# CAPTION: HO V. CO

**08-25-23**

APPEAL NO.: C-220319

TRIAL NO.: DR-2001507

KEY WORDS: GUARDIAN AD LITEM – EX PARTE – ABUSE OF DISCRETION – DUE PROCESS – DOMESTIC RELATIONS – PROPERTY DIVISION – ATTORNEY FEES

SUMMARY:

The trial court did not engage in improper ex parte communications with the guardian ad litem or with counsel where the record reflects that the only identified communications were for administrative purposes.

Mother’s claims that the guardian ad litem made false statements are without merit where the record does not substantiate her concerns.

The trial court did not err in its order of guardian ad litem fees where the court complied with the law and local rules. [*But see* DISSENT:  The trial court should have disapproved the portion of the guardian ad litem fees that were block-billed and should have considered mother’s ability to pay under Sup.R. 48.02(H) and overall fairness under Hamilton County Court of Domestic Relations Loc.R. 10.5 and Jud.Cond.R. 2.13(C) before awarding additional fees.]

The trial court did not abuse its discretion in dividing the parties’ property where mother did not identify any assets that were omitted from the court order and our review of the record also did not indicate any deficiencies.

The trial court did not err in striking certain matters from the record without holding a hearing on them where the applicable statutes did not require hearings and mother cannot establish that she requested hearings or that she was prejudiced by the absence of hearings.

The trial court did not abuse its discretion in enforcing the payment of guardian ad litem fees where it never held the parties in contempt of court for failing to pay the fees and indicated that it would only order sanctions allowed by law.

JUDGMENT: AFFIRMED

JUDGES: OPINION by BERGERON, P.J.; WINKLER J., CONCURS and KINSLEY, J., CONCURS IN PART AND DU+ISSENTS IN PART.