

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

XINYUAN TAN,	:	APPEAL NO. C-200277
Plaintiff-Appellant,	:	TRIAL NO. DR-1600973
vs.	:	<i>JUDGMENT ENTRY.</i>
JAMES HAHN,	:	
Defendant-Appellee.	:	

The court sua sponte removes this case from the regular calendar and places it on the court’s accelerated calendar, 1st Dist. Loc.R. 11.1.1(A), and this judgment entry is not an opinion of this court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Plaintiff-appellant Xinyuan Tan (“mother”) appeals the decision of the trial court modifying the shared-parenting plan between mother and defendant-appellee James Hahn (“father”). In mother’s sole assignment of error, she argues that the trial court imposed unreasonable restrictions on mother’s ability to travel internationally with her daughter.

A trial court may modify the terms of a shared-parenting plan, so long as the modification is in the best interests of the child. R.C. 3109.04(E)(2)(b). This court reviews a trial court’s decision to modify a shared-parenting plan for an abuse of

discretion. *Fritsch v. Fritsch*, 1st Dist. Hamilton No. C-140163, 2014-Ohio-5357, ¶ 24.

In this case, the trial court determined that neither mother nor father could travel internationally with the parties' minor child until she reached the age of eight. The trial court reasoned that the child needed to "advance in years and develop a greater attachment to her father, school, and friends prior to [international] travel." The trial court also reasoned that mother needed more time to demonstrate her ties to the jurisdiction, and to prove that she would not leave the jurisdiction permanently. The trial court also found that mother needed more time to learn how to respect father's role in their daughter's life, and to prove to father that she would not make unilateral decisions and would inform father of information regarding their daughter.

The record contains evidence to support the trial court's findings. In 2016, during the pendency of the divorce, mother sent a text message to father in which she threatened to move to another state or country if father limited her visitation rights. In 2017, according to father, mother unilaterally took their daughter out of daycare for a two-week period. Father also introduced evidence showing that mother did not honor their agreement regarding parenting time in December 2019. On cross-examination by father's counsel, mother admitted that she had booked an international cruise vacation for herself and the parties' child in 2020, despite the court's order prohibiting mother from doing so—although mother canceled the vacation because of COVID-19.

Based on the record evidence, we cannot conclude that the trial court abused its discretion regarding international travel with the parties' minor daughter.

Mother understandably wants her daughter to achieve a familial bond with her family in Singapore, but father's concerns regarding international travel with their young daughter are not unreasonable. Although mother has not made a kidnapping threat since 2016, the threat was made during the pendency of the parties' split, and in relation to visitation. Mother has failed to abide by the court-ordered plan at least on a couple of occasions. Finally, given the child's young age, mother could more easily abscond with her daughter without the daughter's knowledge.

Mother also takes issue with three of the conditions that the trial court placed upon the parties regarding international travel with their daughter: (1) that the passport remain in father's possession until 24 hours prior to travel, (2) that the nontraveling parent sign an international-travel-consent form within seven days of receiving notice that the child will be traveling, and (3) that the nontraveling parent sign a medical consent form.

With regard to possession of the daughter's passport, mother argues that a third party should be in possession of the passport. Mother cites to several cases where the trial court ordered a third party to hold the child's passport, such as the clerk of courts, an attorney, or a guardian ad litem. *See Beatley v. Beatley*, 5th Dist. Delaware No. 02CAFO4020, 2003-Ohio-2990; *Grover v. Dourson*, 12th Dist. Preble No. CA2018-07-007, 2019-Ohio-2495; *Muscarella v. Muscarella*, 11th Dist. Trumbull Nos. 2010-T-0091 and 2010-T-0098, 2011-Ohio-1159; *Owais v. Costandinidis*, 2d Dist. Greene No. 2007 CA 89, 2008-Ohio-1615. Although these cases show that the trial court did not abuse its discretion in determining that a child's best interests would be served by a third party holding possession of a child's passport in a parenting dispute, nothing in these cases can be read for the

proposition that a third party must always possess a child's passport. Moreover, in this case, father has held the child's passport since 2018, so the trial court's order here is a mere continuation of a prior order.

Mother's concern that father will withhold any necessary international-travel documents is unfounded. Mother has not introduced any evidence to suggest that father has failed to follow court orders, or that father may not follow court orders in the future. As a result, we conclude that the trial court did not abuse its discretion in placing certain restrictions on international travel with the parties' daughter.

We overrule mother's assignment of error, and we affirm the judgment of the trial court.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

ZAYAS, P.J., CROUSE and WINKLER, JJ.

To the clerk:

Enter upon the journal of the court on June 16, 2021,
per order of the court _____.

Administrative Judge