

STATE OF OHIO)
)ss:
COUNTY OF SUMMIT)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

IN RE: C. R.
 S. R.
 S. R.
 D. R.

C. A. Nos. 25211
 25223
 25225

APPEAL FROM JUDGMENT
ENTERED IN THE
COURT OF COMMON PLEAS
COUNTY OF SUMMIT, OHIO
CASE Nos. DN 07-09-862
 DN 07-09-863
 DN 07-09-864
 DN 07-09-865

DECISION AND JOURNAL ENTRY

Dated: June 16, 2010

MOORE, Judge.

{¶1} Appellants, Michelle B. (“Mother”), Darrel R. (“Father”), and C.R., their minor child, appeal from a judgment of the Summit County Court of Common Pleas, Juvenile Division, that terminated the parents’ parental rights to their four children and placed them in the permanent custody of Summit County Children Services Board (“CSB”). This Court affirms.

I.

{¶2} Michelle and Darrel are the unmarried parents of four minor children: C.R., born January 31, 2002; Sa.R., born September 13, 2003; Sh.R., born February 18, 2005; and D.R., born September 30, 2006. CSB initially became involved with the family on a voluntary basis in August 2007, due to concerns regarding the condition of the home and a lack of supervision of the children. On September 20, 2007, complaints were filed in juvenile court, alleging that all

four children were dependent and neglected. The children were removed at that time because the condition of the home was deteriorating and Mother was becoming less cooperative with service providers. The caseworker found the floors to be cluttered with wet clothes, food, and trash. Broken glass, cigarette butts, and rotting food were found in the girls' bedroom. The beds had no linens and could not be slept on because they were piled high with other things. Mother and her boyfriend were observed gutting fish in the living room and dropping the scraps on the floor where the children walked through them. The children's bare feet were black and their faces were covered with dirt. The agency also had concerns regarding the aggressive tendencies of the oldest child, C.R., and domestic violence in the home, which was witnessed by the children.

{¶3} On December 18, 2007, C.R. was adjudicated neglected and dependent, and the other three children were adjudicated dependent. All four children were placed in the temporary custody of the agency. The reunification case plan required Mother to: (1) meet the children's basic needs, including providing proper nourishment; safe, clean, independent housing; and consistent supervision; (2) obtain mental health treatment, including medications; (3) complete parenting classes; (4) complete a parenting assessment and follow all recommendations; and (5) address substance abuse evaluation. Father was directed to participate in anger management classes or counseling. He was taken off the visitation schedule during his incarceration on charges of domestic violence against Mother.

{¶4} On March 11, 2009, CSB moved for permanent custody of the children. Following a hearing, the trial court granted CSB's motion for permanent custody, finding that the children had been in the temporary custody of the agency for more than 12 of 22 consecutive months and that permanent custody was in the best interests of the children. Mother, Father, and

C.R. have each appealed, and their appeals have been consolidated. Their assignments of error will be addressed together.

II.

MOTHER’S ASSIGNMENT OF ERROR

“THE TRIAL COURT ERRED IN FINDING THAT PERMANENT CUSTODY WAS SUPPORTED BY CLEAR AND CONVINCING EVIDENCE; THE GRANTING OF PERMANENT CUSTODY WAS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE; AND WAS CONTRARY TO THE BEST INTEREST OF THE MINOR [CHILDREN.]”

FATHER’S ASSIGNMENT OF ERROR

“THE TRIAL COURT ERRED IN FINDING THAT IT WAS IN THE BEST INTEREST OF C.R., S.R.1, S.R.2, AND D.R. TO BE PLACED IN THE PERMANENT CUSTODY OF THE SUMMIT COUNTY CHILDREN SERVICES BOARD.”

C.R.’S ASSIGNMENT OF ERROR

“THE TERMINATION OF PARENTAL RIGHTS TO C.R. WAS GRANTED AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE PRESENTED BEFORE THE COURT AS WELL AS AGAINST C.R.’S BEST INTEREST.”

{¶5} The three assignments of error are related in that they all challenge the trial court conclusion that permanent custody was in the best interests of the children. They assert that the trial court’s decision was not supported by the weight of the evidence. All the appellants seek a return of custody to Mother, as opposed to Father. Where one of the appellants has focused on a particular point, that appellant’s argument will be noted and addressed separately within the discussion below.

{¶6} Before a juvenile court can terminate parental rights and award to a proper moving agency permanent custody of a child, it must find clear and convincing evidence of both prongs of the permanent custody test: (1) that the child is abandoned, orphaned, has been in the temporary custody of the agency for at least 12 months of a consecutive 22-month period, or that

the child cannot be placed with either parent within a reasonable time or should not be placed with either parent, based on an analysis under R.C. 2151.414(E); and (2) the grant of permanent custody to the agency is in the best interest of the child, based on an analysis under R.C. 2151.414(D). See R.C. 2151.414(B)(1) and 2151.414(B)(2); see, also, *In re William S.* (1996), 75 Ohio St.3d 95, 99.

{¶7} The trial court found that the first prong of the permanent custody test was satisfied because all of the children had been in the temporary custody of CSB for more than 12 of 22 consecutive months. The appellants have not challenged that finding, but rather have challenged the finding that permanent custody is in the best interests of the children. When determining whether a grant of permanent custody is in a child's best interests, the juvenile court must consider all the relevant factors, including those enumerated in R.C. 2151.414(D): the interaction and interrelationships of the children, the wishes of the child, the custodial history of the child, and the child's need for permanence in his life. See *In re R.G.*, 9th Dist. Nos. 24834 & 24850, 2009-Ohio-6284, at ¶11. "Although the trial court is not precluded from considering other relevant factors, the statute explicitly requires the court to consider all of the enumerated factors." *In re Smith* (Jan. 2, 2002), 9th Dist. No. 20711. See, also *In re Palladino*, 11th Dist. No. 2002-G-2445, 2002-Ohio-5606, at ¶24. The central issue in this appeal, then, is whether permanent custody is in the best interests of these four children.

The interactions and interrelationships of the children

{¶8} The record demonstrates that all four children have significant problems, either behavioral or physical. The youngest, three-year-old D.R., has several physical problems, including reactive airway disease, an enlarged heart, a misshapen head, asthma, and a now-resolved swallowing issue. The three older girls have serious behavioral issues and have been in

counseling the entire time they have been in agency custody. All are said to need structured, stable homes with caregivers who present clear and consistent expectations and whom the children can trust. It is expected that they will all require intense therapy for years and perhaps into adulthood.

{¶9} In 2005, the oldest child, C.R., was sexually abused by one of Mother's brothers while in Mother's care. To her credit, Mother reported the incident to the police and CSB, but Mother did not follow through in obtaining counseling for C.R. C.R. has now been diagnosed with an anxiety disorder and adjustment disorder with depressed mood and sexual abuse, much of which has been traced to the sexual abuse incident.

{¶10} C.R.'s counselor testified that C.R. was subjected to rough, intimidating treatment by Father and she often witnessed fighting between Mother and either Father or Mother's boyfriend while she was in Mother's care. As a result, C.R. felt unsafe in her own home, but she nevertheless attempted to protect Mother and her siblings. C.R.'s counselor stated that, as a young child, C.R. does not have the awareness or judgment to protect herself, but nevertheless believes she does, which only serves to put her at risk.

{¶11} C.R. was said to lack a secure attachment to her parents. The counselor explained that this means C.R. lacks an understanding that her parents are supposed to protect her and keep her safe. C.R.'s counselor concluded that although C.R. loves Mother, she does not feel protected by her or safe in her home.

{¶12} According to her counselor, C.R. has a kind heart, but sometimes behaves aggressively towards others. She is also afraid of being harmed by others. There was some evidence before the trial court that C.R. had killed the family's pet rabbit, although no one actually observed the child doing so. C.R.'s counselor explained that cruelty to animals is an

indicator of having suffered severe abuse. The counselor also testified that C.R. exhibits a good deal of sexual talk and behaviors. For example, she drew pictures of a penis and wrote a book about how to have sex, which she wanted to share with other children.

{¶13} C.R. was diagnosed with anxiety disorder, adjustment disorder with depressed mood, sexual abuse, attention deficit hyperactivity disorder, and oppositional defiant disorder. After a year and one-half of therapy, C.R. continues to have temper tantrums and occasionally exhibits extreme behaviors over small matters. C.R.'s counselor said that it would be bad for C.R.'s mental health if she could no longer have a relationship with her siblings, but at the same time she conceded that C.R. would have difficulty in a large family setting because she requires so much attention.

{¶14} C.R.'s school-based counselor testified that C.R. was typically compliant in school, well-behaved, and well-liked by her teachers and peers. The counselor believes that it is important for C.R. to attend school regularly because she feels successful there, and she explained that C.R. would benefit from a good connection between home and school. She stated that C.R.'s parents are very loyal to her and C.R. looked forward to their visits. She believes C.R. is bonded to her siblings and she would like to see that relationship continue.

{¶15} Seven-year-old Sh.R. was diagnosed with an adjustment disorder and reactive attachment disorder, which was caused by her basic emotional needs not being met early in her life. The child exhibits severe tantrums, including screaming and swearing. She hurts others and demonstrates little empathy for them.

{¶16} Six-year-old Sa.R. was diagnosed with posttraumatic stress disorder, adjustment disorder, and reactive attachment disorder, – like Sh.R. – which her counselor described as resulting from an early disruption in nurturing such that the child is unable to form strong

emotional connections to others. The child's behaviors included cruelty to animals, aggression towards other people and herself, and running around a classroom with scissors, pretending to stab people. On one occasion, she hung a doll from the rafters of a playhouse with a belt because "I didn't like her anymore." She would sometimes lick her lips until they were chapped or scratch places on her body until there was an open wound. According to her counselor, Sa.R. is very intelligent and inquisitive, and has become somewhat less aggressive since her removal from her home. Joint counseling sessions with Sh.R. had to be stopped because Sa.R. was touching Sh.R. inappropriately. Sa.R. and Sh.R. both told this counselor that they thought touching was all right if the two people loved each other.

{¶17} Three caseworkers worked with the family during this case, and each testified about Mother's case planning progress and family relationships. During the early stages of this case, Mother told CSB caseworker Sharon Whitaker that she was overwhelmed and begged for help. According to Ms. Whitaker, Mother specifically asked for C.R. to be removed from the home because it would be so much better without her. Ms. Whitaker believed that Mother made C.R. the scapegoat of all of her problems. This caseworker was concerned, however, that despite Mother's requests for help, she failed to keep appointments or take advantage of services that were being offered to her. For example, the caseworker cited the fact that Mother was eligible for WIC, the government nutrition program, but did not obtain those benefits because she failed to keep her appointment.

{¶18} Lin Bryant of the medically fragile unit was assigned to the case in November 2007 because of D.R.'s medical issues. During Ms. Bryant's tenure on the case, Mother completed a parenting evaluation with Dr. Aimee Thomas. Dr. Thomas acknowledged that Mother suffered from anxiety and depression, but observed that anyone in Mother's position

would likely have those diagnoses. Her greatest concern was with Mother's dependent personality disorder because that seemed to be interfering with her parenting skills. Dr. Thomas discussed Mother's involvement in unhealthy and violent relationships with men and her preoccupation with those relationships as opposed to focusing on her children's needs. In addition, she cited Mother's excessive need for others to assist her with her children. Dr. Thomas recommended that Mother follow through with individual counseling to address dependency in her relationships, anxiety, depression, and also participate in an intensive parent-child interaction program at Northeast Ohio Behavioral Health.

{¶19} Dr. Thomas expanded on the reasons for her diagnoses and recommendations. She explained that Mother presents well and is convincing, but she fails to understand the underlying concerns and problems in her home. Mother might verbalize a commitment, but she fails to follow through with appropriate actions. According to this psychologist, Mother lacked insight into the impact of her own behavioral choices upon her involvement with CSB and her children. For example, Mother repeatedly asked for help with C.R., but nevertheless remained in violent relationships that exacerbated C.R.'s aggressive behaviors. Mother said she felt competent to parent C.R., but, at the same time, she clearly indicated that she was emotionally and physically overwhelmed by parenting her. At one point, Mother told the psychologist: "If someone doesn't help with [C.R.], I will hurt her." Additionally, Mother failed to follow through with counseling for C.R. after she had been sexually abused. Likewise, she failed to provide needed medical treatment for D.R. Dr. Thomas explained that Mother's personal choices have resulted in C.R. being exposed to multiple instances of domestic violence and that C.R. has demonstrated aggressive tendencies towards her siblings that are likely related to her home environment.

{¶20} Dr. Thomas also testified that Mother does not take responsibility for her own bad choices. The psychologist stated: “It was as though she expected everyone else to fix her children and yet she wasn’t going to change anything with her life[.]” Mother also blamed C.R. for many of the problems in the home, including Father’s inability to control his anger and, ultimately, his incarceration for domestic violence. Dr. Thomas stated that it would be harmful for the children to go back to their home unless Mother first addressed these concerns.

{¶21} Caseworker Bryant testified that she explained to Mother that she needed to address Dr. Thomas’ recommendations through counseling. When Caseworker Steve Bodey came onto the case in August 2008, he again emphasized the need for Mother to address these matters through counseling and provided her with the names of three agencies that could help her. Mother told Mr. Bodey that she did not agree with the conclusions and recommendations of the parenting assessment. Mother also complained that she could not afford the fees at some of the agencies, but service providers noted the availability of sliding fee scales. In any event, Mother never addressed the recommendations in the parenting evaluation through counseling.

{¶22} Mother conducted most of her counseling at Portage Path Behavioral Health with Julie Klein Vovko, although the CSB caseworkers advised her to obtain counseling elsewhere. Ms. Vovko addressed coping mechanisms and stressed management skills, as those were the concerns presented by Mother. Ms. Vovko testified that her treatment would cease if the client feels that he or she does not need therapy, and reported that Mother did not believe she needed counseling. Based on Mother’s expression of her own needs, Mother’s schedule at this agency was even reduced to once every three months. Ms. Vovko emphasized to Mother that her counseling did not include parenting skills. She also noted that Mother had difficulty accepting responsibility for her actions.

{¶23} Cindy Zanin, a therapist at Northeast Ohio Behavioral Health, conducted four “intensive parent-child intervention” sessions with Mother and C.R. beginning in November 2009. Ms. Zanin emphasized that these sessions are not the same as the joint counseling that had been otherwise recommended. She testified that when C.R.’s behavior escalates, Mother is able to talk her down in 15 or 20 minutes. Ms. Zanin testified that Mother and C.R. share a strong bond and that Mother has done well within those sessions, but she nevertheless expressed concern with Mother’s ability to handle four children with significant behavioral problems in a home situation.

{¶24} Mother called two visitation aides to testify on her behalf and they provided positive reviews of her visits. The aides testified that Mother was consistent, prepared, and acted appropriately during visits. Mother was said to have brought appropriate food, drinks, and activities for the children.

{¶25} Mother’s visits with her children never progressed beyond a closely supervised status, however. CSB claims that this visitation status was not expanded because Mother talked about the case with her children during visits. While, in general, it may be best that parents - and foster parents as well - avoid conversations with children about custody issues, such conventions cannot always be imposed inflexibly. Most children who have been removed from their homes will naturally be curious about their circumstances, and parents cannot reasonably be expected to completely ignore those questions. In addition, advancing the status and duration of visitations permits the parties to work towards the statutorily mandated goal of reunifying families whenever possible because it helps determine whether a parent can actually provide appropriate care for his or her children. See R.C. 2151.01(A).

{¶26} In this case, however, there was appropriate concern that Mother told the children that Father was being released from prison. Father had been violent with Mother in front of the children and had behaved in a rough and intimidating fashion with C.R. C.R.'s counselor testified at length about the behavioral problems that C.R. faced as a result of being sexually abused by her uncle, mistreated by her father, and a witness to domestic violence in her own home. C.R.'s counselor specifically stated that information about Father's release caused anxiety in the child. Furthermore, the counselor believed that this statement by Mother, without first consulting a therapist on the potential impact of it, demonstrated a lack of insight and judgment as to what is appropriate and healthy for the children. Mother claimed she referred child-initiated questions about the case to the case aides, but she did not specifically deny telling her children about the impending release of Father from prison.

The wishes of the children

{¶27} The wishes of each child are to be "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 guardian ad litem believed that it would be best for all of the children to be placed in the permanent custody of CSB.

{¶28} Because C.R. had expressed an opinion that conflicted with that view, an attorney was appointed to represent her wishes. C.R.'s counselor testified that C.R. had consistently expressed a desire to return home, but the same witness also explained that C.R. has no judgment as to whether it would be safe for her to return there and further indicated that C.R. did not understand that parents are to protect their children. In addition, C.R.'s counselor testified that C.R. should not be placed in a home with younger children because of her aggressive tendencies

and also should not be placed in a large family setting because she demands so much time and attention.

{¶29} Mother asserts that the children told her that they wanted to come home to live with her and cites several transcript pages in support of that claim. The pages cited, however, do not support the assertion that the children wanted to return home to live with Mother. They establish only that Mother visited her children consistently and appropriately, and that the children enjoyed the visits and shared a bond with Mother. Statements by the children that they enjoy visiting with a parent are not the same as an expression of where children want to live on a permanent basis. Mother's assertion is not supported by the record.

The custodial history of the children

{¶30} The four children lived with Mother until they were removed from the home in September 2007. The children have been in the temporary custody of CSB for two years and, for the most part, have been in separate foster homes. Sh.R. and Sa.R. were initially placed together, but had to be separated because Sa.R. engaged in inappropriate touching of her sister. These two siblings could not even get along in joint counseling sessions. C.R. has been in three foster homes, Sh.R. and Sa.R. have each been in five foster homes, and D.R. has been in three foster homes.

{¶31} Two placement changes were made because of alleged misconduct by the foster families. Several other changes were made because the foster families requested that the children be removed. Sa.R. was removed from two foster homes at the request of the foster parents because she was sexually acting out and being abusive to other children in the home. Similarly, three-year-old D.R. was removed from two placements because the caregivers had difficulty dealing with his behavior. One couple was elderly and could not cope with such a

young child. Another found D.R.'s behavior to have a negative impact on the behavior of their six-year-old child.

{¶32} Mother correctly points out that the children have been in multiple placements since they were removed from her home and that these placement changes have not been easy on the children. It is also correct that some of the changes were made because of concerns with the foster parents. Mother seems to suggest that she could handle her children as well as the foster caregivers. But the record also demonstrates that these children came into foster care with serious behavioral problems inherited from their home situation. The fact that Mother could handle the children for a short period of time in a supervised setting does not mean that she would have been able to do so in her own home on a permanent basis.

{¶33} Father argues that it is unlikely that a single home could be found for all four children and that it would be traumatic for the children to be separated. It is true that there was no evidence as to whether a single home could be found for all four children, but there is also a lack of evidence that such a result would be wise in this case. Although the children share a bond and some of the counselors said they would benefit from continuing those relationships in some fashion, there was also evidence before the court indicating that the children should not be placed together on a permanent basis. In specific, the children's counselors testified that C.R. would have problems in a large family setting, that the children were abusive to each other, that Sh.R. and Sa.R. could not even get along during joint counseling sessions and had to be removed from a joint placement, and that the three oldest children should not be placed in a home with younger children.

Legally secure permanent placement without a grant of permanent custody

{¶34} There was evidence before the trial court that the children were in need of a legally secure permanent placement and that there were no suitable friends or relatives willing to provide for their care. Mother had been unable to complete important objectives in her case plan over the course of two years, and there was evidence before the trial court that the children would be at risk if they were returned to her. Father is unemployed, has a history of domestic violence, and does not seek custody in himself, but rather seeks an award of custody to Mother. The children's counselors testified that they would benefit from a structured and stable home with clear boundaries, and the counselors did not believe Mother could provide for the special needs of the children.

{¶35} The guardian ad litem testified in support of permanent custody for all four children. She stated that the children are very, very difficult and their behaviors are extreme. She believes that the children should not be placed in the same home together or with children that are younger than they are. If the children were returned to Mother, there is a risk of harm because they have been abusive to each other and to the younger children in their foster homes. They will need a great deal of structure, consistency and follow-through with years of counseling ahead of them, and the fact that Mother has failed to follow-through with her own counseling leads her to be concerned that Mother would do the same with the children.

{¶36} Mother argues, in her appellate brief, that she substantially complied with the objectives of her case plan and that, therefore, a legally secure placement could have been achieved without granting permanent custody to CSB. This Court has frequently explained that substantial compliance with a case plan does not, in and of itself, demonstrate that a grant of permanent custody to an agency is erroneous. See, e.g., *In re Watkins v. Harris* (Aug. 30, 1995),

9th Dist. No. 17068. Furthermore, while evidence of case plan compliance may be relevant to a best interest determination, it is not dispositive of it. See, e.g. *In re A.A.*, 9th Dist. No. 22196, 2004-Ohio-5955, at ¶9; *In re Atkins* (Nov. 18, 1998), 9th Dist. No. 19037.

{¶37} Even so, the record in this case does not support Mother’s claim that she substantially complied with her case plan. There is no dispute that Mother completed the substance abuse component, parenting classes and a parenting assessment. On the other hand, it is not clear that Mother has obtained regular, verifiable employment. She claims to have a part-time job cleaning and painting, but the employment was not verified, not regular, and she is paid “under the table.”

{¶38} Counseling, however, is the key area of dispute and concern. Mother claims that she completed the case plan requirement for individual counseling, but CSB offered evidence disputing the assertion that Mother consistently engaged in individual counseling and addressed the important issues raised by her parenting evaluation. In addition, Mother blames her failure to engage in joint counseling on poor communication between her counselors and CSB, whereas CSB contends that the fault lies with Mother. After hearing all the evidence, the trial court found that Mother “failed to consistently participate in much needed mental health counseling and shows little insight into her need for counseling.” Based upon a careful review of the record, this Court accepts the finding of the trial court.

{¶39} Mother also argues that she has the support of family members, including “her mother, siblings, aunt, uncle, and cousins” to assist her with the children. Mother suggests that this support is “crucial” since CSB originally became involved because she was overwhelmed by caring for her children. The argument lacks merit. Mother has not explained how her current purported support system is any different from the support system she had at the time the case

was initiated. Moreover, there is no basis on which to conclude that these family members would be helpful to Mother going forward. The maternal grandmother has her own long history with Children Services based on problems with sobriety and mental health, and there is evidence in the record suggesting that maternal grandmother's problems have continued. As to the possibility of support by her siblings, Mother's older brother is the individual who had sexually assaulted C.R. Mother has a history of unhealthy and violent relationships with men. The cited portion of the transcript does not refer to an aunt and uncle. There was some evidence elsewhere in the record that an aunt and uncle in North Carolina had unsuccessfully sought custody of the children, but there is no evidence to support the claim that they would be willing and able to provide support to Mother currently and going forward.

{¶40} C.R. has argued that CSB did not make "diligent efforts" toward reunification in this case. In making this argument, C.R. has relied on R.C. 2151.414(E)(1), which is irrelevant to the disposition of this case because the first prong of the permanent custody test was otherwise satisfied by the fact that the children had been in the temporary custody of the agency for more than 12 of 22 consecutive months. See R.C. 2151.414(B)(1)(d).

{¶41} To the extent that C.R. may have been arguing that CSB failed to make required referrals for joint counseling as part of a "reasonable efforts" argument, this Court concludes that any error is harmless. Mother admits that she was aware that she needed to engage in individual counseling on a consistent basis before she could begin joint counseling with C.R. Nevertheless, Mother told her counselor that, except for the stress caused by this case, she had no issues to work on, which, as the trial court indicated, was "ridiculous." Mother was obligated to address the matters set forth in her parenting evaluation, and her caseworkers made that clear to her. By asserting that she had no issues to work on and by later allowing her counselor to schedule her

sessions for every three months, Mother failed to demonstrate a good faith effort to comply with her case plan requirements. In addition, Mother complained that she could not afford to participate at the counseling agencies that were recommended, yet she eventually attended sessions at one of those agencies. The argument is overruled.

{¶42} C.R. also complains that her counselor refused to work on attachment between Mother and C.R. while, at the same time, the counselor agreed to work on bonding between C.R. and foster parents. The argument lacks merit for the following reasons. There was testimony before the trial court indicating that although attachment and bonding are similar in some ways, they are distinct concepts. The counselor explained that C.R. was bonded to Mother, but, at the same time, was not securely attached to her. She further explained that the lack of a secure attachment meant that C.R. did not understand that her parents were to protect their children and it also meant that C.R. did not feel safe in her home. Thus, the decision not to work on attachment with C.R. was not the same as working on bonding with the foster family. Because C.R. was already bonded to Mother, the fact that Ms. Hendricks worked on bonding with a foster parent does not demonstrate prejudice to Mother. The decision not to work on attachment with C.R. before her permanent home was established was a separate counseling issue and C.R. presented no countervailing evidence demonstrating error in that decision.

{¶43} Finally, at the end of a somewhat lengthy recitation of facts, C.R. states that CSB “did not place C.R. in an ethical situation and acted unethically when it came to her counseling and reuniting with her mother.” C.R. has not separately assigned this matter as error, and, more importantly, has supported this assertion only through a recitation of facts and has made no legal argument. C.R.’s appellate brief cites no case law, no statutes, and no legal principles in this regard. App. R. 12(A)(2) provides that an appellate court has the discretion to disregard any

error not separately assigned and argued as required by App.R. 16(A). *Discover Bank v. Heinz*, 10th Dist. No. 08AP-1001, 2009-Ohio-2850, at ¶13. Even if we wished to address this matter, we cannot determine the focus of the argument. It is not the obligation of this Court to construct an argument for an appellant. Accordingly, the argument is overruled.

{¶44} As this Court stated at the outset, the sole issue presented by these three appeals is whether permanent custody is in the best interest of the children. The record demonstrates that there was more than ample evidence before the trial court from which it could conclude that permanent custody was, in fact, in the best interest of these children. Consequently, the trial court did not err in terminating the parents' parental rights and in placing the four children in the permanent custody of CSB. Mother's assignment of error is overruled. Father's assignment of error is overruled. C.R.'s assignment of error is overruled.

III.

{¶45} All three assignments of error are overruled. The judgment of the Summit 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 Summit, 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.

CARLA MOORE
FOR THE COURT

CARR, P. J.
WHITMORE, J.
CONCUR

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