[Cite as *In re D.D.*, 2010-Ohio-1250.]

STATE OF OHIO	)	IN THE COURT OF APPEALS
	)ss:	NINTH JUDICIAL DISTRICT
COUNTY OF LORAIN	)	

IN RE: D.D. & C.D.	C.A. No. 09CA009711
	APPEAL FROM JUDGMENT ENTERED IN THE COURT OF COMMON PLEAS COUNTY OF LORAIN, OHIO CASE Nos. 09 JC 25424 09 JC 25752

DECISION AND JOURNAL ENTRY

Dated: March 29, 2010

CARR, Presiding Judge.

{¶1} Appellant, L.D. ("Mother"), appeals the judgment of the Lorain County Court of Common Pleas, Juvenile Division, which adjudicated her child D.D. dependent, neglected, and abused and adjudicated her child C.D. dependent and neglected. This Court affirms.

I.

{¶2} L.D. is the adoptive mother of a daughter, D.D. (d.o.b. 12/01/94), and a son, C.D. (d.o.b. 7/09/97). On March 5, 2009, Lorain County Children Services ("LCCS") filed a complaint alleging that D.D. was a dependent, neglected, and abused child. The complaint was based on allegations of deplorable conditions in the home, as well as Mother's emotional mistreatment of the child, Mother's failure to retrieve the child from various mental health facilities upon her release, and incidents of physical harm to the child. LCCS sought protective supervision, temporary custody to the agency, or, alternatively, temporary custody to a relative

or interested third party. At the conclusion of shelter care hearing the same day, the magistrate ordered that D.D. be maintained in the emergency temporary custody of the agency.

{¶3} On April 2, 2009, LCCS filed a complaint alleging that C.D. was a dependent and neglected child. The complaint was based on allegations of deplorable conditions in the home, as well as Mother's emotional mistreatment of the child, and Mother's failure to use appropriate disciplinary measures and to pursue counseling for the child to address his disruptive and threatening behaviors. LCCS sought an order of protective supervision.

{¶4} The juvenile court scheduled the two cases for a consolidated adjudicatory hearing, which took place on May 11 and 27, 2009. The cases proceeded to dispositional hearing immediately thereafter. On June 2, 2009, the magistrate issued a decision, finding D.D. to be a dependent, neglected, and abused child, and placing her in the temporary custody of LCCS. The magistrate found C.D. to be a dependent and neglected child, and placed him under the protective supervision of LCCS until April 2, 2010. The juvenile court issued a judgment entry adopting the magistrate's decision the same day.

{¶5} Mother filed timely objections to the magistrate's decision. LCCS responded in opposition. The trial court overruled Mother's objections, adjudicated D.D. a dependent, neglected, and abused child, and placed her in the temporary custody of LCCS. The trial court adjudicated C.D. a dependent and neglected child and placed him under the protective supervision of LCCS. Mother filed a timely appeal, raising one assignment of error for review.

II.

ASSIGNMENT OF ERROR

"THE TRIAL COURT ERRED TO THE PREJUDICE OF APPELLANT BY AFFIRMING AND ADOPTING THE DECISION OF THE MAGISTRATE[.]"

{¶6} Mother argues that the juvenile court erred by overruling her objections and adopting the magistrate's decision from the adjudicatory hearing. Specifically, Mother argues that the trial court's judgment adjudicating the children is against the manifest weight of the evidence. She also argues that the trial court erred in admitting certain hearsay evidence. This Court disagrees.

{¶7} When reviewing an appeal from the trial court's ruling on objections to a magistrate's decision, this Court must determine whether the trial court abused its discretion in reaching its decision. *Turner v. Turner*, 9th Dist. No. 07CA009187, 2008-Ohio-2601, at ¶10. "In so doing, we consider the trial court's action with reference to the nature of the underlying matter." *Tabatabai v. Tabatabai*, 9th Dist. No. 08CA0049-M, 2009-Ohio-3139, at ¶18. "Any claim of trial court error must be based on the actions of the trial court, not on the magistrate's findings or proposed decision." *Mealey v. Mealey* (May 8, 1996), 9th Dist. No. 95CA0093. An abuse of discretion is more than an error of judgment; it means that the trial court was unreasonable, arbitrary, or unconscionable in its ruling. *Blakemore v. Blakemore* (1983), 5 Ohio St.3d 217, 219. An abuse of discretion demonstrates "perversity of will, passion, prejudice, partiality, or moral delinquency." *Pons v. Ohio State Med. Bd.* (1993), 66 Ohio St.3d 619, 621. When applying the abuse of discretion standard, this Court may not substitute its judgment for that of the trial court. Id.

{¶8} This Court applies the criminal manifest weight of the evidence standard of review in challenges to the juvenile court's adjudication of a child as dependent, neglected, or abused. *In re M.H.*, 9th Dist. No. 09CA0028, 2009-Ohio-6911, at ¶14. In determining whether a juvenile adjudication is against the manifest weight of the evidence:

> "The court, reviewing the entire record, weighs the evidence and all reasonable inferences, considers the credibility of witnesses and determines whether in

> resolving conflicts in the evidence, the [trier of fact] clearly lost its way and created such a manifest miscarriage of justice that the [adjudication] must be reversed[.]" Id., quoting *State v. Thompkins* (1997), 78 Ohio St.3d 380, 387.

{¶9} An adjudication of dependency, neglect, or abuse must be supported by clear and convincing evidence. Juv.R. 29(E)(4). Clear and convincing evidence is such evidence which will produce in the mind of the trier of fact a firm belief or conviction as to the conclusion to be drawn. *In re Adoption of Holcomb* (1985), 18 Ohio St.3d 361, 368. This Court will review the entire record, weigh the evidence and all reasonable inferences, consider the credibility of witnesses, and determine whether, in resolving conflicts in the evidence, the trial court clearly lost its way and created such a manifest miscarriage of justice that the adjudication must be reversed. *Thompkins*, 78 Ohio St.3d at 387.

{¶10} Both children were alleged to be dependent pursuant to R.C. 2151.04(C) which defines "dependent child" as one "[w]hose condition or environment is such as to warrant the state, in the interests of the child, in assuming the child's guardianship[.]" C.D. was alleged to be a neglected child pursuant to R.C. 2151.03(A)(3) which defines "neglected child" as one "[w]hose parents, guardian, or custodian neglects the child or refuses to provide proper or necessary subsistence, education, medical or surgical care or treatment, or other care necessary for the child's health, morals, or well being." Moreover, both children were alleged to be neglected children pursuant to R.C. 2151.03(A)(2) which defines "neglected child" as one "[w]ho lacks adequate parental care because of the faults or habits of the child's parents, guardian, or custodian." Finally, D.D. was alleged to be an abused child pursuant to R.C. 2151.031(D) which defines "abused child" as one who "[b]ecause of the acts of [her] parents, guardian, or custodian, suffers physical or mental injury that harms or threatens to harm the child's health or welfare."

{¶11} Mother first challenges the admission of certain testimony by Deanna Wise, LCCS caseworker, and Tracy Foley, supervisor of the social services department at the Ashland County Department of Job and Family Services, on the basis of hearsay and lack of personal knowledge. Both women testified regarding information contained in agency records regarding Mother and her children.

{¶12} Evid.R. 802 prohibits the admission of hearsay unless the statement is subject to an exception. Evid.R. 803(6) provides an exception for records of regularly conducted activity, commonly known as the business records exception, which states:

> "The following are not excluded by the hearsay rule, even though the declarant is available as a witness: *** A memorandum, report, record, or data compilation, in any form, of acts, events, or conditions, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regular practice of that business activity, and if it was the regular practice of that business activity to make the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness or as provided by Rule 901(B)(10), unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness. The term 'business' as used in this paragraph includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit."

{¶13} Both Ms. Wise and Ms. Foley testified that they had reviewed information regarding the family in agency records which were kept in the ordinary course of business and made by someone with personal knowledge at or near the time of the information reported. Accordingly, their testimony regarding agency investigations and reports was properly admitted and considered by the juvenile court pursuant to Evid.R. 803(6). See *In re Dukes* (1991), 81 Ohio App.3d 145, 152.

{¶14} Mother next argues that the children's adjudications were not supported by clear and convincing evidence. This Court disagrees.

{¶15} Deanna Wise, a protective caseworker at LCCS, testified that she took the initial referral in January 2009, regarding allegations that Mother slapped C.D. and pulled his hair. She testified that the agency closed the case as unsubstantiated after the investigating caseworker spoke with Mother by telephone. Mother asserted that she was not available to meet personally with the caseworker.

{¶16} Ms. Wise testified that the agency received a second referral in February 2009, alleging concerns of long term emotional mistreatment of the children by Mother, as well as concerns regarding the physical conditions inside the home. The investigating caseworker, Millie Marrero, visited the home and observed food sitting out on counters, dried dog urine on the floors, areas on the floor indicating the earlier presence of dog feces, and a strong odor in the home. Ms. Marrero's report stated that she witnessed a dog urinating in the house and that C.D. walked through the urine. She further noted in her report that C.D.'s bedroom contained only a mattress on the floor and a couple pieces of clothing. The referral further contained the allegation that Mother had punished C.D. by making him stand outside with a sign which read, "I disrespected my mother." According to the agency report, Mother admitted the incident occurred "for a period of time," while C.D. informed the worker that he stood outside for "a long time." D.D. was not in the home at the time of the worker's visit because she had been hospitalized for mental health issues.

{¶17} Ms. Wise testified that the agency received a call from Laurelwood Hospital on February 28, 2009, reporting that Mother failed to pick up D.D. for three days after the hospital notified her of the child's release. Despite an assessment by Nord Center that D.D. posed no risk of harm, Mother reported that she could not keep the child safe at home and that she did not feel safe with D.D. in the home.

{¶18} Ms. Wise testified that children's services agencies in three other counties had been involved with Mother and these children. She testified that Franklin County Children's Services had obtained custody of D.D. for the purpose of placing the child in a residential treatment facility to address her mental health issues. D.D. resided at Buckeye Ranch from May 2008 through January 2009, to address issues including self-injurious behavior, specifically, a history of cutting herself; threats of harm to herself, Mother, and C.D.; and the smearing of feces. Ms. Wise testified that Mother had D.D. assessed three times and brought her to Laurelwood for hospitalization, all within a mere month of her release from Buckeye Ranch. She testified that since the child's placement in a foster home, however, D.D. has not required any mental health assessments or hospitalizations.

{¶19} Ms. Wise cited concerns regarding D.D.'s welfare in the home as follows. D.D.'s bedroom contains a mattress and clothes which cover the entire floor. When Ms. Wise told Mother that she would have to clean the child's room before she could be returned, Mother said she was unable to do so for medical reasons because she might sustain injuries from a knife which is somewhere amongst the clutter in the room. Mother is wheelchair-bound and conceded that it would take her some time to ensure that anything which D.D. might use to hurt herself was out of the child's reach.

{¶20} Ms. Wise testified that she believes that D.D. is a dependent, neglected, and abused child for several reasons: (1) Mother pushes to put D.D. in residential care instead of seeking mental health treatment which would allow Mother to maintain the child at home and in the community; (2) D.D. has suffered sexual abuse by someone who had been living in Mother's home; (3) the family has been involved with numerous children's services agencies; and (4)

Mother has demonstrated a "huge lack of follow-through with services for either child," especially since D.D.'s initial psychological assessment in 2005.

{¶21} Ms. Wise testified regarding her concerns for C.D. as follows. She questioned whether he was receiving services to minimize symptoms and manage his ADHD at home. She testified that he had been acting out at school and making sexual advances toward female students. Mother has failed to attend important and necessary meetings with the school to discuss C.D.'s issues. Ms. Wise testified that C.D. is currently expelled from school for bringing a pill (Adderall) to school. The child reported that Mother gave him pills on multiple occasions and told him to take them at school so he could remain focused. The investigating caseworker was unable to obtain a current prescription for any medications for C.D. at the time he was caught with the pill. That worker substantiated physical abuse based on Mother's giving C.D. medication without a verifiable and valid current prescription. Ms. Wise testified that she was unable to verify Mother's assertion that she was taking C.D. to Pathways for mental health treatment.

{¶22} Ms. Wise testified that C.D.'s bedroom contains the bare minimum: a mattress and only a couple pieces of clothing. Mother reported to the agency that she keeps C.D.'s clothes in her room because his sibling throws her clothes around the room. Ms. Wise testified that Mother has not taken C.D. to the dentist in over a year. She testified that C.D. was made to stand outside with a sign as punishment in January 2009. She testified that Mother uses sarcasm to "push [C.D.'s] buttons intentionally" and that that was a "pretty big concern" to her. Ms. Wise gave a recent example when Mother made a comment to C.D. during visitation in an attempt to "have some fun." When C.D. failed to get upset, Mother stated, "Oh, I thought we would get a reaction from that. I guess not."

{¶23} Ms. Wise testified that she believes that C.D. is a dependent and neglected child because of the conditions in the home and the punishments as reported by C.D. Ms. Wise testified that C.D. has since asserted that he exaggerated his initial reports of discipline, but she believes that the child is recanting because he still lives with Mother and he is scared.

{¶24} Ms. Wise testified that she has concerns regarding Mother's mental health and wants Mother to complete a psychiatric and psychological evaluation. She testified that Mother is very evasive and sarcastic in her responses, more so than other agency clients. She testified that she is concerned that Mother uses a sarcastic tone with C.D. and discusses inappropriate matters, such as her case plan, with him. Finally, she testified that it has been difficult to contact Mother because her voice mailbox is always full and she does not have a home answering machine. Mother has not always been cooperative or present for the caseworker's visits.

{¶25} Elizabeth Greenawalt is a school counselor in the Vermilion Local School District. She testified that she sees C.D. on a weekly basis pursuant to the child's Individualized Education Plan ("IEP"), twice a week in a cognitive behavior therapy group, and responsively if the child has difficulties during the school day. She testified that C.D. has been classified as emotionally disturbed, which she characterized as an educational label. She described C.D.'s behavior at school as disruptive, stating that he yells; uses inappropriate language; makes inappropriate comments to teachers, assistants, and other students; brings toys to school; and eats pencils and pens. Ms. Greenawalt testified that in the last month C.D. has made threatening remarks to a teacher and has talked about harming other people.

{¶26} Ms. Greenawalt testified that C.D. is currently expelled for bringing an unauthorized drug to school. She testified that she found an Adderall pill stuck to the outside of the child's sandwich and that C.D. told her that Mother had sent the pill to school with him. Ms.

Greenawalt testified that school policy prohibits students from bringing prescription medications to school. She testified that the policy is enunciated in the school handbook which Mother would have received when she enrolled C.D. at the Board of Education offices per Board protocol. In addition, she testified that the school gives students handbooks at the beginning of the year to bring home.

{¶27} Ms. Greenawalt testified that Mother has been generally uncooperative and unpleasant when she has contacted her in regard to an incident or other conflict situation involving C.D. She testified that Mother has failed to attend meetings, has left meetings early, and has hung up on her during telephone conversations. She testified that she did not believe that Mother attended C.D.'s expulsion hearing, although she conceded that Mother may have participated by phone. Ms. Greenawalt testified that, even after expulsion, C.D. is entitled to continuing IEP services. She testified that Mother was aware of a meeting to coordinate those on-going services, but that Mother failed to attend or respond to a message left in regard to the meeting. Ms. Greenawalt testified that Mother has reported that she is not available for meetings between 7:45 a.m. and the end of the school day, when such meetings occur.

{¶28} Tracy Foley, supervisor of the social services department at Ashland County Job and Family Services, testified that she is familiar with this family's history based on her review of Ashland County agency records. She testified that there was an initial referral regarding both children on April 29, 2004, alleging neglect. She testified that the agency received subsequent referrals concerning the children in February 2005, twice in June 2006; in August 2006, in September 2006, and twice in May 2007. Throughout the agency's involvement with the family, there were many concerns regarding D.D.'s mental health issues, specifically that she was acting out at home, wetting her bed and defecating on herself, threatening both Mother and C.D., and

that she took a knife from the home and hid it outside. Ms. Foley testified that D.D. was brought into the emergency room twice and hospitalized numerous times during the time in which the agency was involved with the family. She testified that the agency recommended various therapies for the child, including in-home therapy and treatment for reactive attachment disorder.

{¶29} Ms. Foley testified that the agency recommended counseling and a psychological evaluation for Mother. She testified that Mother was twice given information about how to apply for funding which would pay for all recommended services. The agency, however, never received any paperwork from Mother to obtain funding. Ms. Foley testified that the agency was very concerned because Mother did not follow through with any services for herself or the children.

{¶30} Ms. Foley cited agency concerns regarding the filthy and cluttered nature of Mother's home. She testified that there were feces smeared on the wall beside D.D.'s bed. She testified that the school reported concerns that both children wore dirty and tattered clothes, that C.D. wore shoes which were too small, that both children had "an odor to them," and that they had a problem with lice. Ms. Foley testified that C.D. was observed to have a bruise on his face as a result of discipline at home, and D.D. had a split lip which she reported Mother had caused.

{¶31} Ms. Foley testified that the May 2007 referral to the agency came as a result of Mother's failure to pick D.D. up from Kettering Hospital until several days after the child's release. She testified that Mother refused to pick the child up when the hospital released her because Mother had plans to travel to Columbus for her own birthday party.

{¶32} Despite the numerous referrals and investigations, Ms. Foley testified that the agency never substantiated any abuse and never received an order of protective supervision or

temporary custody of the children. She testified that Ashland County's involvement with the family ended after the summer of 2007.

{¶33} George Young, a caseworker at Franklin County Children Services ("FCCS"), testified that he became involved with this family in June 2008, after FCCS received an emergency order of temporary custody of D.D. after Mother had refused to pick up the child. He testified that the agency placed D.D. at Rosemont, a residential treatment facility, and that Mother failed to visit the child there for four or five months. He testified that every time he visited Mother's home, no one was home. He testified that, when he looked in through a window, it "looked like a tornado had blown through there." Mr. Young testified that during one attempted visit he noticed all of Mother's belongings outside the home. He testified that the trailer park manager told him that Mother had moved out. Mr. Young testified that he was then unable to contact Mother because she did not give him any information about her new location. He testified that he called Mother but only heard a message informing him that her voice mailbox had not been set up. He testified that he sent Mother emails, but she never responded.

{¶34} Mr. Young testified that D.D. was moved to Buckeye Ranch for residential treatment from June through December 2008. He testified that Mother had no contact with D.D. for about three months, and that when she finally came for a visit, he still did not know where Mother was living.

{¶35} Mr. Young testified that FCCS wanted Mother to have a psychological evaluation, but the Guardian ad litem ("GAL") disagreed. He testified that he believed that the GAL was working at cross-purposes with FCCS throughout the case. When the GAL later agreed that Mother should be assessed for mental health issues, the agency did not pursue the matter based on its decision to return the child to Mother upon the recommendation of the GAL

and the child's therapist. He testified that he still has concerns regarding Mother's mental health. While Mother told him that she had had approximately six prior psychological evaluations, she never provided them to Mr. Young.

{¶36} Mr. Young testified that, when he made a home study of Mother's home in December 2008, he found a well-kept home where the children were happy. He testified that he thought the agency's position in January 2009, that it was appropriate for D.D. to be at home with Mother, might have been the correct decision after all.

{¶37} The State rested with the completion of Mr. Young's testimony. Mother presented two witnesses in her case-in-chief.

{¶38} Daniel Miller is an attorney who was appointed in 2008 to serve as D.D.'s GAL in Franklin County. He described the child as a "troubled young lady" who has a long-standing, cyclical issue involving self-mutilation. He testified that the child was subjected to serious abuse prior to Mother's adoption of the child. He testified that Mother sought help for D.D.'s problems.

{¶39} Mr. Miller testified regarding D.D.'s placements in residential treatment facilities, asserting that Rosemont was not equipped to deal with the child's issues. He testified that he opposed FCCS's decision to send D.D. to a treatment foster home upon release from Rosemont because the child needed a more secure placement such as Buckeye Ranch. Mr. Miller testified that D.D. showed progress during her subsequent stay at Buckeye Ranch prior to her release to Mother. He testified that he believes that Mother has been open and helpful with him and that she has always demonstrated the proper level of concern for both her children. He conceded that he has never visited Mother's home.

{¶40} Mr. Miller testified that Mother's failure to visit D.D. at Buckeye Ranch was based on the child's desire not to see her rather than any issue with Mother. The child, in fact, declined to list Mother on her accepted calls list. He testified that Mother nevertheless was pro-active in regard to the child's treatment and clear that she wanted D.D. at home.

{¶41} Mr. Miller testified that he last had contact with Mother in January 2009. He testified that, based on his involvement with the family, he has concerns if D.D. were to be returned home only because D.D. will have on-going problems wherever she is because of her past abuse. He testified that D.D. will never get better so that she might grow up normally, but he believes that placement with Mother is the best option to ensure that the child will get the treatment she will need. Mr. Miller testified that he was not aware that D.D. has been in her current foster home for three months and doing very well.

{¶42} Debra Graham testified that she has been friends with Mother for almost three years and that she is currently staying in Mother's home while visiting. She testified that Mother's trailer in Columbus was quite cluttered due to Mother's move into a much smaller home and her mobility issues due to a significant illness. She testified that Mother's current home in Lorain County is bigger and "fairly well-kept," considering that Mother is restrained to a wheelchair. Ms. Graham admitted that there is sometimes dog waste on the floor in the morning before the family has had the opportunity to remove it.

{¶43} Ms. Graham described D.D. as an "adorable child when she is not having a crisis." She testified that the child is troubled, bipolar, and "reacts out of control," sometimes going "berserk" for hours, destroying property and ending up on the street. Ms. Graham testified that Mother tries to quell these episodes by putting D.D. in a "bear hug," although that does not always work and Mother's limited mobility due to injury now prevents her from doing so.

{¶44} Ms. Graham described C.D. as hyperactive and "a little wild animal" when not on his medication. She described an occasion in the spring or summer of 2008, when C.D. was "on a rampage" because Mother had not picked up his medications from the pharmacy. She testified that Mother made him write, "I will not scream in the house" on a 2 ½ inch by 2 ½ inch piece of paper and stand on the porch until he could be quiet. She testified that C.D. immediately became quiet when he stepped outside because he did not want to be embarrassed. She testified that C.D. had to go to the porch three times before he remained quiet inside.

{¶45} Ms. Graham testified that she has never witnessed Mother make derogatory comments to either child. She testified that Mother, in fact, only offers lots of positive reinforcement for the children because they suffer from issues with self-worth. She testified that Mother punishes the children by taking away their "pleasures," like toys, telephones, and enjoyable activities. Ms. Graham testified that she has no concerns if the children live with Mother, but she would be concerned if they lived elsewhere because the children have fragile psyches, which Mother knows how to protect.

{¶46} The GAL assigned to represent the best interest of the children was not present at the hearing for questioning. Accordingly, the trial court declined to consider the GAL's report in regard to adjudication.

{¶47} A review of the record indicates that this is not the exceptional case, where the evidence weighs heavily against the children's dependency/neglect/abuse adjudications. A thorough review of the record compels this Court to find no indication that the trial court lost its way and committed a manifest miscarriage of justice in adjudicating D.D. an abused child. There was clear and convincing evidence that, prior to their adoption by Mother, both children suffered serious physical abuse which has resulted in their on-going mental health issues.

Mother inflicted physical injury on D.D. when she split the child's lip, certainly physically harming the child, but also harming or threatening to harm this "troubled" or "fragile" child's welfare. Mother's repeated failures to retrieve the child upon her release from hospitals or treatment centers further served to harm the child's mental health. In addition, Mother's failure to ensure that D.D., who has a history of self-mutilation, does not have access to knives in the home has posed a threat of harm to the child's welfare. Accordingly, the weight of the evidence supports the conclusion that D.D. is an abused child. Therefore, D.D.'s adjudication as an abused child is not against the manifest weight of the evidence.

{¶48} A thorough review of the record compels this Court to find no indication that the trial court lost its way and committed a manifest miscarriage of justice in adjudicating D.D. and C.D. neglected children. The evidence demonstrates that Mother has repeatedly failed to follow through with necessary and recommended services to address both children's significant mental health issues. Mother has failed to retrieve D.D. upon release from hospitals, once because Mother opted to attend her out-of-town birthday party. Mother has failed to ensure that C.D. has medication on hand to address his issues. Mother has further failed to address C.D.'s necessary educational needs by failing to attend school meetings or cooperate with school officials. She has failed to meet C.D.'s necessary medical needs by failing to ensure that he receives timely dental treatment. Mother has sent the children to school in dirty, tattered, and ill-fitting clothing. Mother and the children have been involved with four different county child welfare agencies which received numerous reports of similar concerns, evidencing Mother's failure to address the issues in the home. Accordingly, the weight of the evidence supports the conclusion that D.D. and C.D. are neglected children. Therefore, the children's adjudications as neglected children are not against the manifest weight of the evidence.

{¶49} A thorough review of the record compels this Court to find no indication that the trial court lost its way and committed a manifest miscarriage of justice in adjudicating D.D. and C.D. dependent children. The evidence demonstrates that Mother has maintained the children in a filthy and cluttered home. Spoiled food and animal waste have been observed throughout the home. Accordingly, the weight of the evidence supports the conclusion that D.D. and C.D. are dependent children. Therefore, the children's adjudications as dependent children are not against the manifest weight of the evidence.

{¶50} Mother's sole assignment of error is overruled.

III.

{¶51} Mother's assignment of error is overruled. The judgment of the Lorain County Court of Common Pleas, Juvenile Division, is affirmed.

Judgment affirmed.

There were reasonable grounds for this appeal.

We order that a special mandate issue out of this Court, directing the Court of Common Pleas, County of Lorain, State of Ohio, to carry this judgment into execution. A certified copy of this journal entry shall constitute the mandate, pursuant to App.R. 27.

Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(E). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30.

Costs taxed to Appellant.

DONNA J. CARR
FOR THE COURT

WHITMORE, J.
MOORE, J.
CONCUR

APPEARANCES:

DANIEL J. GIBBONS, Attorney at Law, for Appellant.

DENNIS P. WILL, Prosecuting Attorney, and DONNA FREEMAN, Assistant Prosecuting Attorney, for Appellee.