of Appeals and is clearly distinguishable from the present case. *Murray* involved the issue of “whether unexercised stock options should be considered when determining the obligor’s income for purposes of child

support” and the proper way to calculate unexercised stock options for child support purposes. *Id.* at 666, 673.

{¶31} Mother also cites *Marker v. Grimm*, 65 Ohio St.3d 139 (1992) in her fifth assignment of error. *Marker* is also distinguishable because, unlike the trial court in that case, the trial court in this case included the child support computation worksheet in her judgment entry and, as set forth above when addressing the first and fourth assignments of error, the magistrate issued required statutory findings. *See contra Id.* at 142-143 (trial court failed to complete a child support computation worksheet and make the worksheet part of the record; trial court also failed to issue findings to support its deviation from the child support schedule and worksheet).

{¶32} Mother’s entire argument in her fifth assignment of error is that the trial court unlawfully directed CSEA to maintain the \$0 deviation. She has not explained nor cited a single case in support of the proposition that it is an error of law for the trial court to direct the CSEA to apply the deviation to administrative adjustments. “This Court will not develop an argument for an appellant who fails to develop one for herself.” *Owca v. Owca*, 2008-Ohio-6939, ¶ 5 (9th Dist.), citing App.R. 16(A)(7).

{¶33} As previously set forth, the record shows that the trial court considered R.C. 3119.23 statutory factors when it addressed Mother’s objections to the magistrate’s decision. R.C. 3119.63(B) states that “[i]f the child support order under review contains a deviation granted under section . . . 3119.23 . . .” the CSEA “shall” “apply the deviation from the existing order to the revised amount of child support[.]” The trial court’s order that the CSEA maintain the deviation complies with R.C. 3119.63(B). Further, it does not prohibit either party from requesting modifications from the court in the future, which will then be implemented by CSEA. Mother has not established how the trial court’s order conflicts with statutory mandates.

{¶34} Mother's fifth assignment of error is overruled.

III.

{¶35} Mother's assignments of error are overruled and the judgment of the Medina County Court of Common Pleas, Domestic Relations Division, is affirmed.

Judgment affirmed.

There were reasonable grounds for this appeal.

We order that a special mandate issue out of this Court, directing the Court of Common Pleas, County of Medina, State of Ohio, to carry this judgment into execution. A certified copy of this journal entry shall constitute the mandate, pursuant to App.R. 27.

Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(C). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30.

Costs taxed to Appellant.

SCOT STEVENSON
FOR THE COURT

HENSAL, P. J.
SUTTON, J.
CONCUR.

APPEARANCES:

CHRISTINE M. CRAIG, pro se, Appellant.

WHITNEY K. MILLER, Attorney at Law, for Appellee.