

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

CANDACE ANN SCHAFFNER,	:	APPEAL NO. C-160264
Plaintiff-Appellee,	:	TRIAL NO. DR-0701880
vs.	:	<i>JUDGMENT ENTRY.</i>
GRANT SCHAFFNER,	:	
Defendant-Appellant.	:	

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.

Grant Schaffner appeals the domestic relations court's decision denying his motion for a reallocation of parental rights. We affirm the judgment of the trial court.

Grant and Candace Schaffner's marriage was ended by a decree of divorce in 2007. Under the terms of the decree, Candace was designated the residential parent and legal custodian of the couple's two children. Grant was given parenting time with the children. At the time of the divorce, Grant lived in Texas. A year later, he moved to the Cincinnati area and began exercising more parenting time with the children than was provided in the decree. According to Grant, he eventually had the children nearly half the time. When he sought to formalize the de facto arrangement into a shared-parenting agreement, Candace refused.

Grant filed a motion for a reallocation of parental rights. Following a hearing, the magistrate found that there had been a change in circumstances and ordered an

investigation under R.C. 3109.04(C) so that the court could determine whether to reallocate parental rights. Candace filed a motion to set aside the order. The trial court concluded that there had not been a change in circumstances and granted Candace's motion to set aside the order.

In his sole assignment of error, Grant claims that the court erred when it set aside the magistrate's order.

Parental rights and responsibilities that have been allocated in a prior decree may not be modified unless the court "finds, based on facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child, the child's residential parent, or either of the parents subject to a shared parenting decree, and that the modification is necessary to serve the best interest of the child." R.C. 3109.04(E)(1)(a). We review a trial court's change-in-circumstances determination for an abuse of discretion. *See Davis v. Flickinger*, 77 Ohio St.3d 415, 674 N.E.2d 1159 (1997), paragraph one of the syllabus.

Here, the trial court reviewed the record and determined that there was no change in circumstances. Grant argued that suicide attempts by Candace in 2000 and 2001, which had been unknown to the court at the time of the decree, indicated a change in circumstances. But the trial court found that even if the incidents had occurred—which Candace denied—Grant was aware of any potential psychological issues when he voluntarily signed the decree that established the parental rights. The court was likewise unpersuaded by Grant's claim that Candace had interfered with his parenting time. Rather than amounting to a change in circumstances, the court reasoned, the actions, if proven, could be subject to contempt proceedings. Finally, the court concluded that Grant's relocation to Kentucky, his remarriage and new child and Candace's remarriage and new child did not weigh heavily in favor of finding a change in circumstances.

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An abuse of discretion means that the court's attitude was unreasonable, arbitrary, or unconscionable. *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 218, 450 N.E.2d 1140 (1983). Having reviewed the record, we conclude that the court did not abuse its discretion when it determined that there was no change in circumstances to warrant an investigation into whether a reallocation of the parental rights and responsibilities was in the best interest of the child. The sole assignment of error is overruled.

Therefore, we affirm the trial court's judgment.

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

FISCHER, P.J., DEWINE and MOCK, JJ.

To the clerk:

Enter upon the journal of the court on October 19, 2016
per order of the court _____.

Presiding Judge