[Cite as *In re I.D.*, 2014-Ohio-238.]

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

In re I.D., E.D., C.D., L.D.

Court of Appeals No. L-13-1162

Trial Court No. JC 10206631

DECISION AND JUDGMENT

Decided: January 23, 2014

* * * * *

Adam H. Houser, for appellant.

Bradley W. King and Jeremy G. Young, for appellee.

* * * * *

JENSEN, J.

{¶ 1} Defendant-appellant, Cr.D., mother of I.D., E.D., C.D., and L.D. ("the children"), appeals the June 18, 2013 decision of the Lucas County Court of Common Pleas, Juvenile Division, terminating her parental rights and vesting plaintiff-appellee, Lucas County Children Services ("LCCS"), with permanent custody of her children. For the reasons that follow, we affirm the trial court's decision.

I. Background

{¶ 2} I.D. (born March 24, 2004), E.D. (born February 19, 2005), C.D. (born July 24, 2006), and L.D. (born December 31, 2007), are the children of Cr.D. and Ed.D. ("the parents"). LCCS received reports indicating that Ed.D. was using heroin, that there was substantial traffic in and out of the home, that there was no food in the home, and that E.D. was able to demonstrate IV drug use. There were reports, although unconfirmed, that the family home was filthy, with human feces spattered and smeared throughout the house, and I.D. and E.D. exhibited significant speech delays that were not being addressed. LCCS had learned that C.D. and L.D. were previously removed from the home by Henry County Children Services and were placed in the temporary custody of their maternal grandmother, J.R., who returned the children to their parents without authorization to do so. LCCS obtained an ex parte order on July 16, 2010, to remove the children from their parents' custody and place them into shelter care.

{¶ 3} On August 19, 2010, the parents agreed to a finding of dependency and neglect and the children were placed in the temporary custody of LCCS with a case plan goal of reunification. Under the terms of that case plan, Cr.D. and Ed.D. were expected to secure stable housing; successfully complete parenting classes; learn and demonstrate age-appropriate supervision; closely supervise the children at all times and make appropriate alternative arrangements for their care when they were unavailable; undergo diagnostic assessments and follow any resulting recommendations including counseling, medication, etc.; ensure that the children's basic needs were being met; and make necessary medical,

dental, and Help Me Grow appointments. Ed.D. was also expected to participate in a drug and alcohol assessment and follow all treatment recommendations; submit to random drug screens; and refrain from alcohol, drugs, addictive prescriptions, or anything that would inhibit his ability to care for his children or place them at risk of harm. Cr.D. and Ed.D. were permitted supervised visitation with their children.

{¶ 4} Cr.D. successfully completed the LCCS parenting program. She attended a diagnostic assessment and was referred to individual counseling, which she completed. Ed.D. underwent an assessment and was referred for intensive outpatient ("IOP") treatment at Unison. He received individual counseling, completed IOP treatment, was in aftercare services, and provided negative drug screens. He was attending individual parenting classes through LCCS. Cr.D. and Ed.D. obtained housing together through assistance from Treatment Accountability for Safer Communities ("TASC") and availed themselves of TASC case management services. The children were provided speech therapy and I.D. successfully completed individual counseling. Because of this progress, LCCS recommended, and the court ordered on June 14, 2012, that the children be returned to their parents with protective supervision.

{¶ 5} On September 11, 2012, the family's LCCS caseworker, Kari Vebenstad, made an announced visit to the family home. She found Ed.D. home alone with L.D. while Cr.D. was out getting dinner and picking up the three other children from the Boys and Girls Club. Vebenstad observed that Ed.D. was visibly under the influence of drugs. She was extremely concerned that Cr.D. had left L.D. home with Ed.D. when he clearly

had been using drugs. She asked Ed.D.'s permission to take L.D. with her to find Cr.D. When she found her, Cr.D. denied knowing that Ed.D. had been using drugs that afternoon. A urine screen obtained the next day revealed the presence of benzodiazepines, opiates, and cocaine in Ed.D.'s system.

{¶ 6} Following this incident, Ed.D.'s service provider at Unison expressed to Vebenstad that he was concerned because Ed.D. did not have sober support in the form of a sponsor, a home group, or AA. Vebenstad also learned that Ed.D. had not been complying with the TASC program requirements. Vebenstad recommended that Ed.D. participate in LCCS's drug court program, but he resisted. Unison also recommended that Ed.D. participate in eight more weeks of IOP treatment with at least six weeks of aftercare treatment.

{¶ 7} Ed.D. missed an IOP appointment almost immediately because he was scheduled to appear in court. Vebenstad checked the Toledo Municipal Court website and learned that Ed.D. had been arrested for an August 28, 2012 incident where he was found unconscious at the intersection of Starr Avenue and Main Street with an IV needle in his pocket. He had apparently overdosed. Police transported him to St. Vincent Hospital.

{¶ 8} Vebenstad confronted Cr.D. with the information about Ed.D.'s arrest and hospitalization, but Cr.D. denied knowing about the incident. She said that Ed.D. had left the home and had been staying with someone else for the last two weeks. Ed.D. arrived at the home during that visit. When Vebenstad questioned him about his arrest, he was evasive and denied that he had overdosed. Vebenstad was incredulous that Cr.D. could

have been unaware of the incident. Cr.D. eventually admitted that she knew that Ed.D. had been hospitalized but claimed that she thought it was for a health issue, possibly a heart attack. She claimed that she had spent a lot of time away from Ed.D. over the summer because she and the children made frequent visits to her mother's because it was air-conditioned and her apartment complex had a swimming pool.

{¶ 9} Vebenstad told Cr.D. and Ed.D. that LCCS was going to file a motion to show cause with the juvenile court in an effort to place Ed.D. into drug court. She tried to schedule home visits during October and November, but the family canceled those visits. In November, she made an unannounced visit and found Ed.D. sleeping on a mattress in the living room. He allowed Vebenstad into the house, but lay back down, claiming he did not feel well. He said nobody was home, but within 30 seconds, Cr.D. walked in from the kitchen and C.D. walked out from a bedroom. Cr.D. claimed that the family was ill, so Vebenstad could not complete her visit.

{¶ 10} On November 19, 2012, Ed.D. appeared in court on the motion to show cause concerning potential drug court placement. The hearing could not go forward, however, because Ed.D. was visibly under the influence. LSSC continued to work with Unison and TASC with respect to Ed.D.'s compliance with the case plan. LSSC's parent educator was asked to monitor the home and the stability of the plan to reunify the family. Announced and unannounced home visits continued and Vebenstad spoke with the couple on multiple occasions, encouraging Ed.D. to engage in treatment and make the right decision for his family.

{¶ 11} Vebenstad devised a safety plan under which Cr.D. agreed not to leave the children unattended with their father. Ed.D. volunteered to leave the family home, to visit with his children only under LCCS supervision, and to obey a no-contact order if ordered by the court.[1] The possibility of admitting Ed.D. to an inpatient program was considered but was ruled out because he had severe health issues, including hepatitis C, cirrhosis, a problem with his lungs, and a past MRSA infection.

{¶ 12} On November 26, 2012, LCCS filed a motion to change disposition orders and requested an emergency hearing. During the hearing, Vebenstad testified about all that had transpired over the last several months. She conceded that the children had never been harmed and had never required hospital care. She also conceded that Ed.D.'s toxicology screens were negative from the time the children returned until September 12, 2012. But since the positive screen on September 12, 2012, Ed.D. had refused to submit to additional screens, saying that he had already been caught anyway. Vebenstad talked about the safety plan that would theoretically keep Ed.D. away from the children. Nevertheless, Vebenstad told the court that that she remained concerned about Cr.D.'s ability to protect the children.

{¶ 13} The court concluded that Ed.D. posed an immediate danger to the children and Cr.D. was not capable of protecting them.[2] The court discussed the potential dangers

[1] There is no evidence in the record that a no-contact order was ever issued.

[2] All of the hearings in this case, except the trial, were conducted by various magistrates whose orders were ultimately reviewed and adopted by the court.

posed by exposure to Ed.D.'s drug use, including the possibility that Ed.D. could knock something over, start a fire, fall on top of one of the children, leave a needle out, etc. The court conveyed its concern that Cr.D. was unable to tell when Ed.D. was high, especially because when Ed.D. was in court for the hearing on LCCS's motion to show cause, it was obvious to all present that he was impaired. The court felt it more likely that Cr.D. was covering up for him. The court expressed that Cr.D. was in dire need of services from Al-Anon. LCCS was awarded temporary custody of the children and they were again placed in shelter care.

{¶ 14} At some point after the hearing, Cr.D. became involved with Al-Anon. She reported that Ed.D. had left the family home. Vebenstad conducted unannounced home visits and observed nothing to suggest that Ed.D. was still residing there. LCCS made no further recommendations for services to be completed by Cr.D. Nevertheless at a January 28, 2013 hearing on LCCS's motion to change disposition,[3] the court found that it was in the best interest of the children that they remain in the temporary custody of LCCS with visitation by the parents as directed by LCCS and the children's guardian ad litem ("GAL").[4]

{¶ 15} LCCS moved for permanent custody on March 6, 2013, and the case proceeded to trial on June 10, 2013. Only Vebenstad and the children's GAL, Michael

[3] Ed.D. had ceased participating in the court hearings by this time.

[4] Alanna Paully was originally designated the children's GAL, but in May of 2013, she was relieved as GAL and was assigned as counsel for the children. Michael Bryant was appointed GAL on May 16, 2013.

Bryant, testified. Vebenstad testified to the same facts that she had described in prior hearings. She confirmed that Cr.D. had completed the diagnostic assessment, individual counseling, and all her case plan services. She talked about how Ed.D. had first complied with the case plan but eventually relapsed. She described the services that were being provided to the children. I.D., E.D., and C.D. had undergone, or were still undergoing, individual therapy. Speech delays were being addressed. L.D. was enrolled in Head Start. However, I.D., E.D., and C.D., were struggling academically and were testing well below grade level. E.D. and C.D. were prescribed medication for attention deficit hyperactivity disorder ("ADHD"). She testified that the children continued to exhibit behavioral issues.

{¶ 16} Vebenstad testified that she believed that Cr.D. continued to maintain contact with Ed.D. despite the previous agreement that he would vacate their home and avoid contact. Her belief was based on the fact that she had received a voicemail message, inadvertently left by Cr.D., where she could hear a conversation between Cr.D. and Ed.D.. She also indicated that she had received reports from different individuals that Cr.D. and Ed.D. continued to be together, that the children made a video and pictures for Ed.D., and that Ed.D. recorded a story for the children to listen to. Cr.D. told Vebenstad that she would not choose her husband over her children and would do whatever it took to ensure her children's well-being. Vebenstad believed, however, that the reports of Cr.D. and Ed.D. being seen together evidenced that this was not true.

{¶ 17} Vebenstad also addressed Cr.D.'s housing arrangements. Cr.D.'s housing with TASC was obtained through Ed.D. and had expired. Since then, Cr.D. had been

without stable housing. Cr.D. had no job or income, allegedly because she suffered from scoliosis and was unable to work. She was in the process of appealing a denial of Social Security benefits. Cr.D. had been staying with friends and apparently intended to stay with her mother. Vebenstad testified, however, that Cr.D.'s mother's apartment did not provide enough space for the family. Vebenstad explained that when she first became involved with the family, she directed them to a shelter which eventually transitioned into TASC housing. But she conceded that LCCS had not made recent efforts to place Cr.D. in a shelter. She said that Cr.D. "has been aware of her options since prior to the children's reunification with her." She also explained that Cr.D. did not qualify for LMHA housing because she owes a $500 fine.

{¶ 18} Vebenstad provided her opinion that it was in the children's best interest to be permanently removed from their parents' custody because of Ed.D.'s severe addiction, his inability to maintain sobriety, his lack of willingness to actively treat his addiction, Cr.D.'s supposed inability to detect when her husband is under the influence, Cr.D.'s apparent unwillingness to sever her relationship with Ed.D., and Cr.D.'s inability to secure appropriate housing.

{¶ 19} Bryant also testified. Although he informed the court that the children wanted to return to their mother, he was skeptical of Cr.D.'s ability to protect them. He too had concerns that Cr.D. did not seem to recognize the signs exhibited by a person who is under the influence of drugs, despite being educated about those signs through the various services that were provided to her. Bryant also had information that Cr.D. and

Ed.D. were still spending time together, but indicated that the children had not seen Ed.D. since November or December of 2012. He reported that Cr.D. had been living between her mother's home and a friend's house. Despite the children's expressed wishes, Bryant recommended that LCCS take permanent custody of the children. Because the children are very bonded to each other, he indicated that they should remain together.

{¶ 20} On June 12, 2013, the court announced its decision terminating Cr.D.'s and Ed.D.'s parental rights and granting permanent custody of the children to LCCS. It issued a judgment entry on June 18, 2012. Cr.D. appeals from this decision, assigning the following error for our review:

> The Termination of Appellant's Parental Rights was Against the Manifest Weight of Evidence as Appellant had Completed All of Her Case Plan Services and Lucas County Children Services had Failed to Provide Services to Remedy the Removal of the Children[.] [Capitalization sic.]

II. Standard of Review

{¶ 21} A trial court's determination in a permanent custody case will not be reversed on appeal unless it is against the manifest weight of the evidence. *In re A.H.*, 6th Dist. Lucas No. L-11-1057, 2011-Ohio-4857, ¶ 11. The factual findings of a trial court are presumed correct since, as the trier of fact, it is in the best position to weigh the evidence and evaluate the testimony. *In re Brown*, 98 Ohio App.3d 337, 342, 648 N.E.2d 576 (3d Dist.1994). Moreover, "[e]very reasonable presumption must be made in favor of the judgment and the findings of facts [of the trial court]." *Karches v. Cincinnati*, 38 Ohio

St.3d 12, 19, 526 N.E.2d 1350 (1988). Thus, judgments supported by some competent, credible evidence going to all essential elements of the case are not against the manifest weight of the evidence. *Id.*

III. Analysis

{¶ 22} Cr.D. claims that the termination of her parental rights was against the manifest weight of the evidence. She raises two arguments with respect to the trial court's decision: (1) contrary to the requirements of R.C. 2515.414(E)(1), LCCS failed to show that it made diligent efforts to assist Cr.D. in remedying the problems that led to the initial removal of the children from the home; and (2) concerning the court's determination that Cr.D. failed to provide an adequate home for the children under R.C. 2515.414(E)(4), LCCS did not establish that it offered Cr.D. assistance in retaining independent housing.

{¶ 23} Because courts recognize a parent's right to raise his or her children as an essential basic civil right and have deemed a parent's right to custody of their children to be "paramount," parents are afforded procedural and substantive protection when termination of their parental rights is threatened. *In re Hayes,* 79 Ohio St.3d 46, 48, 679 N.E.2d 680 (1997). Those protections are contained within R.C. Chapter 2151.

{¶ 24} R.C. 2151.414 provides the analysis that a court must undertake when considering whether to terminate parental rights and vest permanent custody in a children's service agency. Under that provision, the court must first find that one of the circumstances described in R.C. 2151.414(B)(1)(a)-(d) exists. Subsection (b) of that provision requires a finding that the child is abandoned; subsection (c) requires a finding

that the child is orphaned and there are no relatives who are able to take permanent custody; and subsection (d) requires a finding that the child has been in the temporary custody of a public children's services agency or a private child placing agency for at least 12 months of a consecutive 22-month period. Subsection (a) requires a finding that the child has not been abandoned or orphaned, has not been in the custody of a public children's services agency or a private child placing agency for at least 12 months of a consecutive 22-month period, and that the child cannot be placed with either parent within a reasonable time or should not be placed with either parent. *In re E.B.*, 12th Dist. Warren Nos. CA2009-10-139, CA2009-11-146, 2010-Ohio-1122, ¶ 14-15.

{¶ 25} If the court finds that R.C. 2151.414(B)(1)(b), (c), or (d) applies, it must next determine whether granting permanent custody to the agency is in the child's best interest. This requires the court to evaluate the factors enumerated in R.C. 2151.414(D)(1); if, however, all of the factors in R.C. 2151.414(D)(2) apply, the court must grant permanent custody to LCCS. *In re K.M.D.*, 4th Dist. Ross. No. 11CA3289, 2012-Ohio-755, ¶ 30.

{¶ 26} If the court finds that R.C. 2151.414(B)(1)(a) applies, it must consider both whether granting permanent custody to the agency is in the child's best interest *and* whether any of the factors enumerated in R.C. 2515.414(E) are present which would indicate that the child cannot be placed with either parent within a reasonable time or should not be placed with either parent. *In re B.K.*, 6th Dist. Lucas No. L-10-1053, 2010-Ohio-3329, ¶ 43. The court need not find that any of the R.C. 2515.414(E) factors are

present if it relies on R.C. 2151.414(B)(1)(b)-(d) as the basis for granting permanent custody to LCCS.

{¶ 27} All of the court's findings under R.C. 2515.414 must be by clear and convincing evidence. "Clear and convincing evidence" is evidence sufficient for the trier of fact to form a firm conviction or belief that the essential statutory elements for a termination of parental rights have been established. *In re Tashayla S.*, 6th Dist. Lucas No. L-03-1253, 2004-Ohio-896, ¶ 14; *Cross v. Ledford*, 161 Ohio St. 469, 120 N.E.2d 118 (1954), paragraph three of the syllabus. Clear and convincing evidence is the highest level of evidentiary support necessary in a civil matter. *In re Stacey S.*, 136 Ohio App.3d 503, 520, 737 N.E.2d 92.

{¶ 28} In support of her assignment of error, Cr.D. argues that LCCS failed to make diligent efforts to assist her in remedying the problems that led to the placement of the children outside the home, thus the court improperly used R.C. 2151.414(E)(1) as a factor to justify vesting LCCS with permanent custody. She also argues that it was improper for the court to rely on R.C. 2151.414(E)(4) because LCCS did not assist Cr.D. in obtaining independent housing.

{¶ 29} As previously explained, R.C. 2151.414(E) need only be examined if the court relies on R.C. 2151.414(B)(1)(a) as the basis for terminating parental rights. In this case, the court analyzed LCCS's motion under both R.C. 2151.414(B)(1)(a) and (d). For that reason, we will review the trial court's decision under both provisions.

{¶ 30} We will begin our analysis by examining the court's first basis for granting permanent custody to LCCS: R.C. 2151.414(B)(1)(d). It provides:

> Except as provided in division (B)(2) of this section, the 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:
>
> (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 * * *.

{¶ 31} It is undisputed that the children were in the temporary custody of a public children services agency for 12 or more months of a consecutive 22-month period. The children were removed from the home July 16, 2010. Temporary custody was granted to LCCS on October 21, 2010, and the children remained in the custody of LCCS through June 14, 2012. Approximately five months later, on November 26, 2012, the children were again placed in LCCS's temporary custody. LCCS moved for permanent custody on March 6, 2013, and the children remained in LCCS's custody through the date the judgment entry was issued on June 18, 2013. We, therefore, agree with the trial court's conclusion that R.C. 2151.414(B)(1)(d) was satisfied.

{¶ 32} R.C. 2151.414(B)(1)(d) having been satisfied, LCCS was next required to establish by clear and convincing evidence that granting permanent custody to LCCS is in the children's best interest. The factors that the court is required to consider in making that determination are set forth in R.C. 2515.414(D)(1). That provision provides:

> In determining the best interest of a child at a hearing held pursuant to division (A) of this section * * *, the 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 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 * * *.

{¶ 33} Consistent with the recommendations of Vebenstad and Bryant, the only two witnesses who testified, the trial court determined that it was in the best interest of the children that LCCS be awarded permanent custody. The court considered a number of facts in reaching that conclusion.

{¶ 34} Concerning factor (a), the court noted the mutual love between Cr.D. and the children and the bond shared between the siblings. Concerning factor (b), the court acknowledged the children's desire to be returned to their mother. Concerning factor (c), the court observed that both Lucas County and Henry County's children's services agencies had found it necessary to seek temporary custody of the children. The older children had been removed from their parents' home twice and the two youngest had been removed three times. The amount of time the children spent in the temporary custody of these agencies exceeded two years. And concerning factor (d), the court found that the children needed legally secure, permanent placement and it was persuaded that neither Cr.D., Ed.D., nor any of the children's other relatives could provide security and permanency. Factor (e) was inapplicable.

{¶ 35} The court considered additional information as well. Specifically, it articulated its concern with the behavioral issues exhibited by the children. The three youngest children had been acting out. Two of the children had on occasion defecated in inappropriate places and one once smeared feces on a bathroom wall. The youngest boy

had been observed "humping" his sister. The children were in severe need of speech therapy, counseling, and treatment for ADHD and began receiving necessary treatment after their removal from their parents' home. Both Vebenstad and Bryant recommended that permanent custody be awarded to LCCS.

{¶ 36} The trial court's factual findings were fully explained and were undisputed. We, therefore, agree that there was competent credible evidence supporting the trial court's findings under R.C. 2515.414(D)(1).

{¶ 37} Although our analysis could cease at this point, because the court analyzed LCCS's motion under both R.C. 2151.414(B)(1)(d) and (B)(1)(a), we will also briefly review whether the court's findings under R.C. 2151.414(E) were proper.

{¶ 38} The court found that there was clear and convincing evidence of the factors set forth in R.C. 2151.414(E)(1) and (E)(4). Under R.C. 2151.414(E)(1), the court concluded that Cr.D. had failed continuously and repeatedly to substantially remedy the conditions causing the children to be placed outside of her home. It also determined, under R.C. 2151.414(E)(4), that Cr.D.'s actions demonstrated a lack of commitment to the children by failing to support them and by showing an unwillingness to provide an adequate permanent home for them.

{¶ 39} There were two primary factors that caused the court to draw these conclusions. First, there was undisputed evidence that Cr.D. maintained contact with Ed.D. despite the fact that LCCS, as part of a safety plan, made clear that to protect her children, she needed to shield them from their father's drug-abusing behavior. The court

found that Cr.D. was either unable or unwilling to identify when Ed.D. was under the influence of drugs and could not be relied upon to protect the children from Ed.D.'s behavior. Instead of maintaining distance from Ed.D., Cr.D. continued to see him and then lied to LCCS workers about it. This was evidenced by the inadvertent voicemail left on Vebenstad's phone, information from Cr.D.'s family, and from the children themselves. Although Cr.D. stated that she did not intend to place her relationship with Ed.D. above her relationship with her children, the court found that her conduct reflected otherwise. The trial court also found that Cr.D. was placing the children in the middle of the conflict by having them make pictures, videos, and other items for their father.

{¶ 40} In this way, this case is very much like *In re Jose P., Jay P., Ju. P., Jac. P., Josh P.*, 6th Dist. Lucas No. L-12-1294, 2013-Ohio-1834. In that case, it was the children's mother who abused drugs. Although the children's father had completed the services recommended under the case plan, he continued to leave the children alone with their mother. He promised to sever ties with the mother, but the evidence established that they continued to see each other when they were not supposed to be in contact. Despite the potential of the father parenting the children alone, he repeatedly established that he could not sever ties to the mother. We, therefore, agreed with the trial court that he had failed to remedy the conditions that led to the children's removal from the home.

{¶ 41} "The unwillingness of a mother to sever ties with a father who presents a danger to their child can present an environment requiring state intervention to protect the child." *In re K.H.*, 119 Ohio St.3d 538, 2008-Ohio-4825, 895 N.E.2d 809, ¶ 54. *See also*

In re B.K., 6th Dist. Lucas No. L-10-1053, 2010-Ohio-3329, ¶ 19. Here, there was competent, credible evidence that Cr.D. failed to sever ties with Ed.D. and that her failure to do so continued to present a danger to the children.

{¶ 42} Second, although the court acknowledged that Cr.D. had successfully completed the majority of the services set forth in the case plan, it focused on Cr.D.'s failure to secure appropriate housing. The housing that she and Ed.D. had previously secured was provided through Ed.D.'s drug treatment service providers and was not available to Cr.D. Since losing that housing, Cr.D. had been going back and forth between her mother's apartment and a friend's home. Her mother's apartment lacked sufficient space for Cr.D. and her children and LCCS did not consider Cr.D.'s friend's home to be a viable option. The court was aware that Cr.D. was appealing a denial of social security benefits, but currently had no income to pay for housing and was precluded from securing housing through LMHA due to a $500 fine she owed.

{¶ 43} There is no evidence in the record to suggest that Cr.D. made any attempt to secure a suitable home after losing TASC housing. Although the fine she owed to LMHA provided a roadblock to her obtaining housing, there is simply no evidence that she made any additional effort on her own or that she sought any further assistance from her caseworker despite being aware of what avenues were available to her. We, therefore, find that the trial court correctly concluded that the R.C. 2151.414(E)(4) factor was established.

{¶ 44} Finally, turning to Cr.D.'s assertion that LCCS did not make reasonable or diligent efforts to help her remedy the condition leading to the removal of the children from the home or to assist her in finding housing, we note two things. First, because this case was before the court upon a motion for permanent custody and LCCS had first obtained temporary custody of the children, no reasonable efforts finding was necessary. *In re Tyler C.,* 6th Dist. Lucas No. L-07-1159, 2008-Ohio-2207, ¶ 74. In any event, the record is replete with evidence that LCCS did all that it could do to provide the resources necessary to enable Cr.D. to regain custody of her children. Case plans were devised, reviewed, and updated, diagnostic and treatment services were provided, assistance in finding housing was given, and what was required of the parents was very clearly explained to them.

{¶ 45} For these reasons, we find Cr.D.'s assignment of error not well-taken.

IV. Conclusion

{¶ 46} We find that the judgment of the Lucas County Court of Common Pleas, Juvenile Division, was supported by competent, credible evidence going to all essential elements of the case. We, therefore, find Cr.D.'s assignment of error not well-taken and affirm the trial court's June 18, 2013 decision terminating Cr.D.'s parental rights and vesting LCCS with permanent custody of I.D., E.D., C.D., and L.D. The costs of this appeal are assessed to appellant pursuant to App.R. 24.

Judgment affirmed.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. *See also* 6th Dist.Loc.App.R. 4.

Arlene Singer, J. _____
JUDGE

Thomas J. Osowik, J. _____
JUDGE

James D. Jensen, J.
CONCUR. _____
JUDGE