

[Cite as *In re K.K.*, 2019-Ohio-797.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 107651

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**IN RE: K.K., ET AL.**  
**Minor Children**

[Appeal by Mother]

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**JUDGMENT:**  
**AFFIRMED**

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Civil Appeal from the  
Cuyahoga County Court of Common Pleas  
Juvenile Division  
Case Nos. AD 16916793 and AD 16916794

**BEFORE:** Laster Mays, J., E.T. Gallagher, P.J., and S. Gallagher, J.

**RELEASED AND JOURNALIZED:** March 7, 2019

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ANITA LASTER MAYS, J.:

{¶1} Appellant Mother of two minor children appeals the juvenile court’s decision that it is in the best interest of her children, K.K. and A.K., to be placed in the permanent custody of the Cuyahoga County Department of Children and Family Services (“CCDCFS”). She asks this court to reverse the juvenile court’s decision and remand for further proceedings. As required by App.R. 11.1(D), this court has expedited the hearing and disposition of this appeal. We affirm.

{¶2} On November 16, 2016, K.K. and A.K. were committed to the emergency custody of CCDCFS. CCDCFS filed for emergency pre-dispositional temporary custody because they alleged that the children were being neglected. It was alleged that the children were living in deplorable conditions and that their parents were abusing illegal substances. CCDCFS was granted temporary custody over the children on February 7, 2017. On June 1, 2017, CCDCFS filed a motion to modify temporary custody to permanent custody. In November 2017, the Mother did not have adequate housing and had not completed substance abuse treatment. The matter was set for trial. The trial court held a hearing on July 18, 2018. Permanent custody of the children was granted to CCDCFS on August 7, 2018.

**I. Facts**

{¶3} In their November 16, 2016 complaint, CCDCFS filed for temporary custody of the

children because on November 15th, a caseworker visited the home and observed unsafe conditions. The home was observed to have holes in the floor, exposed electrical wiring, and inappropriate sleeping conditions for the children. Additionally, it was a one-bedroom home. The presumed father<sup>1</sup> of the children had a substance abuse problem with marijuana and opiates, and the caseworker observed that the children had access to the marijuana in the home. The Mother had substance abuse issues and mental health concerns. K.K. was previously adjudicated and placed in protective supervision of CCDCFS for lack of appropriate housing and the parents' substance abuse issues.

{¶4} At the permanency hearing on July 18, 2018, CCDCFS caseworker Shalonda Allen (“Allen”) testified that the permanency plan goal for the children was to reunify them with their parents. Allen stated that the parents were to make progress in securing adequate housing and completing substance abuse treatment. (Tr. 12.) At the time of this hearing, Allen testified that the parents had not made adequate progress. (Tr. 13.) Allen also testified that “Mother was asked to participate in a drug and alcohol assessment as well as a mental health assessment, and to follow through with any treatments that were recommended. She was also asked to participate in parenting classes and to stable housing.” *Id.*

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<sup>1</sup> Paternity has not been established, therefore father is referred to as the presumed father of K.K. and A.K.

{¶5} Allen testified that Mother completed parenting classes. Mother also completed a drug and alcohol assessment and a mental health assessment, but did not follow through with the recommendations. (Tr. 14.) Mother also did not obtain adequate housing, because she and the Father were living in an efficiency apartment at the time of the hearing. *Id.* In the year and a half since the children were removed from her custody, Mother had not participated in treatment for her substance abuse. (Tr. 15.) The parents were not employed at the time of the permanency hearing. (Tr. 20.) In addition, the presumed father had not established paternity of the children. (Tr. 11.)

{¶6} Allen testified that the presumed father's (hereinafter referred to as "Father") case plan included parenting, drug and alcohol treatment, and to the provision of stable housing for the children. (Tr. 21.) As of the date of the hearing, stable housing had not been provided, because Father was living with Mother in the efficiency. Father had completed his parenting class and was on schedule to complete treatment soon. (Tr. 22.) Father had been discharged from treatment for noncompliance twice for failing drug tests and nonparticipation. (Tr. 23.) Father had tested positive for marijuana and cocaine. (Tr. 24.) Allen also testified that Father would have to establish at least six months of sobriety in order for CCDCFS to feel comfortable stating that Father is sober. (Tr. 25.)

{¶7} After Allen's testimony, William Beck ("Beck"), the guardian ad litem ("GAL") testified that he agreed "that an extension of temporary custody would be appropriate" because "mom and dad haven't done everything they're supposed to do." (Tr. 43.) Beck also testified that Father "is making the effort to try and get his kids back, but he hasn't made enough effort at this point." *Id.* With Beck's recommendation for an extension of temporary custody and he asked the court to hold the adjudication in abeyance to give the Father an opportunity to make

more progress. (Tr. 44.)

{¶8} When asked about Mother and her progress, Beck testified, “Mom hasn’t done anything in this regard or as far as her case plan is concerned.” (Tr. 45.) Beck also testified that he was told by Father that he and Mother weren’t living together, and was troubled to find out where they were. *Id.* When asked about his previous testimony regarding Mother not doing anything, Beck corrected it and stated, “[s]he started her parenting classes and she’s had her assessments done.” (Tr. 46.)

{¶9} At the conclusion of the hearing, the trial court ordered that the motion to modify temporary custody to permanent custody be granted. In the journal entries for both K.K. and A.K., the trial court stated, “[t]he Court finds that the child’s continued residence in or return to the home of C.H., Mother, will be contrary to the child’s best interest.” Journal Entry Nos. 0911461963 and 0911463286 (Aug. 7, 2018).

{¶10} After the ruling, Mother filed this appeal,<sup>2</sup> assigning two errors for our review:

- I. The trial court committed prejudicial error by considering the GAL’s written report in reaching its decision to grant permanent custody of the children to CCDCFS. Therefore, the trial court’s decision to grant permanent custody of the children to CCDCFS should be reversed; and
- II. The trial court’s decision to grant permanent custody of the children to CCDCFS is against the manifest weight of the evidence. The trial court abused its discretion in denying parents’ motions to extend temporary custody. Therefore, the trial court’s decision should be reversed.

## **II. Guardian Ad Litem Report**

### **A. Standard of Review**

{¶11} Now,

“[a]n appellate court will not reverse a juvenile court’s termination of parental

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<sup>2</sup> Father did not file an appeal regarding the trial court’s decision.

rights and award of permanent custody to an agency if the judgment is supported by clear and convincing evidence.” *In re N.B.*, 8th Dist. Cuyahoga No. 101390, 2015-Ohio-314, ¶ 48; *In re M.J.*, 8th Dist. Cuyahoga No. 100071, 2013-Ohio-5440, ¶ 24. “Clear and convincing evidence is that measure or degree of proof which will produce in the mind of the trier of facts a firm belief or conviction as to the allegations sought to be established.” *Cross v. Ledford*, 161 Ohio St. 469, 477, 120 N.E.2d 118 (1954). A reviewing court is required to examine the record to determine whether the trier of fact had sufficient evidence to satisfy the clear and convincing standard. *In re T.S.*, 8th Dist. Cuyahoga No. 92816, 2009-Ohio-5496, ¶ 24.

*In re M.L.*, 2018-Ohio-750, 106 N.E.3d 926 , ¶ 17 (8th Dist.).

{¶12} Also,

“‘[t]he discretion that the juvenile court enjoys in deciding whether an order of permanent custody is in the best interest of a child should be accorded the utmost respect, given the nature of the proceeding and the impact the court’s decision will have on the lives of the parties concerned.’” *In re L.O.*, 8th Dist. Cuyahoga No. 101805, 2015-Ohio-1458, ¶ 22, quoting *In re Awkal*, 95 Ohio App.3d at 316, 642 N.E.2d 424. We, therefore, review a trial court’s determination of a child’s best interest under R.C. 2151.414(D) for abuse of discretion. *In re L.O.* at ¶ 22. An abuse of discretion 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 V.C.*, 8th Dist. Cuyahoga Nos. 102903, 103061, and 103367, 2015-Ohio-4991, ¶ 52.

## **B. Law and Argument**

{¶13} The appellant incorrectly argues that the trial court committed prejudicial error by considering the GAL’s written report in reaching its decision to grant permanent custody of A.K. and K.K. to CCDCFS.

The role of a guardian ad litem in a permanent custody proceeding is to protect the child’s interest, to ensure that the child’s interests are represented throughout the proceedings and to assist the trial court in its determination of what is in the child’s best interest. *See, e.g., In re C.B.*, 129 Ohio St.3d 231, 2011-Ohio-2899, 951 N.E.2d 398, ¶ 14, citing R.C. 2151.281(B) and Sup.R. 48(B)(1). This is accomplished by the guardian ad litem conducting an investigation of the child’s situation and then making recommendations to the court as to what the guardian ad litem believes would be in the child’s best interest. *In re J.C.*, 4th Dist. Adams No. 07CA833, 2007-Ohio-3781, ¶ 13.

*In re M.S.*, 2015-Ohio-1847, 34 N.E.3d 420, ¶ 33 (8th Dist.).

{¶14} In its journal entries, the trial court stated,

[t]he Court received an oral report from the Guardian ad Litem recommending that an order to extend temporary custody to the Cuyahoga County Division of Children and Family Services would be in the child's best interest. However, the written report recommended that an order of permanent custody to the Cuyahoga County Division of Children and Family Services would be in the child's best interest.

Journal Entry Nos. 0911461963 and 0911463286 (Aug. 7, 2018).

{¶15} The appellant argues that the trial court erred in considering the GAL's report as substantive evidence. However,

[u]nder normal circumstances, a GAL's report is not considered evidence, and is submitted as additional information, such as a presentence investigation report in a criminal proceeding. Therefore, Ohio courts have held that a juvenile court may consider the GAL's report despite hearsay within it, so long as the trial court provides due process protection for the parent by making the GAL available for cross-examination. *In re Sherman*, 3rd Dist. Hancock Nos. 05-04-47, 05-04-48, and 05-04-49, 2005-Ohio-5888.

Here, the GAL was an active participant at the hearing, testifying on direct and cross-examination. Moreover, in this proceeding the juvenile court was the trier of fact and is therefore presumed to be able to disregard any inadmissible hearsay contained in the report. *In re Sypher*, 7th Dist. Belmont No. 01-BA-36, 2002-Ohio-1026.

*In re S.W.*, 12th Dist. Brown No. CA2011-12-028, 2012-Ohio-3199, ¶ 14-15.

{¶16} We find that the trial court was allowed to consider the written and oral reports of the GAL because the GAL was an active participant in the hearing. Beck testified on direct examination and was available for cross-examination by the parents. The record reveals and we find that the GAL's written report was not the sole evidence used in making the permanency decision. In its journal entries, the trial court stated,



[u]pon due consideration of the evidence and testimony presented, as well as the Guardian ad Litem report, the Court finds by clear and convincing evidence that the child cannot be placed with her mother or alleged father within a reasonable time or should not be placed with either the mother or alleged father \* \* \*.

Journal Entry Nos. 0911461963 and 0911463286 (Aug. 7, 2018).

{¶17} CCDCFS filed for permanent custody of A.K. and K.K. under R.C. 2151.413,

When an agency files a permanent custody motion under R.C. 2151.413 after obtaining temporary custody, the guidelines and procedure set forth under R.C. 2151.414 apply. Division (B) of R.C. 2151.414 sets forth a two-prong analysis to be applied by a juvenile court. Pursuant to this division, before a trial court can terminate parental rights and grant permanent custody to a county agency, the court must find by clear and convincing evidence (1) the existence of any one of the conditions set forth in R.C. 2151.414(B)(1)(a) through (e), and (2) that granting permanent custody to the agency is in the best interest of the child.

Clear and convincing evidence is defined as

that measure or degree of proof which is more than a mere “preponderance of the evidence” but not to the extent of such certainty required “beyond a reasonable doubt” in criminal cases, and which will produce in the mind of the trier of facts a firm belief or conviction as to the facts sought to be established.

*In re Awkal*, 95 Ohio App.3d 309, 315, 642 N.E.2d 424 (8th Dist.1994), fn. 2, citing *Lansdowne v. Beacon Journal Publishing Co.*, 32 Ohio St.3d 176, 180-181, 512 N.E.2d 979 (1987).

Where clear and convincing proof is required at trial, a reviewing court will examine the record to determine whether the trier of fact had sufficient evidence before it to satisfy the requisite degree of proof. *In re T.S.*, 8th Dist. Cuyahoga No. 92816, 2009-Ohio-5496, ¶ 24, citing *State v. Schiebel*, 55 Ohio St.3d 71, 74, 564 N.E.2d 54 (1990). Judgments supported by competent, credible evidence going to all the essential elements of the case will not be reversed as being against the manifest weight of the evidence. *Id.*

*In re J.F.*, 2018-Ohio-96, 102 N.E.3d 1264, ¶ 45-47 (8th Dist.).

{¶18} The record reveals that the first prong of the two-part test was satisfied where the trial court found by clear and convincing evidence that in accordance with R.C. 2151.414(B)(1)(d): “The child has been in the temporary custody of the Cuyahoga County

Division of Children and Family Services which is for twelve (12) or more months of consecutive twenty-two (22) month period. The child has been in the temporary custody since March 2, 2017.” Journal Entry Nos. 0911461963 and 0911463286 (Aug. 7, 2018).

{¶19} Additionally, as the reviewing court we must determine whether the trial court had sufficient evidence to conclude that there was clear and convincing evidence that committing A.K. and K.K. to the permanent custody of CCDCFS was in their best interest. In its journal entries, the trial court states,

[t]he Court further finds that reasonable efforts were made to prevent the removal of the child from her home, or to return the child to the home, and to finalize the permanency plan, to wit: reunification. Relevant services provided to the family and the reasons those services were not successful for mother are substance abuse, mental health, parenting, and stable housing. Mother has participated in three (3) separate drug/alcohol assessments but has failed to complete treatment and mental health counseling. Services provided for alleged father are substance abuse, parenting, and housing. Father has not entirely completed drug treatment and paternity has not been established. Further, mother and alleged father are living in a one (1) bedroom efficiency.

Journal Entry Nos. 0911461963 and 0911463286 (Aug. 7, 2018).

{¶20} After a review of the evidence, we conclude that there is clear and convincing evidence to determine that the trial court did not abuse its discretion in placing A.K. and K.K. in the permanent custody of CCDCFS, and that the decision was in the best interest of the children.

{¶21} Mother’s first assignment of error is overruled.

### **III. Manifest Weight of the Evidence**

{¶22} In Mother’s second assignment of error, she argues that the trial court’s decision to grant permanent custody of the children to CCDCFS is against the manifest weight of the evidence, and that the trial court abused its discretion in denying the

parents' motions to extend temporary custody. "To constitute an abuse of discretion, the ruling must be unreasonable, arbitrary, or unconscionable."

*Blakemore v. Blakemore*, 5 Ohio St.3d 217, 450 N.E.2d 1140 (1983).

{¶23} As we stated above, the juvenile court did use the best interest of the child standard and its decision was, therefore, not an abuse of its discretion.

When evaluating whether a judgment is against the manifest weight of the evidence in a civil action, the court uses virtually the same standard of review as in the criminal context. *In re Washington*, 143 Ohio App.3d 576, 758 N.E.2d 724 (2001). [In] *In re M.M.*, 8th Dist. Cuyahoga No. 79947, 2002-Ohio-472, 2002 Ohio App. LEXIS 463, (Feb. 7, 2002), this court explained that standard as applied to a custody case: "In civil cases, we review a manifest weight challenge to determine whether some competent, credible evidence supports the judgment. The criminal standard, while stated in more detail and arguably requiring a more searching review, also focuses on the credibility of evidence, allowing a judge or reviewing court to consider not only the sufficiency of evidence, but the quality of evidence introduced. While a juvenile custody proceeding is not a criminal matter, it is consistently recognized as implicating important rights deserving of more scrutiny than the ordinary civil proceeding. Therefore, to the extent the civil manifest weight review is less demanding than that in criminal matters, in juvenile proceedings such review should more closely approximate the criminal standard. *C.E. Morris Co. v. Foley Constr. Co.*, 54 Ohio St.2d 279, 376 N.E.2d 578, syllabus; *State v. Thompkins*, 78 Ohio St.3d 380, 386-387, 678 N.E.2d 541 (1997); *State v. Martin*, 20 Ohio App.3d 172, 175, 485 N.E.2d 717 (1983)." (Footnote omitted.) *In re M.H.*, 8th Dist. Cuyahoga No. 80620, 2002-Ohio-2968, ¶ 17.

*In re M.B.*, 8th Dist. Cuyahoga No. 105168, 2017-Ohio-7481, ¶ 15.

{¶24} The weight of the evidence to support the permanency placement of the children with CCDCFS is clear and convincing. The children have been in the temporary custody of CCDCFS since March 2, 2017. Mother and Father have failed to remedy the issues that initially caused their children to be placed in temporary custody. Mother has failed to complete drug and alcohol treatment despite participating in three different treatment assessments. Mother has not provided an adequate and suitable home for the children. Father has not established at least

six months of sobriety. Father has not provided an adequate and suitable home for the children.

Father has also not established paternity for the two children because Mother has failed to provide a comparison sample after numerous requests to do so. Therefore, the trial court's decision to grant permanent custody to CCDCCFS was not against the manifest weight of the evidence.

{¶25} In addition, the trial court did not abuse its discretion in denying parents' motions to extend temporary custody. Mother argues that the children could be placed with one or both parents within a reasonable time. R.C. 2151.414 has a list of factors that the trial court must consider during a request for permanent custody hearing. In part it states,

[i]n determining at a hearing held pursuant to division (A) of this section or for the purposes of division (A)(4) of section 2151.353 of the Revised Code whether a child cannot be placed with either parent within a reasonable period of time or should not be placed with the parents, the court shall consider all relevant evidence. If the court determines, by clear and convincing evidence, at a hearing held pursuant to division (A) of this section or for the purposes of division (A)(4) of section 2151.353 of the Revised Code that one or more of the following exist as to each of the child's parents, the court shall enter a finding that the child cannot be placed with either parent within a reasonable time or should not be placed with either parent \* \* \*.

(1) \* \* \* the parent has failed continuously and repeatedly to substantially remedy the conditions causing the child to be placed outside the child's home \* \* \*;

(2) \* \* \* chemical dependency of the parent that is so severe that it makes the parent unable to provide an adequate permanent home for the child at the present time and, as anticipated, within one year after the court holds the hearing pursuant to division (A) of this section or for the purposes of division (A)(4) of section 2151.353 of the Revised Code;

(4) the parent has demonstrated a lack of commitment toward the child \* \* \* by other actions showing an unwillingness to provide an adequate permanent home for the child;

R.C. 2151.414(E)(1), (2) and (4).

{¶26} A review of the record reveals that the children have been in CCDCFS's custody for an 18-month period at the time of the hearing. We find that the record supports that mother has not demonstrated that she is capable of providing a suitable home for the children. In over a year, mother has not completed any drug or alcohol treatment plans. The children cannot be placed with Father because paternity has not been established. Additionally, Father resides in the same unsuitable efficiency apartment home with Mother, and Father has not establish at least six months of sobriety.

{¶27} The state questions whether Mother has standing to assert a claim on behalf of the Father because Mother argues that the children could be placed with Father while she completes treatment.

“Standing is a preliminary inquiry that must be made before a court may consider the merits of a legal claim.” *State ex rel. Merrill v. Ohio Dept. of Nat. Resources*, 130 Ohio St.3d 30, 2011-Ohio-4612, 955 N.E.2d 935, ¶ 27, quoting *Kincaid v. Erie Ins. Co.*, 128 Ohio St.3d 322, 2010-Ohio-6036, 944 N.E.2d 207, ¶ 9, citing *Ohio Pyro, Inc. v. Dept. of Commerce*, 115 Ohio St.3d 375, 2007-Ohio-5024, 875 N.E.2d 550, ¶ 27, and *Cuyahoga Cty. Bd. of Commrs. v. State*, 112 Ohio St.3d 59, 2006-Ohio-6499, 858 N.E.2d 330, ¶22. Standing generally “relates to a party’s right to make a legal claim or seek judicial enforcement of a legal duty or right.” *Albanese v. Batman*, 148 Ohio St.3d 85, 2016-Ohio-5814, 68 N.E.3d 800, ¶ 24, citing *Ohio Pyro* at ¶ 27, citing *Black’s Law Dictionary* 1442 (8th Ed.2004). A party has standing when the “party has a sufficient stake in an otherwise justiciable controversy to obtain judicial resolution of that controversy.” *State ex rel. Ford v. Ruehlman*, 149 Ohio St.3d 34, 2016-Ohio-3529, 73 N.E.3d 396, ¶ 56, quoting *Davet v. Sheehan*, 8th Dist. Cuyahoga No. 101452, 2014-Ohio-5694, 2014 WL 7339212, ¶ 22. “[A] party lacks standing to invoke the jurisdiction of the court unless he has, in an individual or representative capacity, some real interest in the subject matter of the action.” *Wells Fargo Bank, N.A. v. Horn*, 142 Ohio St.3d 416, 2015-Ohio-1484, 31 N.E.3d 637, 2015 WL 1841307, ¶ 8, quoting *Bank of Am., N.A. v. Kuchta*, 141 Ohio St.3d 75, 2014-Ohio-4275, 21 N.E.3d 1040, ¶ 22, quoting *State ex rel. Dallman v. Franklin Cty. Court of Common Pleas*, 35 Ohio St.2d 176, 179, 298 N.E.2d 515 (1973).

To have appellate standing, a party must be “aggrieved by the final order appealed from.” *State ex rel. Merrill* at ¶ 28, quoting *Ohio Contract Carriers*

*Assn., Inc. v. Pub. Util. Comm.*, 140 Ohio St. 160, 42 N.E.2d 758 (1942), syllabus; *see also In re Guardianship of Santrucek*, 120 Ohio St.3d 67, 2008-Ohio-4915, 896 N.E.2d 683, ¶ 5; *Willoughby Hills v. C.C. Bar's Sahara, Inc.*, 64 Ohio St.3d 24, 26, 591 N.E.2d 1203 (1992) (explaining that “the right to appeal can be exercised only by those parties who are able to demonstrate a present interest in the subject matter of the litigation which has been prejudiced by the judgment of the lower court”). “‘Aggrieved means deprived of legal rights or claims.’” *Snodgrass v. Testa*, 145 Ohio St.3d 418, 2015-Ohio-5364, 50 N.E.3d 475, ¶ 27, quoting *Cononi v. Mikhail*, 2nd Dist. Montgomery No. 8161, 1984 Ohio App. LEXIS 8889, 1984 WL 5419, \*6 (Jan. 10, 1984), citing *In re Annexation in Mad River Twp., Montgomery Cty.*, 25 Ohio Misc. 175, 176, 266 N.E.2d 864 (C.P.1970); *see also Black's Law Dictionary* 80 (10th Ed.2014) (defining “aggrieved” as “having legal rights that are adversely affected”). Thus, “‘[a]ppeals are not allowed for the purpose of settling abstract questions, but only to correct errors injuriously affecting the appellant.’” *State ex rel. Winfree v. McDonald*, 147 Ohio St.3d 428, 2016-Ohio-8098, 66 N.E.3d 739, ¶ 8; *State ex rel. Gabriel v. Youngstown*, 75 Ohio St.3d 618, 619, 665 N.E.2d 209 (1996), quoting *Ohio Contract Carriers Assn., Inc. v. Pub. Util. Comm.*, 140 Ohio St. 160, 42 N.E.2d 758 (1942), syllabus.

Accordingly, a party ordinarily cannot appeal an alleged violation of another party's rights. However, “[a]n appealing party may complain of an error committed against a nonappealing party when the error is prejudicial to the rights of the appellant.” *In re Smith*, 77 Ohio App.3d 1, 13, 601 N.E.2d 45 (6th Dist.1991); *accord In re Hiatt*, 86 Ohio App.3d 716, 721, 621 N.E.2d 1222 (4th Dist.1993). In other words, an appellant may complain of an error committed against a nonappealing party when the error injuriously affects the appellant. *Winfree* at ¶ 8.

*In re C.M.*, 4th Dist. Athens Nos. 17CA16 and 17CA17, 2017-Ohio-9037, ¶ 48- 50.

{¶28} Mother has standing to argue that the presumed father be given custody of the children because she is affected by the order. However, Mother has not demonstrated that the trial court erred. Neither Mother nor the presumed father has made significant progress in securing suitable housing for the children. They continue dealing with sobriety issues, and the presumed father has yet to establish paternity. Therefore, we find that Mother's argument on behalf of Father still fails and the trial court did not abuse its discretion in denying the parents' motions to extend temporary custody.

{¶29} Judgment is affirmed.

It is ordered that the appellee recover from appellant costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the Court of Common Pleas, Juvenile Division, to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

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ANITA LASTER MAYS, JUDGE

EILEEN T. GALLAGHER, P.J., and  
SEAN C. GALLAGHER, J., CONCUR