

COURT OF APPEALS
KNOX COUNTY, OHIO
FIFTH APPELLATE DISTRICT

IN THE MATTER OF:

M.C.

JUDGES:

Hon. William B. Hoffman, P.J.
Hon. Patricia A. Delaney, J.
Hon. Craig R. Baldwin, J.

Case No. 13CA10

OPINION

CHARACTER OF PROCEEDING:

Appeal from the Knox County Court
of Common Pleas, Juvenile Division,
Case No. 2122062

JUDGMENT:

Affirmed

DATE OF JUDGMENT:

December 5, 2013

APPEARANCES:

For Plaintiff-Appellee

For Appellant-Jasmine Cosner

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Baldwin, J.

{¶1} Appellant Jasmine Bales aka Jasmine Cosner appeals from the April 16, 2013 Journal Entry of the Knox County Court of Common Pleas, Juvenile Division.

STATEMENT OF THE FACTS AND CASE

{¶2} M.C. (DOB 8/18/12), who is the biological child of appellant and Scott Cosner, tested positive for opiates at birth. On August 21, 2012, appellee Children Services Unit of the Knox County Department of Job and Family Services filed a complaint alleging that the child was an abused or dependent child. The complaint asked for the court to grant temporary custody of M.C. to either the agency or a suitable relative.

{¶3} Pursuant to a Magistrate's Order filed on August 30, 2012 after a shelter care hearing, the court granted temporary custody of the child to his paternal grandmother subject to protective supervision. At an adjudicatory hearing on November 8, 2012, appellant admitted that M.C. was a dependent child and the trial court found her to be a dependent child.

{¶4} Thereafter, on November 13 2012, the paternal grandmother filed a motion seeking legal custody of M.C. A dispositional hearing was held on November 14, 2012. The Magistrate, in a Decision filed on December 27, 2012, recommended that legal custody be granted to the paternal grandmother and that such custody continue until further order of court.

{¶5} Appellant filed objections to the Magistrate's Decision. Pursuant to a Journal Entry filed on April 16, 2013, the trial court overruled appellant's objections and affirmed and adopted the Magistrate's December 27, 2012 Decision.

{¶6} Appellant now raises the following assignment of error on appeal:

{¶7} JASMINE BALES, AKA JASMINE COSNER, RECEIVED INEFFECTIVE ASSISTANCE OF COUNSEL FROM ATTORNEY JOHN A. DANKOVICH.

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{¶8} Appellant, in her sole assignment of error, appellant maintains that she was deprived of the effective assistance of trial counsel.

{¶9} This Court has recognized "ineffective assistance" claims in permanent custody appeals. See, e.g., *In re Utt Children*, 5th Dist. Stark App. 2003CA00196, 2003–Ohio–4576. However, we have not expanded the doctrine of ineffective assistance of counsel beyond criminal cases and those involving permanent custody. See *In re Logwood*, 5th Dist. Guernsey No. 2004–CA–38, 2005–Ohio–3639, ¶ 26. See also *In the Matter of W.A., Jr.*, 5th Dist. Muskingum No. CT2013-0002, 2013-Ohio-3444.

{¶10} The present case did not result in an order of permanent custody to the agency as defined under R.C. 2151.011(B)(32). We, therefore, will not further address appellant's assignment of error.

{¶11} For the reason stated in the foregoing Opinion, the decision of the Knox County Court of Common Pleas, Juvenile Division, is hereby affirmed.

By: Baldwin, J.

Hoffman, P.J. and

Delaney, J. concur.

HON. CRAIG R. BALDWIN

HON. WILLIAM B. HOFFMAN

HON. PATRICIA A. DELANEY

CRB/dr

IN THE COURT OF APPEALS FOR KNOX COUNTY, OHIO
FIFTH APPELLATE DISTRICT

IN THE MATTER OF:

M.C.

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JUDGMENT ENTRY

CASE NO. 13CA10

For the reasons stated in our accompanying Memorandum-Opinion, the judgment of the Court of Common Pleas of Knox County, Juvenile Division is affirmed. Costs assessed to appellant.

HON. CRAIG R. BALDWIN

HON. WILLIAM B. HOFFMAN

HON. PATRICIA A. DELANEY