

**IN THE COURT OF APPEALS OF OHIO  
THIRD APPELLATE DISTRICT  
LOGAN COUNTY**

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**IN RE:**

**L.L.,** **CASE NO. 8-14-25**  
**DEPENDENT CHILD.**  
**[MARLA LEWELLEN - APPELLANT].** **OPINION**

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**IN RE:**

**J.L.,** **CASE NO. 8-14-26**  
**DEPENDENT CHILD.**  
**[MARLA LEWELLEN - APPELLANT].** **OPINION**

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**IN RE:**

**H.M.,** **CASE NO. 8-14-27**  
**DEPENDENT CHILD.**  
**[MARLA LEWELLEN - APPELLANT].** **OPINION**

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**Appeals from Logan County Common Pleas Court  
Family Court – Juvenile Division  
Trial Court Nos. 11-CS-0061, 11-CS-0067 and 11-CS-0060**

**Judgments Affirmed**

**Date of Decision: July 6, 2015**

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**APPEARANCES:**

*Alison Boggs* for Appellant

*Natasha Wagner* for Appellee

**PRESTON, J.**

{¶1} Appellant, Marla Lewellen (“Lewellen”), appeals the December 3, 2014 judgment entry of the Logan County Court of Common Pleas, Family Court–Juvenile Division, granting permanent custody of her three minor children, H.M., L.L., and J.L., to appellee, Logan County Children Services (“LCCS”). For the reasons that follow, we affirm.

{¶2} These cases were before us in prior consolidated appeals. *In re H.M.*, 3d Dist. Logan Nos. 8-13-11, 8-13-12, and 8-13-13, 2014-Ohio-755. We recited the following facts in our opinion disposing of those appeals:<sup>1</sup>

While this appeal concerns three separate cases, we will discuss their procedural histories together, as they are intertwined.

On March 26, 2011, LCCS received a referral regarding the care and well-being of two minor children: H.M. and L.L. Lewellan and her husband, James Lewellan (“James”), father of L.L., entered

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<sup>1</sup> In that opinion, Lewellen’s name is mistakenly spelled “Lewellan.”

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into a Voluntary Case Plan with LCCS to rectify problems with the cleanliness of their home. On September 1, 2011, the LCCS received another referral indicating that Lewellan had attacked H.M., stabbing her with a fork in the head and hand, believing she was a demon.

On September 7, 2011, a Family Team Meeting was held where LCCS expressed its concerns for the safety of the children with Lewellan and James. Lewellan stated that she was eight months pregnant, and due to the pregnancy she had needed to stop taking her medicine for her mental health problems. She also stated that she was under extreme stress, partially due to the involvement of LCCS through the Voluntary Case Plan, and she had been told by three different doctors that she was on the verge of a mental or nervous breakdown. James stated that he had a temper, but that he thought it was under control. As a result of the meeting, H.M. was voluntarily sent to stay with a relative, Nancy Losey [“Losey”], and L.L. was voluntarily sent to stay with his grandparents, Marlene and Ferlyn Butler.

On September 8, 2011, LCCS filed a complaint in Case Nos. 11-CS-0060 and 11-CS-0061, alleging H.M. and L.L., respectively,

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to be dependent and neglected children. On that same day, LCCS filed a motion for orders to grant temporary custody of H.M. to Losey and temporary custody of L.L. to LCCS. The trial court, upon its own motion, appointed attorney James Gudgel [“Gudgel”] as both counsel and [guardian ad litem (“GAL”)] for the children. The trial court scheduled a hearing on the motion for temporary custody for September 23, 2011.

Lewellan gave birth to J.L. in September of 2011. LCCS filed a complaint on September 23, 2011, in Case No. 11-CS-0067, alleging J.L. to be a dependent child. In its complaint, LCCS asserted that Lewellan’s home was unsafe and unsanitary for a newborn, Lewellan would need time to readjust to her mental health medication, and that J.L. had been born premature and required treatment. LCCS moved for orders to grant temporary custody of J.L. to LCCS and the court, on its own motion, appointed Gudgel as J.L.’s counsel and GAL. Further, it scheduled the hearing on the motion for that day, September 23, to coincide with the hearing already scheduled for H.M. and L.L. As a result of the hearing, Losey was granted temporary custody of H.M. and LCCS was granted temporary custody of both L.L. and J.L.

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On October 18, 2011, Lewellan and James reached an agreement with LCCS and stipulated that all three children were dependent. As a result, the trial court, after a review of the record, found by clear and convincing evidence that all three children were dependent and dismissed the allegations that H.M. and L.L. were neglected. On November 21, 2011, the day of the dispositional hearing, Gudgel filed a GAL report stating that he had reviewed the terms of the case plan and found them to be in the best interests of the children while reunification, at that time, was not. The court ordered that Losey remain the temporary custodian of H.M. and that LCCS be granted protective supervision of H.M. and remain the temporary custodian of both L.L. and J.L. At two subsequent status hearings, where evidence was presented that inadequate progress had been made on the case plan, the court continued its previous orders.

On June 13, 2012, LCCS moved the trial court to grant it temporary custody of H.M., as the placement with Losey was not intended to last beyond the end of the school year. At a hearing held on June 25, 2012, Lewellan agreed that LCCS should have temporary custody of H.M., and the motion was granted. At the children's annual review hearings, the trial granted an extension of

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temporary custody of the children to LCCS. In response to psychological evaluations of both Lewellan and James and out of concern that they did not fully comprehend the recommendations of the providers they were working with or how to be adequate parents, the court appointed them each a GAL.

On December 12, 2012, LCCS moved for permanent custody of all three children. On June 17, 2013, Gudgel submitted his GAL report regarding the three minor children. In the report, Gudgel stated that the cleanliness of the house remained unsuitable for the children, visitations were chaotic and dysfunctional, and that the recent separation of Lewellan and James was a detriment to reunification, as neither parent had demonstrated that they could adequately parent the children alone. Ultimately, Gudgel did not believe that reunification would be in the best interests of the children.

The permanent custody hearing for all three children commenced on June 18, 2013. At the time, H.M. was nearly ten years old, L.L. was nearly six, and J.L. was nearly two. At the hearing, testimony was elicited that, when LCCS obtained custody of the children, H.M. was on an Individualized Education Program at

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school for ADHD, behavioral and impulsivity issues, and for some psychological issues related to sexual abuse. L.L. was on the autism spectrum, had some additional developmental delays including difficulty in understanding his speech, and had physical problems as a result of having muscular dystrophy. J.L. was typically developing, although he had some urinary tract problems.

\* \* \*

At the conclusion of the evidence the court found that permanent custody was in the best interests of all three children. The court did not orally state its findings on the record, and instead directed “the Prosecutor to prepare the judgment entry.” Jun. 21, 2013 Tr., p. 11. \* \* \* The court filed its judgment entry stating findings of fact and conclusion of law on July 8, 2013, granting permanent custody of all three children to LCCS.

(Footnote omitted.) *In re H.M.*, 2014-Ohio-755, at ¶ 2-10, 20.

{¶3} Lewellen appealed the trial court’s July 8, 2013 judgment entry. (Doc. No. 217). In March 2014, we reversed the trial court’s decision and remanded for further proceedings because “the finding [in the July 8, 2013 judgment entry] that the court considered the wishes of the children [was] against the manifest weight of the evidence.” *In re H.M.* at ¶ 43.

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{¶4} On March 13, 2014, LCCS filed a “motion for issuance of orders to come into compliance with decision issued by the Third Appellate District.” (Doc. No. 253). In it, LCCS requested that the trial court order the children’s GAL to interview the children to determine their wishes regarding LCCS’s motion for permanent custody and to determine whether the children are mature enough to state their wishes. (*Id.*).

{¶5} On March 14, 2014, the trial court granted LCCS’s “motion for issuance of orders to come into compliance with decision issued by the Third Appellate District” and ordered that the children’s GAL interview the children and file a supplemental report. (Doc. No. 266). The trial court also scheduled in camera interviews of each of the children, in the presence of the children’s GAL, for June 5, 2014. (*Id.*).

{¶6} On July 23, 2014, LCCS filed a “motion for extension of temporary custody and for annual court review.” (Doc. No. 296). On September 3, 2014, the trial court held a hearing concerning LCCS’s motion. (*See* Doc. Nos. 301, 311). On September 12, 2014, Lewellen filed a “brief in response to motion hearing held September 3, 2014.” (Doc. No. 310). On September 23, 2014, the trial court filed an entry granting an extension of temporary custody of the children. (Doc. No. 311).

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{¶7} On December 3, 2014, the trial court held a hearing on LCCS’s “motion for issuance of orders to come into compliance with decision issued by the Third Appellate District.” (Dec. 3, 2014 Tr. at 4). (*See also* Doc. No. 332). The parties stipulated that the trial court could consider the evidence presented at the June 2013 permanent-custody hearing, in addition to evidence presented at the December 3, 2014 hearing. (Dec. 3, 2014 Tr. at 7-9). At the conclusion of the hearing, the trial court awarded permanent custody of the children to LCCS and filed its judgment entry that day. (*Id.* at 140-161); (Doc. No. 332).

{¶8} Lewellen filed a notice of appeal and an amended notice of appeal on December 5 and 9, 2014, respectively. (Doc. Nos. 333, 343). She raises nine assignments of error for our review. We consider her fourth and fifth assignments of error together, followed by her second, seventh, and eighth assignments of error together, followed by her first, third, sixth, and ninth assignments of error together.

#### **Assignment of Error No. IV**

**The trial court’s decision is against the manifest weight of the evidence. Appellee did not prove by clear and convincing evidence that the court should grant its motion for permanent custody of the minor children.**

#### **Assignment of Error No. V**

**The trial court erred in granting the motion for permanent custody when it primarily focused on appellant’s mental health**

**and relied on that as the basis for depriving appellant custody of her minor children.**

{¶9} In her fourth assignment of error, Lewellen argues that the trial court “ignored the testimony of almost every witness from the June 2013 hearings.” (Appellant’s Brief at 8). Specifically, she argues that the evidence does not support the trial court’s findings under R.C. 2151.414(E), on which the trial court based its conclusion that the children cannot be placed with either parent within a reasonable time or should not be placed with either parent. She also argues that the evidence weighs against the trial court’s findings under R.C. 2151.414(D), on which the trial court based its conclusion that it was in the best interest of the children to award permanent custody to LCCS. In her fifth assignment of error, Lewellen argues that “the trial court relied almost exclusively on Appellant’s mental health as a basis for the termination of her parental rights, contrary to law.” (Appellant’s Brief at 17).

{¶10} The right to raise one’s child is a basic and essential right. *In re Murray*, 52 Ohio St.3d 155, 157 (1990), citing *Stanley v. Illinois*, 405 U.S. 645, 651, 92 S.Ct. 1208 (1972) and *Meyer v. Nebraska*, 262 U.S. 390, 399, 43 S.Ct. 625 (1923). “Parents have a ‘fundamental liberty interest’ in the care, custody, and management of the child.” *Id.*, quoting *Santosky v. Kramer*, 455 U.S. 745, 753, 102 S.Ct. 1388 (1982). However, the rights and interests of a natural parent are not absolute. *In re Thomas*, 3d Dist. Hancock No. 5-03-08, 2003-Ohio-5885, ¶ 7.

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These rights may be terminated under appropriate circumstances and when the trial court has met all due process requirements. *In re Leveck*, 3d Dist. Hancock Nos. 5-02-52, 5-02-53, and 5-02-54, 2003-Ohio-1269, ¶ 6.

{¶11} When considering a motion for permanent custody of a child, the trial court must comply with the statutory requirements set forth in R.C. 2151.414. *See In re C.E.*, 3d Dist. Hancock Nos. 5-09-02 and 5-09-03, 2009-Ohio-6027, ¶ 14. Here, as to H.M., the trial court granted LCCS's motion for permanent custody under R.C. 2151.414(B)(1)(a), and, as to L.L. and J.L., the trial court granted LCCS's motion for permanent custody under R.C. 2151.414(B)(1)(d). R.C. 2151.414(B)(1) provides, in relevant part, that a trial court

may grant permanent custody of a child to a movant if the court determines at the hearing held pursuant to division (A) of this section, by clear and convincing evidence, that it is in the best interest of the child to grant permanent custody of the child to the agency that filed the motion for permanent custody and that any of the following apply:

(a) The child is not abandoned or orphaned, has not been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period, \* \* \* and the child cannot be

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placed with either of the child's parents within a reasonable time or should not be placed with the child's parents.

\* \* \*

(d) The child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period \* \* \*.

R.C. 2151.414(B)(1)(a), (d). *See In re M.R.*, 3d Dist. Defiance No. 4-12-18, 2013-Ohio-1302, ¶ 80 (“[T]he findings under R.C. 2151.414(B)(1)(a) and R.C. 2151.414(B)(1)(d) are alternative findings, each is independently sufficient to use as a basis to grant the Agency’s motion for permanent custody.”); *In re I.G.*, 3d Dist. Marion Nos. 9-13-43, 9-13-44, and 9-13-45, 2014-Ohio-1136, ¶ 30 (“Pursuant to the plain language of R.C. 2151.414(B)(1)(d), when a child has been in an agency’s temporary custody for twelve or more months of a consecutive twenty-two month period, a trial court need not find that the child cannot or should not be placed with either parent within a reasonable time.”).

{¶12} Specifically concerning R.C. 2151.414(B)(1)(a), in determining whether a child cannot be placed with either parent within a reasonable period of time or should not be placed with the parents, the trial court must consider all relevant evidence. *In re C.E.*, 3d Dist. Marion Nos. 9-10-32, 9-10-33, 9-10-34, 9-

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10-35, and 9-10-36, 2010-Ohio-4410, ¶ 12, citing R.C. 2151.414(E). “If one or more of the factors enumerated in R.C. 2151.414(E) is found to be present by clear and convincing evidence, the trial court shall find that the child cannot be placed with the parents within a reasonable period of time or should not be placed with the parents.” *In re A.F.*, 3d Dist. Marion No. 9-11-27, 2012-Ohio-1137, ¶ 54, citing *In re Goodwin*, 3d Dist. Shelby No. 17-08-12, 2008-Ohio-5399, ¶ 23. R.C. 2151.414(E) provides, in relevant part:

In determining at a hearing held pursuant to division (A) of this section \* \* \* 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 \* \* \* 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) Following the placement of the child outside the child’s home and notwithstanding reasonable case planning and diligent efforts by the agency to assist the parents to remedy the problems that initially caused the child to be placed outside the home, the parent has failed

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continuously and repeatedly to substantially remedy the conditions causing the child to be placed outside the child's home. In determining whether the parents have substantially remedied those conditions, the court shall consider parental utilization of medical, psychiatric, psychological, and other social and rehabilitative services and material resources that were made available to the parents for the purpose of changing parental conduct to allow them to resume and maintain parental duties.

(2) Chronic mental illness, chronic emotional illness, mental retardation, physical disability, or 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 \* \* \*;

\* \* \*

(14) The parent for any reason is unwilling to provide food, clothing, shelter, and other basic necessities for the child or to prevent the child from suffering physical, emotional, or sexual abuse or physical, emotional, or mental neglect.

R.C. 2151.414(E)(1), (2), (14).

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{¶13} “If the trial court determines that *any* provision enumerated in R.C. 2151.414(B)(1) applies, the trial court must determine, by clear and convincing evidence, whether granting the agency permanent custody of the child is in the child’s best interest.” (Emphasis sic.) *In re A.F.* at ¶ 55, citing *In re D.M.*, 3d Dist. Hancock Nos. 5-09-12, 5-09-13, and 5-09-14, 2009-Ohio-4112, ¶ 33 and *In re K.H.*, 3d Dist. Hancock No. 5-10-06, 2010-Ohio-3801, ¶ 30. In determining whether granting the agency permanent custody is in the best interest of the child, R.C. 2151.414(D)(1) provides:

[T]he court shall consider all relevant factors, including, but not limited to, the following:

- (a) The interaction and interrelationship of the child with the child’s parents, siblings, relatives, foster caregivers and out-of-home providers, and any other person who may significantly affect the child;
- (b) The wishes of the child, as expressed directly by the child or through the child’s guardian ad litem, with due regard for the maturity of the child;
- (c) The custodial history of the child, including whether the child has been in the temporary custody of one or more public children

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services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period \* \* \*;

(d) The child's need for a legally secure permanent placement and whether that type of placement can be achieved without a grant of permanent custody to the agency;

(e) Whether any of the factors in divisions (E)(7) to (11) of this section apply in relation to the parents and child.

R.C. 2151.414(D)(1)(a)-(e).

{¶14} “Clear and convincing evidence is more than a preponderance of the evidence but not as much evidence as required to establish guilt beyond a reasonable doubt as in a criminal case; rather, it is evidence which provides the trier of fact with a firm belief or conviction as to the facts sought to be established.” *In re H.M.K.*, 3d Dist. Wyandot Nos. 16-12-15 and 16-12-16, 2013-Ohio-4317, ¶ 42, citing *In re Meyer*, 98 Ohio App.3d 189, 195 (3d Dist.1994), citing *Cincinnati Bar Assn. v. Massengale*, 58 Ohio St.3d 121, 122 (1991). “Upon review, an appellate court ‘must examine the record and determine if the trier of fact had sufficient evidence before it to satisfy this burden of proof.’” *Id.* at ¶ 43, quoting *In re Meyer* at 195, citing *In re Adoption of Holcomb*, 18 Ohio St.3d 361, 368 (1985). “A reviewing court will not reverse a trial court’s determination unless it is not supported by clear and convincing evidence.” *Id.*, citing *In re*

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*Meyer* at 195, citing *In re Adoption of Holcomb* at 368 and *In re Adoption of Lay*, 25 Ohio St.3d 41, 42 (1986). *See also In re A.E.*, 3d Dist. Seneca Nos. 13-14-14 and 13-14-15, 2014-Ohio-4540, ¶ 28 (“A court’s decision to terminate parental rights will not be overturned as against the manifest weight of the evidence if the record contains competent, credible evidence by which a court can determine by clear and convincing evidence that the essential statutory elements for a termination of parental rights have been established.”), citing *In re B.G.W.*, 10th Dist. Franklin No. 08AP-081, 2008-Ohio-3693 and *In re Nevaeh J.*, 6th Dist. Lucas No. L-06-1093, 2006-Ohio-6628, ¶ 17.

{¶15} We will first discuss the trial court’s determinations under R.C. 2151.414(B)(1)—the first step in the permanent-custody analysis. *See In re I.G.*, 2014-Ohio-1136, at ¶ 28. The trial court determined by clear and convincing evidence under R.C. 2151.414(B)(1)(d) that L.L. and J.L. were in the temporary custody of LCCS for 12 or more months of a consecutive 22-month period before LCCS filed its motion for permanent custody. (*See* Doc. Nos. 207, 332). Lewellen does not challenge this determination, so we do not address it in this appeal. And because a determination that R.C. 2151.414(B)(1)(d) applies does not require a determination that the child cannot be placed with either of the child’s parents within a reasonable time or should not be placed with the child’s parents, we do not address those questions as to L.L. and J.L. *See In re M.R.*, 2013-Ohio-

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1302, at ¶ 80. Lewellen *does* challenge the trial court's determination by clear and convincing evidence under R.C. 2151.414(B)(1)(a) and 2151.414(E)(1), (2), and (14) that H.M. cannot be placed with Lewellen within a reasonable time or should not be placed with Lewellen.

{¶16} In determining that the circumstances described in R.C. 2151.414(E)(1) exist as to Lewellen, the trial court relied on the testimony of seven individuals and found that Lewellen, despite individual and group counseling and in-home environment and parenting coaching, “has been unable to apply parenting tools resulting in visitations being described as chaotic and dysfunctional.” (Doc. No. 332 at 14). Specifically, the trial court found that “[t]here continued to be issues with supervision and inappropriate communications with the minor children, and Mrs. Lewellen misinterprets cues from reality.” (*Id.* at 15).

{¶17} Our review of the record reveals that the trial court had sufficient evidence before it to satisfy the clear-and-convincing burden of proof required to support a R.C. 2151.414(E)(1) determination. The problems that initially caused H.M. to be placed outside the home included Lewellen “taking a fork and poking [H.M.] in the head at least twice,” Lewellen “struggl[ing] with anger toward her husband and psychosis,” and “home conditions presenting serious safety hazards for the minor children,” though at the time LCCS filed the complaint, Lewellen

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and James were working to improve the home conditions. (Doc. Nos. 1, 38). Lewellen argues on appeal that testimony at the permanent-custody hearing revealed that she incorporated what she had been taught to the best of her abilities, that she was successful in completing the case plan, that “[t]he house was clean,” that she fed the children healthy meals during visits, that she was back on her medications and “did not have a single new psychotic episode since the incident with HM,” and that her mental-health issues are in remission, which should continue so long as she continues to take her medication. (Appellant’s Brief at 8-9). LCCS acknowledges that Lewellen “complied with a majority of her case plan objectives,” but it argues that she was unsuccessful in completing the case plan. (Appellee’s Brief at 14).

{¶18} The record of the permanent-custody hearing reveals that, while Lewellen may have remedied some of the conditions causing H.M. to be placed outside the home—for example, by taking her medications as prescribed and by separating from James—she failed continuously and repeatedly to substantially remedy the home conditions and her supervision of the children in the home. Cookee Boyer (“Boyer”), a family coach to Lewellen and James since August 2011, testified that while the condition of the home has improved over the course of the case, Lewellen “still falls back a lot” by “[l]eaving trash around, medication around, cigarettes, ash trays, the smell of the home, the dog. Clothing is a

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problem. Closets are full. You open the doors, stuff is falling out.” (June 18, 2013 Tr. at 123, 126, 131-132). Boyer added that “[t]he kitchen counters can be completely full. She has often left towels on the stove. [T]here is dog feces on the floor. The smell is really bad. There can be trash. Usually clothing on the floor.” (*Id.* at 132). When asked if “the conditions [have] been consistently clean or well enough for visits, for the children to be there,” Boyer responded, “It goes back and forth.” (*Id.*). Boyer also testified that she observed James and Lewellen’s visitations with the children, which Boyer described as “[u]sually very chaotic.” (*Id.* at 127). When asked if visitations improved as a result of family coaching, Boyer responded, “No.” (*Id.*).

{¶19} Grace Schoessow (“Schoessow”) is a behavior specialist and family coach hired by LCCS to coach Lewellen and James weekly beginning in February 2013. (*Id.* at 137-138). She testified that while Lewellen “works hard” and has “made some progress toward goals,” problems remain. (*Id.* at 140). For example, Schoessow testified, “[W]e still haven’t been able to successfully have a meal with safe supervision maintained throughout.” (*Id.* at 141). She also testified, “There were frequent lapses in supervision” during Schoessow’s coaching sessions. (*Id.*). According to Schoessow, the home was “straightened up,” but not “clean.” (*Id.* at 157). Schoessow testified that she continues to have concerns regarding safety in the home. (*Id.*).

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{¶20} Christopher Christensen (“Christensen”), a long-term-placement caseworker at LCCS who was assigned to work with Lewellen’s children, testified that he observed “really dysfunctional and chaotic” parenting sessions with Lewellen and James present. (*Id.* at 64). When asked whether Lewellen had any issues during her parenting time, Christensen responded, “Solely, yes, she did have issues.” (*Id.*). According to Christensen, either he or the supervisor at Lewellen’s visitations had to intervene to assist Lewellen with things like supervision of the children. (*Id.* at 65). According to Christensen, Lewellen displayed “resistance” and “deception” concerning the state of the home conditions. (*Id.* at 59, 81).

{¶21} Kylie Moon (“Moon”), a former case aide and caseworker with LCCS who oversaw 16 to 20 of Lewellen and James’s visitations with the children, testified that visitations were “chaotic.” (*Id.* at 104). When asked if Lewellen was able to implement instructions “to make the visitations better,” Moon responded, “No.” (*Id.*). Moon testified that when James did not accompany Lewellen at visitations, the visitations “were more chaotic.” (*Id.* at 106). Moon testified that Lewellen told her that “she didn’t know how she was going to handle the 3 children.” (*Id.*).

{¶22} Krista Brey (“Brey”), a former case aide with LCCS who supervised eight of Lewellen and James’s visitations with the children, testified that Lewellen

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“struggled with” supervising and caring for the needs of all three children during the visitations. (*Id.* at 113, 115). According to Brey, “If [Lewellen] was focusing on [L.L.] or [H.M.], [J.L.] would be crawling \* \* \* out of the room. Someone else would have to get him.” (*Id.* at 115).

{¶23} Kylee Bednarki (“Bednarki”), an ongoing caseworker at LCCS, testified that she assisted with Lewellen’s visitations in 2012 as a case aide and in 2014 as a caseworker. (Dec. 3, 2014 Tr. at 65-66). According to Bednarki, the first two of four visitations she supervised in 2014 were “okay,” whereas the third visit was “very chaotic” and “almost like a flash back to the visits of 2012.” (*Id.* at 67-68). During that visit, while Lewellen was coloring with L.L., J.L. began climbing a bookshelf, and H.M. had to go stop him. (*Id.* at 68). According to Bednarki, Lewellen’s visitations have not improved. (*Id.* at 73).

{¶24} Even assuming Lewellen remedied some of the conditions causing H.M. to be placed outside the home, and setting aside Lewellen’s cognitive abilities, the record reveals that, despite substantial coaching, Lewellen failed continuously and repeatedly to substantially remedy the home conditions. While Lewellen may have been somewhat more diligent in her efforts to improve her home’s conditions, safety issues remained, and the home was not always clean enough for children. Lewellen’s lapses in supervision and her inability to avert chaos during her visitations only compound concerns that the home conditions

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pose hazards to her children. Therefore, the trial court had before it sufficient evidence to satisfy the clear-and-convincing standard required to support a R.C. 2151.414(E)(1) determination.

{¶25} Based on its determination of the existence of a R.C. 2151.414(E) factor, the trial court was required to, and did, enter a finding that H.M. cannot be placed with Lewellen within a reasonable time or should not be placed with Lewellen. Because a determination that any *one* of the R.C. 2151.414(E) factors applies is enough to require the trial court to enter a finding that the child cannot be placed with either parent within a reasonable time or should not be placed with either parent, we need not and do not address the trial court's additional determinations under R.C. 2151.414(E)(2) and (14). *See In re Matthews*, 3d Dist. Marion Nos. 9-07-28, 9-07-29, and 9-07-34, 2008-Ohio-276, ¶ 34.

{¶26} Having concluded that the trial court properly determined that R.C. 2151.414(B)(1)(a) and 2151.414(B)(1)(d) apply to H.M. and to L.L. and J.L., respectively, the next step in our analysis is to determine whether evidence sufficient to satisfy the clear-and-convincing standard supports the trial court's conclusion under R.C. 2151.414(D)(1) that granting LCCS permanent custody of H.M., L.L., and J.L. is in the children's best interest. *See In re A.F.*, 2012-Ohio-1137, at ¶ 55. The first best-interest factor is: "The interaction and interrelationship of the child with the child's parents, siblings, relatives, foster

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caregivers and out-of-home providers, and any other person who may significantly affect the child.” R.C. 2151.414(D)(1)(a). The trial court found that: the children have been integrated into their foster homes and have made “substantial progress in every aspect of their young lives”; L.L. and J.L. “have an inseparable bond” and are bonded with their foster siblings; and Lewellen’s visitations with the children were “chaotic and dysfunctional.” (Doc. Nos. 207, 332). Lewellen does not dispute that the children’s foster parents provide stable environments for them. Rather, she argues that factors other than Lewellen’s parenting abilities contributed to the chaos at visitations and that the trial court failed to consider the effects of Lewellen being allowed to see her children only on a very limited basis.

{¶27} We discussed above the testimony concerning the chaotic and dysfunctional nature of Lewellen’s visitations with her children and Lewellen’s frequent lapses in the supervision of her children. Schoessow testified that Lewellen’s “interactions with the kids \* \* \* would be more as a friend, or a confidant. There was not mindfulness of appropriate adult child boundaries.” (June 18, 2013 Tr. at 144). According to Schoessow, Lewellen’s “interaction with [H.M.] is unhealthy. It’s friend-like.” (*Id.* at 153). Schoessow testified that, during Lewellen’s visitations, H.M. “has stepped in as the other adult in the environment.” (*Id.* at 150-151). According to Schoessow, Lewellen’s relationship with H.M. “repeatedly” interfered with Lewellen’s ability to provide for the safety

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and needs of J.L. (*Id.* at 154). Regarding Lewellen’s interaction with L.L., Schoessow described Lewellen as “very comforting” and responsive to L.L.’s emotional needs. (*Id.* at 144). According to Schoessow, “while well intentioned and \* \* \* appropriately attached and connected to the older two kids,” Lewellen lacks “that bond and connectedness” with J.L., which is a result of the limited time she has spent with J.L. (*Id.* at 147, 154). Schoessow testified that, while Lewellen’s stress level dropped when she separated from James, Lewellen and James were “functionally the best when they were working as a team,” as opposed to when Lewellen was the only parent present at visitations. (*Id.* at 154-155). According to Schoessow, based on her observations, it appears that the children are in appropriate and healthy relationships in their foster homes. (*Id.* at 147).

{¶28} In describing the chaotic nature of Lewellen’s visitations, Christensen testified that J.L. “would get lost in the mix of interaction with [Lewellen] and [Lewellen] wanting to interact with [L.L.] and [H.M.]” (*Id.* at 64, 67). According to Christensen, L.L. “would become over emotional over the majority of the visits, with [Lewellen] trying to appease him, a lot of times, with an electronical [sic] device. And then [H.M.], she would have misbehaviors and not follow any direction of [Lewellen].” (*Id.* at 64). Christensen testified that Lewellen left J.L. “unattended numerous times” during the majority of the visitations. (*Id.* at 66). Christensen testified that Lewellen “was, a lot of time

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preoccupied during the home visits \* \* \* with her own needs and wants.” (*Id.* at 67). According to Christensen, “it was much better” when James was present with Lewellen at the visitations, as opposed to Lewellen being the only parent present. (*Id.*). However, when Lewellen and James were both present at visitations, “[t]hey were in constant argument.” (*Id.*). When asked about the reasons for the children being overly emotional during Lewellen and James’s visitations, Christensen stated, “The emotions didn’t have to do with the disconnect in the relationship with the parents. It had more to do with them not getting their wants and needs met, to what they wanted during the visit.” (*Id.* at 88).

{¶29} When asked to describe the relationship between H.M. and her foster parents, Christensen stated that H.M. is “thriving academically,” “making more advances socially, within the environment,” and “liking the quality of life.” (*Id.* at 70). H.M. “understands the boundaries that she can not cross, the zero tolerance things.” (*Id.* at 71). H.M.’s foster parents “have been able to protect her from any incidents that could occur” and “have given her adequate supervision.” (*Id.*). H.M. “respects them as caregivers.” (*Id.*). Christensen testified that H.M. “feels comfortable, safe and consoled within that environment.” (*Id.*). According to Christensen, since L.L. was placed with his foster parents, he is speaking more clearly, walking without assistance, taking pride in his academics, and making strides with cognitive skills. (*Id.* at 72-73). Unlike during Lewellen and James’s

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visitations with the children, L.L. is not over-emotional in the foster-care setting. (*Id.* at 73). After his birth, J.L. was placed with the same foster parents as L.L. (*Id.* at 71-72). According to Christensen, J.L. has no developmental delays. (*Id.* at 72). Christensen testified that “the children do have connections with their current caregivers, and an emotional bond. They are able to meet their needs.” (*Id.* at 83).

{¶30} Boyer testified that Lewellen had difficulty playing with the children, and she “usually just talked about off the wall subjects.” (*Id.* at 128). For example, after H.M.’s first day of school, James asked H.M. how her day was, and “[a]ll [Lewellen] wanted to do was talk about her hair. That happened quite often.” (*Id.*). Boyer also testified that H.M. was placed in a parental role during visitations. (*Id.* at 127). According to Boyer, she observed the children’s interactions with their foster parents and that “[t]hey all seem to be doing very well. They are loving and caring and meeting the children’s needs.” (*Id.* at 131).

{¶31} Brey testified that James “did most of the parenting” and provided structure during Lewellen and James’s visitations. (*Id.* at 115). According to Brey, during the visitations, James, in addition to filling the main parenting role for the children, would also parent Lewellen. (*Id.* at 116). In addition, H.M. was placed in a parental role during the visitations, and Lewellen would often ask H.M. to do things “that [Lewellen] should have been doing.” (*Id.*).

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{¶32} Moon testified that during Lewellen and James’s visitations with the children, the children would fight with one another. (*Id.* at 105). According to Moon, between Lewellen and James, “[James] seemed to do a better job at getting the children to work together.” (*Id.*). Moon testified, “[James] did most of the disciplining and directing with the children.” (*Id.* at 106). L.L. was often upset during the visitations, and Lewellen and James “had difficulty directing [H.M.] to appropriate behaviors.” (*Id.* at 105).

{¶33} Bednarki testified that, based on her observations of Lewellen’s visitations, L.L. is Lewellen’s favorite child. (Dec. 3, 2014 Tr. at 71-72). Lewellen spends the most time with L.L. and refers to him as “her baby.” (*Id.* at 72). According to Bednarki, the relationship between Lewellen and H.M. is “standoffish” on H.M.’s end. (*Id.*). Bednarki testified that H.M. “looked worried” when Lewellen told H.M. that she would have lots of bunnies, which Lewellen had at her house, when H.M. was returned to Lewellen. (*Id.*). According to Bednarki, there is usually no interaction between Lewellen and J.L. at the visitations, although Bednarki did recall one visit in 2014 when J.L. was sick and sat on Lewellen’s lap. (*Id.*). Bednarki acknowledged that the over-one-year-long period when Lewellen did not see the children could be related to the apparent disconnect between Lewellen and H.M. and J.L. (*Id.* at 81). Bednarki testified that there are no issues with H.M.’s and L.L. and J.L.’s foster placements. (*Id.* at

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74). When asked to describe the relationships between the children and their foster parents, Bednarki responded, “They are part of their families. They interact with all the siblings. The parents, they have their own space. They have their own things. They are happy.” (*Id.* at 75). Specifically regarding H.M., Bednarki testified that H.M. “doesn’t have any of the problems she had” before because H.M.’s current placement is “the first treatment home she has been in.” (*Id.* at 74).

{¶34} Ashley Day (“Day”), one of L.L. and J.L.’s current foster parents, testified that she has four children in her home, two of whom are L.L. and J.L. (*Id.* at 12). According to Day, her relationship with L.L. was a struggle at first, but they have built “a really good relationship.” (*Id.*). Day testified that L.L. “loves everybody” and is well-integrated. (*Id.* at 12-13). According to Day, while L.L. has had “some behavioral issues,” “[i]n the past year, \* \* \* they are pretty much gone.” (*Id.* at 13). Day testified that when L.L. was first placed in her household, “[h]e was real whiney. He drank out of a sippy-cup. He was in a diaper. He really couldn’t do anything from himself. He wanted everybody to do everything for him.” (*Id.* at 17). Since then, L.L. has become potty trained, talks in sentences, is more independent, and “is his own person.” (*Id.* at 14, 17). According to Day, when L.L. returns to Day’s household from visitations with Lewellen, “[h]e pushes limits.” (*Id.* at 15). Day testified that when she picks L.L.

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up from visitations with Lewellen, L.L. is “usually excited to see [Day]” and “usually gives [Day] a hug and tells [Day] about what he did.” (*Id.*).

{¶35} Regarding J.L., Day testified that he “is typical,” aside from a “possible sensory processing disorder.” (*Id.* at 18). J.L. has no mental-health needs or behavioral issues. (*Id.*). When asked how J.L. is integrated with Day’s family, Day responded, “He is our family. He was never not our family.” (*Id.*). According to Day, her two-year-old son, who resides in the household, and J.L. “are inseparable.” (*Id.*). Day testified that L.L. and J.L. “are pretty close,” although J.L. is “the little brother” and “usually follows [L.L.] around and irritates [L.L.]” (*Id.* at 16). According to Day, since June 2013, L.L. has seen Lewellen two or three times. (*Id.* at 21). Before that, Lewellen’s visitations were weekly. (*Id.*).

{¶36} Angela Moeller (“Moeller”) resides with Day and is a foster parent to L.L. and J.L. (*Id.* at 34). When asked to describe the interaction and relationship between the four children in her and Day’s household, including L.L. and J.L., Moeller responded, “They play. They have fun. And they act like brothers.” (*Id.* at 35). L.L. sometimes has behavioral problems in that “he won’t listen,” including when he comes home from visitations with Lewellen, but Moeller testified that she has taken steps to correct that behavior. (*Id.* at 35-37). Moeller testified that since June 2013, L.L. and J.L. have seen H.M. only during

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Lewellen's three or four visitations. (*Id.* at 41). Before that, L.L. and J.L. saw H.M. at Lewellen's weekly visitations. (*Id.* at 45).

{¶37} Christina Tronsgard ("Tronsgard") testified that she is H.M.'s current treatment foster parent, along with Tronsgard's husband, and H.M. is the only child in her household. (*Id.* at 51, 53, 62). Tronsgard explained that foster parents in a "treatment home" are specially trained to address emotional and physical needs of children. (*Id.* at 61-62). According to Tronsgard, when H.M. first arrived in Tronsgard's home in December 2013, she was very emotional and would break down easily, but she now shares her feelings with Tronsgard. (*Id.* at 52). Tronsgard testified that H.M. has been in five different foster homes since she was removed from Lewellen's household. (*Id.* at 58). When asked about the interaction and relationship between Tronsgard and her husband and H.M., Tronsgard responded, "I think it's pretty good. You know we have our moments just like any other family would have. But we pretty much welcomed her into our family, just so she would have that secure environment \* \* \*. Kind of makeup for the childhood that she kind of lost \* \* \* before." (*Id.* at 53). When asked about the relationship between H.M. and Tronsgard's extended family, Tronsgard responded, "She loves them." (*Id.* at 54). According to Tronsgard, "[H.M.] loves spending time with her family. She is learning \* \* \* a lot about family. What they do for each other, and how they treat each other, their respect of family." (*Id.* at

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54-55). Tronsgard testified that, while H.M. “loves her brothers,” she is “apprehensive” when she learns she has a visitation with Lewellen. (*Id.* at 55). Between December 2013 and December 2014, H.M. had approximately six visitations with Lewellen. (*Id.* at 58-59). H.M. sees her brothers when she sees Lewellen. (*Id.* at 59). According to Tronsgard, when H.M. returns from visitations with Lewellen, she “has to be calmed down,” and she does not behave “like she normally does on an every day basis.” (*Id.* at 55).

{¶38} Lewellen testified that she helped L.L. by doing flash cards, some sign language, and potty training with him. (June 20, 2013 Tr. at 23-24). Lewellen has noticed improvements in the children since they were removed from her home. (*Id.* at 24). According to Lewellen, during her visitations with the children, she holds J.L.’s hand, and H.M. “likes to hug on [Lewellen].” (*Id.* at 25). When asked about what she does with the children, Lewellen testified that, before the children were removed from her home and now during visitations, she and the children paint and color in coloring books. (*Id.*). Lewellen testified that she “always give[s] the kids gifts every time they come” to visitations. (*Id.*). When asked if her children “[w]ere \* \* \* pretty close to [her] parents,” Lewellen responded, “Yes.” (*Id.* at 26). Lewellen testified that, while she was living with James, she “was more like a single parent” because he did not help with the children. (*Id.* at 31). When asked if L.L. is her “favorite,” Lewellen responded,

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“He is my special guy. [H.M.] is my favorite girl. They are all special.” (*Id.* at 36).

{¶39} The evidence supports the trial court’s conclusions concerning the interaction and interrelationship of the children with their parents, siblings, relatives, foster caregivers, and out-of-home providers. As Lewellen acknowledged in her testimony, the children have improved in foster care. They are integrated into their foster homes. L.L. and J.L. have a close relationship, and J.L. and Day’s son, who resides in the household, are “inseparable.” H.M. is the only child in her treatment foster home, in which her foster parents are specially trained to address her emotional and physical needs. H.M. has a good relationship with her foster parents and enjoys spending time with her extended foster family. L.L.’s behavior issues have subsided, and he is more independent. J.L. is typically developing. Unlike before, H.M. now shares her feelings with her foster parents. As for the children’s interaction with Lewellen, whether Lewellen’s visitations with her children were weekly or, since June 2013, on a more limited basis, the visitations have been chaotic and dysfunctional. Lewellen has made some positive parenting strides; however, she often has difficulty interacting appropriately with her children. *See In re R.M.*, 4th Dist. Athens Nos. 12CA43 and 12CA44, 2013-Ohio-3588, ¶ 69. H.M. is “apprehensive” about seeing Lewellen, and H.M. and L.L. have behavioral issues after their visitations with Lewellen. Therefore,

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evidence sufficient to satisfy the clear-and-convincing standard supports the trial court's determinations under R.C. 2151.414(D)(1)(a).

{¶40} Next, we address the second best-interest factor: “The wishes of the child, as expressed directly by the child or through the child’s guardian ad litem, with due regard for the maturity of the child.” R.C. 2151.414(D)(1)(b). The trial court noted that the children’s GAL’s opinion that granting permanent custody to LCCS is in the children’s best interest is based on the children’s wishes expressed during the children’s in camera interviews and Lewellen’s supervised visitations. Specifically, the trial court noted that, in their in camera interviews, H.M. and L.L. expressed a desire to remain in their current foster placements and that, while J.L. is too young to express his wish, the children’s GAL believes J.L. would wish to remain in his current foster placement if he could express his wish. In her three-sentence argument concerning this factor, Lewellen argues that Gudgel, the children’s GAL, “never inquired into anything the children thought nor observed [Lewellen] with the children to see for himself how they interacted” and that “[t]here was no report as to the wishes of any of the children.” (Appellant’s Brief at 13).

{¶41} Contrary to Lewellen’s arguments, Gudgel met with the children and the parents, attended four visitations after the case was remanded in 2014, and participated in the in camera interviews of the children. (Dec. 3, 2014 Tr. at 110).

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As the trial court noted, Gudgel testified that H.M. and L.L. expressed their wishes to remain with their respective foster families and that J.L. would wish to remain with his foster family if he could express his wish. (*Id.* at 111-112). Gudgel testified that L.L. and J.L. are “quite bonded together” and “inseparable” and that H.M. is “quite bonded with the Tronsgard family.” (*Id.* at 111-112). Similarly, in Gudgel’s November 26, 2014 supplemental report, he noted that the children appeared for in camera interviews on June 5, 2014, although J.L. was too young to communicate his wishes. (Doc. No. 330). Gudgel reported that H.M. and L.L. “stated that they wanted to continue to reside in their current placements and not be reunified with their mother.” (*Id.*). Therefore, Lewellen’s arguments concerning this factor are baseless, and evidence sufficient to satisfy the clear-and-convincing standard supports the trial court’s determinations under R.C. 2151.414(D)(1)(b).

{¶42} The third best-interest factor is: “The custodial history of the child, including whether the child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period \* \* \*.” R.C. 2151.414(D)(1)(c). In its judgment entry, the trial court recited the children’s custodial histories, which Lewellen does not dispute. Instead, Lewellen argues that the children were removed from her home because of the incident in which

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she “made contact with HM with a fork.” (Appellant’s Brief at 13-14). Lewellen also argues that once she was stabilized on her new medication, her children should have been returned to her, and that we “must determine whether [LCCS] unjustly kept the children out of the home.” (*Id.* at 14-15).

{¶43} Once again, Lewellen’s arguments are meritless. Lewellen cites no authority in support of her proposition that, under this factor, we “must determine whether [LCCS] unjustly kept the children out of the home.” Nevertheless, we concluded above that the record reveals that Lewellen failed continuously and repeatedly to substantially remedy the home conditions, thereby supporting the trial court’s R.C. 2151.414(E)(1) determination. The record supports the trial court’s determinations of the custodial histories of the children. When H.M. was removed from Lewellen’s home in September 2011, she was placed in Losey’s temporary custody until June 2012, when H.M. was placed in LCCS’s temporary custody. In all, H.M. has been in five foster homes, but she is now in her first treatment foster home and has been since December 2013. L.L. and J.L. have been in LCCS’s temporary custody and Day and Moeller’s foster home since September 2011. Accordingly, L.L. and J.L. were in LCCS’s temporary custody for more than 12 months of a consecutive 22-month period before LCCS filed its motion for permanent custody. Therefore, evidence sufficient to satisfy the clear-

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and-convincing standard supports the trial court's determinations under R.C. 2151.414(D)(1)(c).

{¶44} The fourth best-interest factor is: "The child's need for a legally secure permanent placement and whether that type of placement can be achieved without a grant of permanent custody to the agency." R.C. 2151.414(D)(1)(d). In its judgment entry, the trial court determined, "Based upon the sworn testimony from all witnesses presented by [LCCS], the Court finds that the minor children are in need of a legally secure permanent placement and such placement can clearly not be achieved without a grant of permanent custody to [LCCS]." (Doc. No. 332 at 7). Lewellen argues that a legally secure placement can occur with her, notwithstanding her "needing ongoing providers" to assist her with parenting. (Appellant's Brief at 15). LCCS argues that, if the children are returned to Lewellen's custody and LCCS is no longer involved, "the services of the in-home coaches would terminate." (Appellee's Brief at 20).

{¶45} The parties and their witnesses agree that, especially given the duration of these cases, the children need legally secure permanent placements. They disagree over whether that type of placement can be achieved without a grant of permanent custody to LCCS. When asked about his recommendation concerning permanent custody, Gudgel testified, "All of the children are in very loving, stable homes. I believe at this point it would be an absolute detriment to

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all of these children to be removed from these homes and placed back with [Lewellen].” (Dec. 3, 2014 Tr. at 114). Other witnesses echoed Gudgel’s concerns regarding Lewellen’s parenting deficiencies and the possibility of returning the children to Lewellen, and they stated that LCCS would provide a stable, permanent placement. (*See, e.g., id.* at 76); (June 18, 2013 Tr. at 75-76, 107, 116-117, 128, 147-148). Witnesses also testified to the improvement in the children’s behavior, hygiene, and academic performance since they were removed from Lewellen’s home and placed in foster care. (*See* June 19, 2013 Tr. at 6, 9, 14, 20, 22, 29-30, 34, 43-44); (Dec. 3, 2014 Tr. at 73-76). The children’s current foster parents are willing to adopt them. (Dec. 3, 2014 Tr. at 56, 38, 76). This evidence is sufficient to satisfy the clear-and-convincing standard required to support the trial court’s determinations under R.C. 2151.414(D)(1)(d).

{¶46} The fifth best-interest factor is: “Whether any of the factors in divisions (E)(7) to (11) of this section apply in relation to the parents and child.” R.C. 2151.414(D)(1)(e). As to this factor, the trial court determined, “The Court finds the factor set forth in division (E)(10) applies to Mickey L. Mattox, the Father of H.M.” (Doc. No. 332 at 7). Lewellen does not offer any arguments concerning this best-interest factor.

{¶47} Based on our discussion above, we can dispose of Lewellen’s fifth assignment of error. In making the required determinations under R.C. 2151.414,

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the trial court referenced Lewellen's mental health; however, the trial court did not rely "almost exclusively" on Lewellen's mental health as she argues. (Appellant's Brief at 17). Specifically, in making its findings under the R.C. 2151.414(D)(1) best-interest factors, the trial court properly concentrated on many circumstances other than Lewellen's mental health. Therefore, the case Lewellen cites in support of her argument, *In re D.A.*, is distinguishable. 113 Ohio St.3d 88, 2007-Ohio-1105, ¶ 36 ("We hold that when determining the best interest of a child under R.C. 2151.414(D) at a permanent-custody hearing, a trial court may not base its decision solely on the limited cognitive abilities of the parents.").

{¶48} For the reasons above, we conclude that clear and convincing evidence supports the trial court's determinations under R.C. 2151.414 that it was required to and did make in granting LCCS's motion for permanent custody. The trial court properly determined that it is in the best interest of the children to grant permanent custody of the children to LCCS and that R.C. 2151.414(B)(1)(a) and R.C. 2151.414(B)(1)(d) apply to H.M. and to L.L. and J.L., respectively. The trial court's decision to grant LCCS's motion for permanent custody is not against the manifest weight of the evidence. The trial court did not err in granting LCCS's motion for permanent custody.

{¶49} Lewellen's fourth and fifth assignments of error are overruled.

**Assignment of Error No. II**

**The trial court erred when it failed to record the in camera interview with the minor children.**

**Assignment of Error No. VII**

**The children’s guardian ad litem failed to perform necessary duties pursuant to Ohio Revised Code Section 2151.281 and Superintendent [sic] Rule 48, thereby not acting in the children’s best interest, to appellant’s detriment and in violation of her due process.**

**Assignment of Error No. VIII**

**Appellant’s court appointed guardian ad litem failed to perform his duties to appellant’s detriment and in violation of her due process.**

{¶50} In her second assignment of error, Lewellen argues that the trial court’s failure to record the in camera interviews of the children under Juv.R. 37(A) amounts to reversible error. In her seventh and eighth assignment of error, Lewellen argues that the children’s GAL and her GAL, respectively, failed to perform their duties.

{¶51} It appears from the record that Lewellen failed to object or otherwise raise these issues in the trial court. “It is well established that if a party fails to object at the trial court level, that party waives all but plain error.” *In re M.R.*, 3d Dist. Defiance No. 4-12-18, 2013-Ohio-1302, ¶ 84. *See also In re Knight*, 11th Dist. Trumbull No. 2002-T-0158, 2003-Ohio-7222, ¶ 24; *In re B.W.*, 9th Dist. Medina No. 12CA0016-M, 2012-Ohio-3416, ¶ 44-45; *In re B.E.*, 4th Dist.

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Highland No. 13CA26, 2014-Ohio-3178, ¶ 17. Lewellen fails to argue plain error under her second, seventh, and eighth assignments of error. “[T]his court will not sua sponte undertake a plain-error analysis if [an appellant] fails to do so.” *Krill v. Krill*, 3d Dist. Defiance No. 4-13-15, 2014-Ohio-2577, ¶ 70, quoting *McMaster v. Akron Health Dept., Housing Div.*, 189 Ohio App.3d 222, 2010-Ohio-3851, ¶ 20 (9th Dist.). Therefore, we will not address Lewellen’s arguments under her second, seventh, and eighth assignments of error.

{¶52} Even if we were to address Lewellen’s arguments, “[i]n appeals of civil cases, the plain error doctrine is not favored and may be applied only in the extremely rare case involving exceptional circumstances where error, to which no objection was made at the trial court, seriously affects the basic fairness, integrity, or public reputation of the judicial process, thereby challenging the legitimacy of the underlying judicial process itself.” *Goldfuss v. Davidson*, 79 Ohio St.3d 116 (1997), syllabus. This is not one of those extremely rare cases involving exceptional circumstances where error seriously affected the basic fairness, integrity, or public reputation of the judicial process. Regarding Lewellen’s second assignment of error, even assuming the trial court erred by not recording the in camera interviews, Lewellen failed—aside from sweeping and conclusory statements—to demonstrate how she was prejudiced by the trial court’s failure to record the in camera interviews. *See In re E.G.*, 10th Dist. Franklin No. 07AP-26,

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2007-Ohio-3658, ¶ 10. Similarly, as to Lewellen's seventh and eighth assignments of error, even assuming the children's GAL and Lewellen's GAL failed to perform their duties, Lewellen did not demonstrate how those failures affected the outcome of these cases. *See In re B.W.* at ¶ 45.

{¶53} Lewellen's second, seventh, and eighth assignments of error are overruled.

#### **Assignment of Error No. I**

**The trial court erred when it failed to implement the case plan for reunification when the case was remanded back because the matter was resolved in favor of appellant in appellate case number 8-13-13 when this court sustained the assignment of error that the trial court's decision was against the manifest weight of the evidence.**

#### **Assignment of Error No. III**

**The trial court erred when it granted appellee's motion to extend temporary custody of the minor children to appellee.**

#### **Assignment of Error No. VI**

**The trial court erred in finding appellee used reasonable efforts for reunification throughout the case.**

#### **Assignment of Error No. IX**

**The trial court abused its discretion when it failed to put its findings of fact and conclusions of law on the record by directing appellee to draft the judgment entry based on her perceived findings and conclusions and not the court's independent review of the evidence presented at the permanent custody hearing.**

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{¶54} Lewellen fails to cite any legal authority in support of her first, third, sixth, and ninth assignments of error. App.R. 16(A)(7) requires that Lewellen include in her brief: “An argument containing the contentions of the appellant with respect to each assignment of error presented for review and the reasons in support of the contentions, *with citations to the authorities, statutes*, and parts of the record on which appellant relies.” (Emphasis added.) Under App.R. 12(A)(2), we are not required to address arguments that have not been sufficiently presented for review or supported by proper authority, as required by App.R. 16(A)(7). *Black v. St. Marys Police Dept.*, 3d Dist. Mercer No. 10-11-11, 2011-Ohio-6697, ¶ 14. Because Lewellen’s arguments under her first, third, sixth, and ninth assignments of error have not been sufficiently presented for review and are not supported by any authority, we will not address those arguments.

{¶55} Lewellen’s first, third, sixth, and ninth assignments of error are overruled.

{¶56} Having found no error prejudicial to the appellant herein in the particulars assigned and argued, we affirm the judgments of the trial court.

*Judgments Affirmed*

**ROGERS, P.J. and SHAW, J., concur.**

/jlr