IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

BRIAN HOWARD,	:	APPEAL NO. C-250373 TRIAL NO. DR-1900782
Plaintiff-Appellee,	:	
vs.	:	
ECHO HOWARD,	:	*JUDGMENT ENTRY*
Defendant-Appellant.	:	

KINSLEY, Presiding Judge.

This court sua sponte removes this cause from the regular calendar and places it on the court's accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

Defendant-appellant Echo Howard ("Mother") appeals the judgment of the Hamilton County Court of Common Pleas, Domestic Relations Division, modifying the terms of her shared parenting plan with Brian Howard ("Father"). We affirm the trial court's judgment.

Mother and Father share three children: B.H.1, B.H.2, and B.H.3. They divorced in 2021, and the trial court entered both a shared parenting decree and a shared parenting plan for all three children. The original shared parenting plan designated Mother as the "residential parent for school purposes," granted Father parenting time, and ordered Father to pay child support. Sometime later, Father relocated to another city in Ohio.

In 2023, on Father's motion, the trial court modified the shared parenting plan to designate Father as B.H.1's residential parent for school purposes.

On February 26, 2024, Father filed a motion for change of parental rights and responsibilities, in which he sought custody, rather than shared parenting, of B.H.2 and B.H.3. The trial court interviewed the children in camera on July 31, 2024. It then entered temporary orders modifying B.H.2's and B.H.3's time with each parent. Pursuant to these orders, B.H.2 spent the 2024-2025 school year with Mother, and B.H. 3 spent the 2024-2025 school year with Father, subject to parenting time for the opposite parent. The trial court also appointed a guardian ad litem ("GAL") for the children.

On March 25, 2025, less than nine months after the trial court initially interviewed the children in camera, Mother moved the trial court to again interview them in camera. The trial court denied the motion.

On May 14, 2025, the trial court conducted a trial on Father's motion for change of parental rights and responsibilities. Nine witnesses testified, including Mother, Father, and the GAL. The testimony revealed that, after living with Mother for the 2024-2025 school year, B.H.2 was profoundly underweight and underperforming in school. B.H.3, on the other hand, was doing well in Father's care. The GAL recommended that all three children be placed together in Father's care. The GAL observed that both parents loved their children very much but struggled to communicate with each other.

On June 13, 2025, the trial court entered a judgment denying Father's motion to terminate shared parenting and award custody of B.H.2 and B.H.3 to him. Instead, it modified the terms of the parents' shared parenting plan. As to B.H.1, the modified plan permitted him to select his residential parent, as he was nearing the age of

majority. The plan designated Father as the residential parent for B.H.2 and B.H.3 during the school year, with Mother retaining parenting time. Mother appeals the trial court's judgment.

She raises four assignments of error. In her first, she argues the trial court erred when it denied her motion to reinterview the children in camera. Further, she contends that new in camera interviews were required by R.C. 3109.04(F)(1)(b). This is incorrect.

As we have previously held, R.C. 3109.04(B)(1) "does not impose an unlimited duty on the trial court to perform successive interviews of the same child in a single proceeding for modification of a custody degree [sic], even if requested by a party." *Hammond v. Hammond*, 2019-Ohio-1219, ¶ 22 (1st Dist.). Here, the trial court interviewed the children on July 21, 2024. It was not required to reinterview them simply because Mother made a second request. Mother's first assignment of error is overruled.

In Mother's second and third assignments of error, she argues that the trial court's findings regarding B.H.2's medical treatment and academic performance were against the manifest weight of the evidence. We review a trial court's decision to modify the terms of a shared parenting plan for an abuse of discretion. *In re J.M.*, 2022-Ohio-2400, ¶ 7 (1st Dist.). However, factual issues are reviewed under the sufficiency and weight-of-the-evidence standards. *See Boolchand v. Boolchand*, 2020-Ohio-6951 (1st Dist.).

In reaching its decision that modifying the shared parenting plan was in B.H.2's best interest, the trial court considered B.H.2's physical health. *See* R.C. 3109.04(F)(1)(e) (designating "[t]he mental and physical health of all persons involved in the situation" as a best interest factor in shared parenting modifications).

In that regard, the trial court found that there were concerns for B.H.2's weight, knee pain, and breathing problems. The trial court further found that Mother "consistently failed to follow up on these concerns and seek additional medical evaluation and/or treatment."

The evidence presented at trial supported the trial court's findings. In particular, the GAL's report and her testimony in court described B.H.2's medical records in detail. These explained both his ongoing health conditions as well as Mother's lack of follow-up. Given this evidence, we cannot say the trial court's findings regarding B.H.2's physical health were against the manifest weight of the evidence. Mother's second assignment of error is overruled.

Mother next argues that the trial court's findings regarding B.H.2's academic performance were against the manifest weight of the evidence.[1] She alleges that the trial court considered only a short period of B.H.2's academic performance, when it should have taken more information into account. In this regard, the trial court found that, "[t]here are various concerns for [B.H.2's] performance in school, especially in math."

This finding was well-supported by the evidence presented at trial. The GAL's report indicated that she had reviewed B.H.2's school records, that he had experienced difficulty in school for two years, that he suffered a sharp decline in math the preceding year that he struggled to improve, and that his state test scores were low. In light of this evidence, the trial court's finding as to B.H.2's school performance was not against the manifest weight of the evidence, and Mother's third assignment of error is overruled.

---

[1] R.C. 3109.04(F)(1)(d) requires the trial court to consider, as part of its best interest determination, the child's adjustment to "home, school, and community."

In her fourth assignment of error, Mother argues the trial court abused its discretion in placing too much weight on the GAL's report and addendum. She also argues the report and addendum were untimely and incomplete. But Mother did not argue below that the GAL's report and addendum were untimely and incomplete, so she waived this issue on appeal. Ohio courts "have long recognized, in civil as well as criminal cases, that failure to timely advise a trial court of possible error, by objection or otherwise, results in a waiver of the issue for purposes of appeal." *Goldfuss v. Davidson*, 79 Ohio St.3d 116, 121 (1997).

Moreover, a trial judge has "wide latitude in considering all of the evidence before him or her." *Davis v. Flickinger*, 77 Ohio St.3d 415, 418 (1997). We cannot say that the trial court unfairly weighed the GAL's report and its addendum. Mother's fourth assignment of error is overruled.

Thus, we overrule all Mother's assignments of error. The judgment of the trial court is affirmed.

The court further orders that (1) a copy of this Judgment constitutes the mandate, (2) the mandate be sent to the trial court for execution under App.R. 27, and (3) costs shall be taxed under App.R. 24.

ZAYAS, and **BOCK, JJ.,** concur.

To the clerk:
Enter upon the journal of the court on 2/20/2026 per order of the court.

By:
Administrative Judge