

Batcher v. Pierce, 2015-Ohio-2130

R.C. 3119.82 controls tax dependency exemption allocation awards in child support proceedings. If sole parenting, presumption exists that the trial court should allocate the dependency exemption to the residential parent. If shared parenting, no presumption exists. Trial court does not need to state a basis for allocating exemption, but record does need to include financial data in relation to the statute factors to support trial court's decision. No requirement under the statute that the tax dependency exemptions automatically flow to the parent with the higher income or to the parent who would experience the greatest tax savings. Reviewing courts have previously found that certain factual scenarios with disparate incomes between the parents should produce an allocation of the tax dependency exemptions to the parent with a higher income. Scenarios only exist where there is a significant gap between the income of the parents and the household of one of the parents has little to no income. Trial courts may consider the total household income of a parent, including the income of a parent's new spouse, when deciding how to allocate tax dependency exemptions.

Madcharo v. Madcharo, 2015-Ohio-2191

The Court of Appeals held that the trial court did not lose its way when it found that Wife failed to establish that the majority of the funds in her savings account were separate property. The party seeking to have a particular asset classified as separate property has the burden of proof, by a preponderance of the evidence, to trace the asset to separate property.

When a spouse asserts a disability, he or she does not have to present expert testimony that his or her medical problems prevent him or her from earning a living. The crucial focus is whether the party asserting a disability presents evidence explaining how his or her disability limits his or her self.

Badertscher v. Badertscher, 2015-Ohio-2189

The trial court retains jurisdiction to include reasonable attorney fees as part of the costs taxable to a party, whom the court has found guilty of civil contempt.

Rice v. Sobel, 2015-Ohio-2251

R.C. 3109.04(F)(1) lists relevant factors that the court shall consider in determining the best interest of a child when allocating parental rights and responsibilities or when modifying allocation of parental rights and responsibilities. R.C. 3109.04(F)(2) addresses determining whether shared parenting is in the best interest of the children, and includes the factors listed in R.C. 3109.04(F)(1), R.C. 3119.23, as well as the five factors listed in 3109.04(F)(2)(a)-(e).

memo

Coleman v. Coleman, 2015-Ohio-2500

Husband argued on appeal that the trial court erred in finding him in contempt for failing to pay Wife. Husband failed to raise his argument that the language of his separation agreement conflicts with other provisions of the agreement in his objections to the magistrate's decision finding him in contempt, so his argument is forfeited on appeal.

Collins v. Collins, 2015-Ohio-2618

The Court of Appeals held that the trial court abused its discretion by using income that Husband was no longer receiving (his 6 month employment severance package) in its calculation of spousal support.

Trial court did not lose its way in determining that Husband failed to meet his burden of proof to trace his separate property interest from a premarital home to the proceeds from the marital home. The party seeking to have property designated as separate bears the burden of proving its status by a preponderance of the evidence. This burden can be met with documents and/or testimony. Oral testimony as evidence of separate property, without documentary proof, may or may not be sufficient to carry the burden.