

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

IN RE: D.W. and A.W. : APPEAL NO. C-170670
 : TRIAL NO. F13-1359X
 . : *JUDGMENT ENTRY.*

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Mother appeals a decision of the Hamilton County Juvenile Court granting father's motion to modify custody of the parties' two children and awarding custody to father. We find no merit in mother's assignment of error, and we affirm the trial court's judgment.

In her sole assignment of error, mother contends that the trial court abused its discretion in denying mother's objections to the magistrate's decision and in granting legal custody to father. She argues that the trial court erred in ruling father met his burden to show a change in circumstances under R.C. 3109.04(E)(1) and that the magistrate failed to consider all of the factors set forth in R.C. 3109.04(F). This assignment of error is not well taken.

A modification of the designation of residential parent and legal custodian of a child requires a determination that a change in circumstances has occurred and a finding that the modification is in the best interest of the child. *Fisher v.*

Hansenjager, 116 Ohio St.3d 53, 2007-Ohio-5589, 676 N.E.2d 546, syllabus. The change of circumstances “must be a change of substance, not a slight or inconsequential change.” *Davis v. Flickinger*, 77 Ohio St.3d 415, 418, 674 N.E.2d 1159 (1997).

Mother asserts that the trial court improperly based its decision on a moral judgment about her lifestyle, rather than any direct adverse impact to the physical, mental, emotional, and social development of the child. *See Rowe v. Franklin*, 105 Ohio App.3d 176, 179, 663 N.E.2d 955 (1st Dist.1995). The record does not support mother’s argument. The trial court based its decision on the risk of harm to the children due to mother’s poor judgment in associating with a violent man and becoming engaged to him in a short period of time when she knew little about him, and her failure to take appropriate steps after a violent incident, not on judgments about her morals or lifestyle.

The record also shows that the trial court gave full and fair consideration to the best interest factors in R.C. 3109.04(F). The court stated that it had considered all the factors. Though it discussed only certain factors in context of the facts, it was not required to provide a written analysis of each of the factors. *See Brammer v. Brammer*, 3d Dist. Marion No. 9-12-57, 2013-Ohio-2843, ¶ 41-43. The trial court has discretion to determine which factors are relevant. *Wright v. Wright*, 11th Dist. Geauga No. 2017-G-0118, 2018-Ohio-1451, ¶ 11; *Brammer* at ¶ 41.

Our review of the record shows that the trial court’s decision determining that a change of circumstances had occurred and awarding custody to father was supported by competent, credible evidence. It was not so arbitrary, unreasonable or unconscionable as to connote an abuse of discretion. *See Davis*, 77 Ohio St.3d at

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418-419, 674 N.E.2d 1159; *Rowe*, 105 Ohio App.3d at 181, 663 N.E.2d 955. Consequently, we overrule mother's assignment of error and affirm the trial court's judgment.

A certified copy of this judgment entry constitutes the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

MOCK, P.J., MILLER and DETERS, JJ.

To the clerk:

Enter upon the journal of the court on July 25, 2018
per order of the court _____.
Presiding Judge