

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

IN RE: A.W. : APPEAL NO. C-180521  
TRIAL NO. F17-1903Z  
: *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.

Appellant mother appeals the decision of the Hamilton County Juvenile Court awarding custody of her child, A.W., to the child’s father. We find no merit in mother’s arguments, and we affirm the trial court’s judgment.

In her sole assignment of error, mother contends that the juvenile court abused its discretion in granting custody of the child to the child’s father. She argues that the court relied on facts contrary to the evidence, ignored factors adverse to father, and relied on unproven allegations against mother. This assignment of error is not well taken.

We review the juvenile court’s decision to grant legal custody under an abuse-of-discretion standard. *In re M., R., & H. Children*, 1st Dist. Hamilton No. C-170008, 2017-Ohio-1431, ¶ 30; *In re A.W.*, 1st Dist. Hamilton No. C-140142, 2015-Ohio-489, ¶ 10. An abuse of discretion connotes more than an error of law or judgment. It implies that the court’s decision was unreasonable, arbitrary or unconscionable. *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219, 450 N.E.2d 1140 (1983); *In re A.W.* at ¶ 10. The juvenile court’s decision is not unreasonable, and therefore, not an abuse of discretion,

**OHIO FIRST DISTRICT COURT OF APPEALS**

---

if it is supported by competent, credible evidence. *In re M., R., & H. Children* at ¶ 30; *In re A.W.* at ¶ 10.

The juvenile court must exercise its jurisdiction in child-custody matters in accordance with R.C. 3109.04(F). *In re M., R., & H. Children* at ¶ 31; *In re D.M.*, 1st Dist. Hamilton No. C-140648, 2015-Ohio-3853, ¶ 12. The weight to be given to those individual factors is within the juvenile court's discretion. *In re M., R., & H. Children* at ¶ 34. An appellate court must defer to the trial court's findings "regarding the weight to be given to any evidence because the trial court is in the best position to make that determination." *Id.*

The record shows that the juvenile court considered all the relevant factors in determining what award of custody was in the child's best interest. The court simply did not believe mother's testimony that she had broken up with the boyfriend who had allegedly abused the child. Matters as to the credibility of evidence were for the trier of fact to decide. *Davis v. Flickinger*, 77 Ohio St.3d 415, 419, 674 N.E.2d 1159 (1997); *In re Z.H.*, 1st Dist. Hamilton Nos. C-150305 and C-150301, 2015-Ohio-3209, ¶ 10. Competent, credible evidence supported the juvenile court's finding that it was in the child's best interest to award custody to the child's father. Therefore, its decision was not an abuse of discretion. We overrule mother's sole assignment of error and affirm the juvenile 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., MYERS and CROUSE, JJ.**

To the clerk:

Enter upon the journal of the court on October 11, 2019  
per order of the court \_\_\_\_\_  
Presiding Judge