

**COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS
HAMILTON COUNTY, OHIO**

[REDACTED]	:	[REDACTED]
Plaintiff,	:	Judge [REDACTED]
vs.	:	Magis [REDACTED]
[REDACTED]	:	:
Defendant.	:	<u>FATHER'S CLOSING</u>
	:	<u>ARGUMENT</u>

This matter is before the Court on various Motions filed by both parties. Specifically, Father filed a *Verified Motion for Contempt* on February 28, 2025. Father then filed a *Motion for Make-Up Time* on April 11, 2025. Father filed a *Motion to Modify Parenting Time* on June 25, 2025, and a *Motion for Contempt and Motion for Fees* on July 29, 2025. Finally, Father filed a *Motion to Dismiss – Motion for Attorney Fees – Motion for Sanctions* on August 27, 2025.

In his Motions, Father requested that this Court enforce his parenting time, find Mother in contempt for violation of the parties’ routine parenting time agreement, and order Mother to pay his attorneys fees due to her reliance on Ms. [REDACTED] in her Motion to suspend Father’s parenting time. Father also requested that this Court permanently modify the parties’ parenting time to reflect a 5-2-2-5 schedule year round to eliminate the school year and summer transitions between different schedules and ensure the parties are on the same page about the relevant routine parenting time.

As this Court already knows, these parents have been entrenched in litigation for far too long. Father sincerely hopes there is an end in sight with the resolution of this proceeding. While Father is certain that the parties’ minor daughter would be bettered by a resumption of parenting time with her Father, he also acknowledges that due to the time away from his daughter, a gradual increase in parenting time may be necessary before returning to equal parenting time. Father trusts that this Court is capable of determining the next step forward to ensure he is reunified with his daughter.

Father is likewise certain that being eliminated from his daughter’s life, which was the solution provided by the child’s counselor, Ms. [REDACTED] is **not** the answer. Father cannot overstate his concerns with Ms. [REDACTED] counseling of [REDACTED]. The Court heard testimony from Ms.

██████ that she not only knew that Mother would be pleased if Father had less parenting time, but also that she's certain ██████ knows that Mother would be pleased if Father had less parenting time. This Court also heard from Ms. ██████ that despite not having seen Father since July 25, 2025, Father is somehow the child's only anxiety trigger, despite Ms. ██████ previous testimony indicating that anxiety has multiple triggers, and that Ms. ██████ erratic conduct and inappropriate discussions with ██████ likely triggered ██████ anxiety as well.

Father is deeply concerned that Ms. ██████ is enmeshed with Mother and that her bias against Father bleeds into her counseling of ██████. This enmeshment is evidenced by Ms. ██████ investment in the outcome of this matter and constant involvement in this litigation on Mother's behalf despite not having been paid since 2023 for any expert testimony. Ms. ██████ testified that she has reported Father to Child Protective Services multiple times, despite there being no substantiation. She clarified that it is because she is a mandatory reporter. These parties have been in front of nearly every Magistrate and social worker in this Court due to their never ending conflict; those professionals are also mandatory reporters and Father has never been reported by those professionals to Child Protective Services despite their hearing the same facts. Further, Ms. ██████ the caseworker who investigated Ms. ██████ report on Father, noted that ██████ did not report the same facts to her that Ms. ██████ alleged, and instead testified that ██████ mentioned only that she heard arguing between Father and Ms. ██████ prompting her to deem the claim unsubstantiated.

Mother also chose to rely on Ms. ██████ who previously testified under oath to this Court during the hearing on Mother's unsuccessful petition for a domestic violence civil protection order on behalf of the minor child. Ms. ██████ testimony in the parties' hearings herein could not have been more different from her previously sworn testimony. Ms. ██████ admitted to sending Father threatening messages indicating that she would "go to Mother" and embroil Father in endless court cases if he did not continue to financially support her, despite the end of their romantic relationship. Frankly, Father is regretful of his relationship with Ms. ██████. When Father reconnected with Ms. ██████ a childhood family friend, there was no way he could have known the havoc that she would wreak upon his life. As soon as Father realized that Ms. ██████ was wreaking such havoc, he ended the parties' romantic relationship and notified Ms. ██████ that she needed to find somewhere else to live. Father attempted to remedy his lapse in judgment by ensuring Ms. ██████ would be removed from his daughter's life. That work was

undone when Mother thought it wise to reintroduce Ms. [REDACTED] to this conflict. Either Mother believes Ms. [REDACTED] lies, which is evidence of how willing Mother is to believe anything negative about Father, or Mother was aware that Ms. [REDACTED] was lying, or could have been lying, which is evidence of how far Mother will go to further entrench this family in litigation in an attempt to keep the minor child away from Father.

Mother testified that she has withheld the minor child since July 25, 2025, with the exception of one overnight in August during the minor child's soccer tournament. Prior to July 25, 2025, Mother testified that she took advantage of the ambiguity of the Court orders to unilaterally return to a parenting time schedule that the parties had not meaningfully followed since May 2023. Mother, despite knowing from the child's counselor and acknowledging that changes in the parenting time schedule cause the minor child stress and anxiety, chose to change the schedule late on a Friday afternoon in February. Mother was aware that counsel and parties agreed the parties would attend mediation to permanently modify the parenting time schedule in order to resolve the litigation pending for hearing in January 2025. Despite agreeing to do so, Mother made a monumental change without any discussion with Father or attending a single mediation session. Mother makes decisions outside of the Court's purview that force Father's hand to file Motions to be addressed by this Court, further embroiling them in ongoing conflict. Mother either has no fear of litigation or no desire to keep the parties' disagreements contained to collaborative efforts which could minimize the effects of any conflict on their daughter.

Mother's defense for her withholding of the child is due to her fear for the child's safety and due to the child's anxiety. However, Mother could not even come up with any real safety concerns when asked directly by this Court. Instead, Mother stated that the child might be "exposed to adult conversations." The Court heard hours of testimony about the child allegedly suffering anxiety as it relates to Father and that it somehow justifies Mother's failure to facilitate court-ordered parenting time and the withholding of the minor child. The First District Court of Appeals has stated that a child's anxiety and stress associated with visiting another parent, absent evidence of mistreatment or abuse, is insufficient to justify noncompliance with routine parenting time. *Edelstein v. Edelstein*, [REDACTED] at ¶ 88 (1st Dist.). The First District in *Edelstein* relies upon *Brennan v. Brennan*. (*Brennan v. Brennan*, [REDACTED] at ¶ 41-43 (5th Dist.).

In *Brennan*, the trial court found Mother to be in contempt for failing to facilitate parenting time between Father and the parties' daughter; Mother attempted to defend herself from the contempt motion by stating that the daughter's anxiety worsened when with Father and that Father was the sole cause of daughter's anxiety due to a pre-decree incident of domestic violence between Father and Mother witnessed by the child. *Brennan v. Brennan*, [REDACTED] 1865 (5th Dist.). Perhaps most relevant to the matter at hand, in *Brennan*, the child's counselor testified on Mother's behalf that Father was the trigger for the child's anxiety, that significant progress had not been made in treating the child's anxiety and therefore the counselor could not give a time-frame for when parenting time with Father could resume. *Id.* The trial court was not persuaded by Mother's attempted good faith defense to the contempt motion, considering the lack of progress in the child's treatment despite the child not having seen Father in six (6) months due to Mother's contempt; the First District specifically took issue with the fact that there was no evidence of Father abusing the child during his parenting time to justify Mother's failure to facilitate parenting time for months on end. *Id.* at ¶¶ 39-40. Here, as in *Brennan*, Mother attempts to justify her misconduct on the child's anxiety, which absent any evidence of child abuse, cannot keep this Court from finding Mother to be in contempt of the Court orders as it relates to parenting time.

Additionally, unsubstantiated claims or reports of child abuse or maltreatment do not create a defense for contempt. *Thompson v. Thompson*, [REDACTED] (Ct. App.). The Twelfth District affirmed a trial court decision finding a Father to be in contempt when he withheld the parties' minor children from Mother for four (4) weeks following a medical visit where a social worker reported "suspected physical abuse." *Id.* at ¶¶ 59-61. That claim was investigated and found to be unsubstantiated by Child Protective Services, of which Father was made aware, and Father still continued to withhold the children. *Id.* The Court noted that there was no evidence in the record that the children had been abused or mistreated while in Mother's care, further necessitating a finding of contempt of the parties' parenting time order. *Id.* Like the Father in *Thompson*, once Mother was made aware Ms. [REDACTED] report to CPS was deemed unsubstantiated, she should have resumed facilitation of Father's parenting time.

In addition to the testimony regarding Mother's contemptuous behavior, the Court heard testimony about the child's success and happiness when the child was sharing her time equally with both parents. It is undoubtedly in the minor child's best interest to return to equal parenting

time with both of her parents whom she loves. However, instead of returning to a schedule that changes from summer to school year, the child should be provided consistency with a 5-2-2-5 parenting time schedule wherein Father is the Monday-Tuesday parent. Considering Father's work schedule, he is capable of facilitating this schedule year round and that schedule is in the minor child's best interest. Such a modification would also clarify the record and ensure that both parties are on the same page about the parenting time schedule.

Considering the foregoing, it is imperative Mother be found in contempt of this Court's orders, that Father be granted makeup parenting time to account for the months he has gone without seeing his daughter, that this Court grant attorney fees and sanctions for Mother's misconduct, that the parenting time schedule be modified to a 5-2-2-5, that Father's parenting time be enforced immediately, and that this ongoing conflict be finally resolved to ensure the parties' daughter can finally live a life where her parents are not constantly entrenched in conflict.

[REDACTED]

Cincinnati, Ohio 45236

[REDACTED]

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served by Electronic Mail

[REDACTED]

[REDACTED]

September 2025 been
Mother, at

23)

[REDACTED]