

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

May 7, 2025

[Cite as *05/07/2025 Case Announcements #2, 2025-Ohio-1617.*]

APPEALS NOT ACCEPTED FOR REVIEW

2024-1443. M.F. v. Cuyahoga Cty. Div. of Children & Family Servs.

Cuyahoga App. No. 113521, [2024-Ohio-3306](#).

Brunner, J., concurs, with an opinion.

BRUNNER, J., concurring.

{¶ 1} I agree with the court’s decision to deny appellant M.F.’s request for discretionary review of the Eighth District Court of Appeals’ judgment in this case. I write to express my concern regarding the manner in which the Eighth District used this court’s recent decision in *Kyser v. Summit Cty. Children Servs.*, 2024-Ohio-2898, to justify its decision.

{¶ 2} In *Kyser*, this court held that a children-services agency’s disposition finding that an allegation of child abuse is substantiated is not a final order under R.C. 2506.01 and is therefore not appealable to common pleas court. *Id.* at ¶ 14. *Kyser* was a foster parent working toward adopting the child who was the subject of the agency’s investigation. *Kyser* asserted that the agency’s disposition resulted in the termination of the foster relationship, which in turn resulted in the termination of *Kyser*’s ability to adopt the child. But this court reasoned that the agency’s disposition did not *determine* any of *Kyser*’s rights, duties, privileges, benefits, or legal relationships, as those terms are used in R.C. 2506.01. *Id.* at ¶ 16. This court concluded that the agency’s disposition was confidential and *Kyser* had not shown that the disposition terminated the adoption process. *Id.* at ¶ 19.

{¶ 3} In this case, the Eighth District appears to have correctly explained our decision in *Kyser*. 2024-Ohio-3306, ¶ 14 (8th Dist.). But it erred in stating that our holding in *Kyser*

forecloses the possibility of any R.C. 2506.01 appeal of an agency’s disposition on a child-abuse allegation *as a matter of law, id.* In *Kyser*, we did not hold that an agency’s disposition finding substantiated abuse, in and of itself, deprives an aggrieved party of a right to appeal under R.C. 2506.01. That is because an agency’s disposition finding substantiated abuse is not the same as an agency’s determination of “rights, duties, privileges, benefits, or legal relationships,” R.C. 2506.01(C). *Kyser* at ¶ 2. In *Kyser*, the agency found that the abuse allegations were substantiated, and it separately ended *Kyser*’s status as a foster parent. *Id.* at ¶ 20. Moreover, *Kyser*’s case was fact specific, and we did not say that a postagency appeal is never allowed.

{¶ 4} The Eighth District explained in this case that the trial court found that M.F. had been taking classes and had intended to become a childcare worker. 2024-Ohio-3306 at ¶ 20. The Eighth District also quoted from an affidavit of M.F.’s in which she averred the following:

“In late 2017, I learned in [a] class that child welfare involvement and substantiated findings of neglect can prevent a person from owning and operating a day care.

“In or around November 2022, I applied for a job at a day care known as Mommy Monti Cares.

“As part of an initial conversation on the application with the owner, I disclosed my and my families’ involvement with [children services].

“The owner informed me that based on the information I had shared about involvement with [children services], she would not be permitted to hire me at her child care facility.”

[First bracketed text in original.] *Id.* at ¶ 23, quoting M.F.’s affidavit.

{¶ 5} M.F. argues in her memorandum in support of jurisdiction that appellee Cuyahoga County Division of Children and Family Services’ (“the agency”) disposition will prohibit her from being employed in her chosen field. If true, this is a serious consequence directly resulting from the agency’s disposition, one from which M.F. has no automatic right to appeal outside of the agency. But R.C. 2506.01 may provide M.F. the right to an appeal to a court of common pleas. In *Kyser*, we did not foreclose all postagency appeals under R.C. 2506.01; we foreclosed only *Kyser*’s appeal under the circumstance presented in that case. Whether an agency’s

disposition “determines rights, duties, privileges, benefits, or legal relationships of a person,” R.C. 2506.01(C), is dependent on the subject of the appeal.

{¶ 6} Although this appeal presents a matter of public or great general interest, it is unclear whether there is a developed record to support M.F.’s argument, *see* 2024-Ohio-3306 at ¶ 24 (8th Dist.). Therefore, I agree with the court’s decision to deny review.
