[Cite as *In re A.G.*, 2026-Ohio-4462.]

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

In the Matter of:	:	
[A.G.,	:	No. 25AP-149 (C.P.C. No. 19JU-4406)
B.G., Mother,	:	(REGULAR CALENDAR)
Appellant].	:	

D E C I S I O N

Rendered on November 10, 2026

On brief: *Robert J. McClaren*, and *Scott Sidner*, for appellee Franklin County Children Services. **Argued:** *Robert J. McClaren*.

On brief: *Mitchell A. Williams*, Public Defender, and *Timothy E. Pierce*, for appellant. **Argued:** *Timothy E. Pierce*.

APPEAL from the Franklin County Court of Common Pleas, Division of Domestic Relations and Juvenile Branch

DORRIAN, J.

{¶ 1} Appellant, B.G., mother of A.G., appeals the January 9, 2025 judgment of the Franklin County Court of Common Pleas, Division of Domestic Relations and Juvenile Branch ("juvenile court") granting the motion for permanent custody of A.G. filed by appellee, Franklin County Children Services ("FCCS"). For the following reasons, we affirm.

I. Facts and Procedural History

{¶ 2} The procedural history of this case was set forth in this court's decision on a prior appeal:

> On April 11, 2019, FCCS filed a complaint in the juvenile court alleging that A.G. was a neglected child under R.C. 2151.03(A)(2) and a dependent child under R.C. 2151.04(C). FCCS stated that it had received a report that

B.G. had brought A.G. to the emergency room at Nationwide Children's Hospital because she had blood in her urine, stool, and vomit. A.G. had been hospitalized twice before for similar reasons. B.G. alleged that her daughter had "been having episodes of not breathing at home." (Apr. 11, 2019 Compl. at 1.) However, hospital personnel believed that B.G. was "fabricating" her daughter's symptoms. They had concerns that B.G.'s insufficient bottle feeding of A.G. put her "at risk for malnutrition" and her "weight [was not] progressing appropriately." *Id.* FCCS alleged that B.G. could not financially support her daughter and suffered from "significant mental health issues" that remained untreated. *Id.* at 2. B.G. had reported that she was a victim of human trafficking, having been abducted, transported to Colorado, and kept in a basement until she escaped and returned to live with her father in Columbus. *Id.* FCCS claimed that B.G. had not followed through with a number of services the agency had provided or referred her to. *Id.* The complaint alleged that B.G. and her father had been evicted several days before, and that he had physically assaulted B.G in front of A.G. *Id.* Citing B.G.'s "inability to provide for the basic needs" of her daughter, FCCS sought an order of temporary custody. *Id.*

At the temporary custody hearing, the magistrate asked B.G. if she had "any Indian in your background, American Indian in your background?" (Apr. 12, 2019 Tr. at 4.) B.G. replied: "I don't think so." *Id.* In the order granting the motion for temporary custody, the magistrate noted, "No ICWA," with apparent reference to the Indian Child Welfare Act ("ICWA"), 25 U.S.C. 1901 et seq. (Apr. 12, 2019 Mag.'s Order at 1.)

The magistrate held a hearing on the complaint on July 9, 2019, at which time FCCS requested dismissal of the charge of neglect and stated that the dependency charge was uncontested. (Aug. 26, 2019 Mag.'s Decision at 1.) B.G. did not appear at the hearing. *Id.* Finding the "facts as alleged in the complaint" to be "uncontested," the magistrate found A.G. to be a dependent child under R.C. 2151.04(C), terminated the original temporary custody order, and committed A.G. to temporary court custody under R.C. 2151.353(A)(2). *Id.* at 1-2. The magistrate also adopted the case plan as an order of the court and ordered B.G. to complete it, along with parenting classes. *Id.* at 2. The juvenile court adopted the magistrate's decision and entered it as a judgment of the court. (Aug. 26, 2019 Jgmt. Entry.)

Eleven months later, the magistrate extended the order of temporary court custody and adopted FCCS's amended case

plan. (July 28, 2020 Mag.'s Decision at 1.) B.G.'s attorney attended the hearing, but she did not. *Id.* The juvenile court adopted this order as a judgment of the court. (July 28, 2020 Jgmt. Entry.)

In a court review of A.G.'s placement entered on September 29, 2020, the juvenile court concluded that FCCS had "made reasonable efforts to finalize permanency planning" for A.G under R.C. 2151.417. (Sept. 29, 20[2]0 Findings of Fact and Conclusions of Law at 1.) The juvenile court found that A.G. had been in the custody of FCCS since April 12, 2019, and that the agency had asked B.G. to visit her "on a consistent basis." *Id.* FCCS had also asked her to submit to random drug testing and a mental health assessment. *Id.* However, B.G. had "not visited the child since May 2019" because she had "moved out of state and has not returned." *Id.* B.G. had "not completed any case plan services" developed by FCCS. *Id.*

The same day, FCCS filed a motion for permanent custody. In support of the motion, FCCS stated that A.G. had been in foster care since the first temporary custody order on April 12, 2019, where she was "doing well." (Sept. 29, 2020 Mot. for Permanent Custody at 4.) FCCS alleged that B.G. had not submitted to a mental health assessment or participated in any drug screens, and had "not engaged in any case plan services whatsoever." *Id.* at 5. According to the agency, B.G. had "moved to Colorado in January 2020," did not visit A.G., and was "not working on her case plan objectives toward reunification." *Id.* FCCS had never had contact with A.G.'s father. *Id.* FCCS argued that B.G.'s abandonment of A.G., her refusal to complete the case plan, and the fifteen months that A.G. had been in the agency's custody all demonstrated that granting permanent custody to it was in A.G.'s best interest. *Id.* at 6-7.

A hearing on the motion for permanent custody was originally scheduled for January 12, 20[21]. (Oct. 5, 2020 Notice of Hearing.) However, the hearing was continued multiple times. At first, the continuances occurred because B.G. could not be served, and her attorney accepted service of the motion on her behalf. (Jan. 13, 2021 Mot. for Continuance & Entry; Feb. 24, 2021 Mot. for Continuance & Entry.) The hearing was subsequently continued five times because B.G. was either unwell enough to travel from Colorado to Ohio for the proceeding, or was "unavailable." (Aug. 25, 2021 Mot. for Continuance & Entry; Nov. 4, 2021 Mot. for Continuance & Entry; Apr. 6, 2022 Mot. for Continuance & Entry; Apr. 25, 2022 Mot. for Continuance & Entry; May 13, 2022 Mot. for

Continuance & Entry.) On November 7, 2022, the juvenile court finally commenced a three-day trial on the motion for permanent custody.[1]

FCCS called Juanita Ramsey as witness, a caseworker and child protection specialist who became involved with the case when A.G. was hospitalized. She testified about the case plan requirements, which included: completing a parenting class, a mental health assessment, and random drug tests, as well as obtaining stable housing and "verifiable income in order to take care of the child." (Nov. 7, 2022 Tr. at 38.) On cross-examination, Ms. Ramsey was shown a document stating that B.G. had completed a parenting class on October 15, 2019. (Nov. 8, 2022 Tr. at 24.)

The case plan also required B.G. to meet with Ms. Ramsey "at least once every 30 days," and she was allowed to visit A.G. "at least" on a weekly basis. (Nov. 7, 2022 Tr. at 39.) Ms. Ramsey offered B.G. bus passes and rides to the drug testing facility, "but she refused." *Id.* at 44. B.G. did not complete any drug testing. *Id.* She subsequently moved to Lima, Bowling Green, Tulsa, Seattle, and Colorado. *Id.* at 42. Ms. Ramsey attempted to refer B.G. to drug testing in Colorado, including transportation to complete it, but she refused to go. *Id.* at 44-45. B.G. did send a lease agreement for the Colorado apartment, but refused to let Ms. Ramsey see the home over video chats when asked. *Id.* at 46-47. After giving birth to A.G. and leaving Ohio, B.G. had three additional children. *Id.* at 46. Ms. Ramsey sent B.G. a physical copy of the case plan, but it was returned through the mail. *Id.* at 49. Their contact was "very sporadic," as B.G. would often not respond to Ms. Ramsey's texts or emails asking to set up video chats. *Id.* at 48-49.

When B.G. was still in Ohio, she was to have weekly visits with A.G., but only participated in one in-person visit there. *Id.* at 50-51. Ms. Ramsey observed one virtual visit between B.G. and A.G. in December of 2020, during which A.G. refused to call B.G. "mom." *Id.* at 52-53. Ms. Ramsey worked on the case from April 2019 until 2021, during which time she observed two video visits between B.G. and A.G. (Nov. 8, 2022 Tr. at 42.)

[1] B.G. did not travel from Colorado to attend the trial. Court was delayed the first day for several hours to give her the opportunity to participate via Zoom, but it is not apparent from the transcript when or if she logged on that day. (*See* Nov. 7, 2022 Tr. at 3-18.)

Ms. Ramsey testified that A.G. and her foster mother have "a very unique bond," describing A.G. as an openly affectionate child who "would tell her [foster mother] how much she loved her all the time" and "give[ ] her hugs" during Ms. Ramsey's visits. (Nov. 7, 2022 Tr. at 57.) A.G.'s foster mother at first "consistently stated that she would like to see" A.G. return to B.G. because she "felt really bad" for B.G. *Id.* Ms. Ramsey opined that the passage of time and the lack of communication from B.G. changed the foster mother's feelings, who wanted what was best for A.G. *Id.*

FCCS also called Grace Davis, the caseworker who took over for Ms. Ramsey after she left her position. Ms. Davis reviewed the case plan with B.G. on October 25, 2021. (Nov. 8, 2022 Tr. at 60.) The agency was never able to locate A.G.'s putative father. *Id.* at 61. Like Ms. Ramsey, Ms. Davis testified that B.G. refused to take a drug test. *Id.* at 64. B.G. "claimed to have completed a mental health assessment" at an organization in Colorado, but Ms. Davis "never was provided with a copy of that assessment." *Id.* at 65. She did receive a copy of B.G.'s Colorado apartment lease and "documentation for roughly $700 of income a month." *Id.* at 68. B.G. claimed to have pulmonary embolism and blood clots, but did not provide a medical release when Ms. Davis asked for one. *Id.* at 69. B.G. blamed her physical condition, which she claimed required her to have a "medical caregiver to ensure that she remained conscious," on her inability to travel and participate in the case. *Id.* at 70. However, she did not provide any medical documentation of this requirement to Ms. Davis. *Id.*

Ms. Davis observed "three to four" virtual visitations between B.G. and A.G. *Id.* at 74. A.G. "didn't really interact" with B.G. during the hourlong visits, two of which B.G. stopped after 30-45 minutes. *Id.* A.G. "never referred" to B.G. as her mother during the visits. *Id.* at 75. Ms. Davis observed A.G. as "very bonded" with her foster mother during her observational visits. *Id.* at 77.

FCCS also called Lisa Blackford, the caseworker assigned to A.G.'s case. She discussed the case plan twice with B.G., and then again in "numerous emails." *Id.* at 106. Ms. Blackford communicated to B.G. that "the most important thing" was that she complete the mental health assessment and treatment, but B.G. "would not discuss it any further." *Id.* at 107. Like the other caseworkers, she testified that B.G. never completed any drug testing. *Id.* at 108.

Ms. Blackford testified that she had examined the parenting class certificate presented during Ms. Ramsey's cross-examination and had concerns about its validity because it was a "self-referral," which required verification. *Id.* at 109. When she asked B.G. for information about the provider, B.G. responded that she had already provided the information and did not say where the class had taken place. *Id.* at 109-10.

According to Ms. Blackford, she and B.G. communicated by email "two to three times a month." *Id.* at 110. Ms. Blackford obtained approval for B.G. to fly to Columbus to attend court hearings, as well as her medical caregiver: "I said we would purchase * * * flights for whoever was necessary and provide lodging, money for food assistance, in order for her to be able to attend the hearings." *Id.* at 111. She made the offer "[a]t least twice, with one flight being purchased that [was] not used." *Id.* B.G.'s explanation was that she was unable to travel because of her medical conditions. *Id.*

In late 2021, FCCS attempted to initiate a remote home study via the Interstate Compact on the Placement of Children ("ICPC"), but the receiving agency in Colorado "would not initiate the request due to case plan compliance." *Id.* at 113-14. According to Ms. Blackford, 80 percent of the case plan would have to have been completed for the out-of-state agency to accept the request. *Id.*

Ms. Blackford described the online visitation between B.G. and A.G. as inconsistent. *Id.* at 115. Although B.G. was offered weekly visits, "[o]ne month she might attend one, next month she might attend two." *Id.* During the case, there were "gaps of three to four months without logging in." *Id.* The visits that Ms. Blackford observed were "very short." *Id.* B.G. "did not say a lot" to A.G. or the foster mother, "and then it would end" after 20 to 25 minutes. *Id.* at 115-16. After observing A.G. during four in-home visits, Ms. Blackford described the child as bonded and attached to her foster mother. *Id.*

Foster mother, M.L., also testified. FCCS had placed A.G. in her home in April of 2019. *Id.* at 133. Ms. Ramsey asked M.L. to set up weekly video visits between B.G. and A.G. in September of 2020. *Id.* at 134-35. M.L. described B.G.'s attendance of the visits as "sporadic." *Id.* at 136. Since 2021, there had been three 30-day periods of no visits by B.G. *Id.* at 142. According to M.L., there had "only been six calls in the last year." *Id.* B.G. did not inform M.L. when she would not be participating in the scheduled visits. *Id.*

M.L. described "a lack of engagement" during the visits. *Id.* B.G. mainly directed her questions about A.G. to M.L. *Id.* A.G. "wouldn't respond" to questions from B.G., and it was up to M.L. "to guide [A.G.] to try and respond and answer her questions." *Id.* at 142-43. A.G. never addressed B.G. or appeared to know who she was. *Id.* at 143.

M.L. testified that A.G. had turned four the week before trial. *Id.* at 145. She attends Head Start during the day, after which she helps M.L. cook dinner. *Id.* at 145-46. After dinner, A.G. has playtime before bed. *Id.* at 146. A.G. also attends gym and swim classes. *Id.* M.L. stated that she and A.G. are "really bonded." *Id.* A.G. shares her emotions with M.L., whether she is sad, excited, or proud of an accomplishment. *Id.* In addition, A.G. is "incredibly close" with all of M.L.'s family. *Id.* M.L.'s parents attend A.G.'s gym and swim classes, as well as eat dinner with them "several times a week." *Id.* at 146-47. A.G.'s best friend is M.L.'s five-year-old niece. *Id.* at 147. M.L. stated that she "[a]bsolutely" would be interested in adopting A.G. *Id.* at 148. If that happened, M.L. "wouldn't deny [B.G.] any contact or being able to reach out to [A.G.] at any time." *Id.* at 150.

The final witness was Scott Sidner, A.G.'s guardian ad litem. He testified that he had recently communicated with B.G. via Zoom and had been able to email her. *Id.* at 167. Mr. Sidner had observed B.G. over Zoom and seen her other three children, one of which was an infant. *Id.* at 168. B.G. provided him with information about her medical conditions, including complications from a C-section. *Id.* at 168-69. She also showed her home to him over the video call, which appeared to be "a rectangular shaped townhome" of modest size. *Id.* at 169. The home was furnished, including a "bunkbed combination" with a third bed for A.G. in the children's bedroom. *Id.* at 171. The kitchen had food in the refrigerator and the apartment had a laundry room. *Id.* at 170. B.G. told Mr. Sidner that she lived alone with two girls and a baby, and that her fiancé had his own apartment. *Id.* at 172.

Mr. Sidner believed that he had observed somewhere between eight to twelve visits, but only one between B.G. and A.G. *Id.* at 175-76. He described their interaction as "appropriate." B.G. mainly talked about "doctor visits" and herself, but "to her credit she was trying to interact with" A.G. by asking her what she was playing. *Id.* at 177-78. A.G. did not initiate conversation with B.G. *Id.* at 178.

> Mr. Sidner was able to observe A.G. at Head Start, where she played with other children and worked on numbers. *Id.* at 179-80. A.G.'s teacher reported that "she does well with everything." Mr. Sidner also visited the foster home multiple times, both over video and in person. *Id.* at 181-82. He described the relationship between M.L. and A.G. as "loving," "very bonded," and "respectful." *Id.* at 182. Although A.G. was "very bright," she was only four and did not understand the permanent custody proceeding. *Id.* at 183. He asked her privately who she would like to live with "forever," and "she said she wa[n]ts to live with mommy," meaning M.L. *Id.* Mr. Sidner believed that it was in her best interest to grant FCCS's motion for permanent custody. *Id.* at 182-83.
>
> The juvenile court granted the motion on December 30, 2022. In its decision, it discussed FCCS's reasonable efforts at reunification at length and determined that they were adequate. However, its discussion omitted any mention of the statutory basis for making the determination. (*See* Dec. 30, 2022 Decision & Jgmt. Entry at 6-8.)

In re A.G., 2024-Ohio-2136, ¶ 2-26 (10th Dist.).

{¶ 3} B.G. appealed the juvenile court's December 30, 2022 decision to this court, asserting that (1) the evidence was insufficient and the weight of the evidence did not support the decision, (2) the juvenile court plainly erred by failing to determine by clear and convincing evidence that FCCS engaged in reasonable efforts to prevent the removal or eliminate the continued removal of A.G., and (3) the juvenile court failed to comply with the ICWA. *Id.* at ¶ 27. This court overruled B.G.'s second assignment of error, concluding that "[a]lthough the juvenile court did not have to engage in a determination of FCCS's reasonable efforts at reunification, if it had been required to do so, its final assessment of their adequacy would not have been erroneous." *Id.* at ¶ 40. However, the court sustained B.G.'s third assignment of error, concluding that the juvenile court failed to make sufficient inquiries to comply with the ICWA. *Id.* at ¶ 47. The court reasoned that B.G.'s first assignment of error was rendered moot by its ruling on the third assignment of error and remanded the case to the juvenile court for it to conduct the ICWA inquiry. *Id.* at ¶ 47-49.

{¶ 4} On remand, the juvenile court conducted a hearing on November 12, 2024, where FCCS's counsel and the court questioned B.G. about whether she or A.G.'s father had Indian heritage or tribal membership. At the end of the hearing, the juvenile court concluded it had complied with the requirements of the ICWA. The juvenile court issued a

decision on January 9, 2025, granting FCCS's motion for permanent custody of A.G. The court concluded FCCS established by clear and convincing evidence that granting permanent custody to FCCS was in A.G.'s best interest. The court further concluded that FCCS established by clear and convincing evidence that B.G. and A.G.'s father had abandoned A.G., and that A.G. had been in continuous custody of FCCS for more than 12 months of the preceding 22-month period. The court concluded that FCCS established by clear and convincing evidence that A.G. could not be placed with either of her parents within a reasonable time and that the factors set forth in R.C. 2151.414(E)(1), (2), (4), (10), (14), and (16) existed.

II. Assignments of Error

{¶ 5} B.G. appeals and assigns the following three assignments of error for our review:

> [I.] The lower court plainly erred by failing to require that FCCS fully investigate whether [A.G.] was an Indian child in light of the evidence presented at the November 12, 2024 hearing and that it notify either the appropriate Indian tribe and/or the US Secretary of the Interior and/or the Bureau of Indian Affairs of these proceedings in violation of 25 U.S.C. Section 1912, 25 C.F.R. 23.107 et. seq., OAC 5180: 2-53-03, and OAC 5180: 2-53-04 despite the court knowing or having reason to know [A.G.] was an Indian child, before it disposed of the agency's PCC petition.
>
> [II.] Inasmuch as the trial court failed to treat [A.G.] as an Indian child per 25 C.F.R. 23.107(b) and OAC 5180: 2-53-03(C)(2) the court did not employ the correct standard of proof articulated in 25 U.S.C. Section 1912(f) (as well as other provisions of that statute) thereby mandating that the court's grant of the agency's PCC petition be reversed and/or vacated under 25 U.S.C. 1914.
>
> [III.] The lower court's decision terminating Mother-Appellant's right to parent her child [A.G.] in 19JU-4406 was not founded on sufficient evidence and ran against the manifest weight of the evidence.

III. Discussion

{¶ 6} "Parents have a 'fundamental liberty interest' in the care, custody, and management of [a] child." *In re Murray*, 52 Ohio St.3d 155, 157 (1990), citing *Santosky v.*

Kramer, Commr., Ulster Cty. Dept. of Social Servs., 455 U.S. 745, 753 (1982). The fundamental right to parent one's child is protected by the Due Process Clause of the Fourteenth Amendment to the United States Constitution and Article I, Section 16 of the Ohio Constitution. *In re A.J.*, 2014-Ohio-5046, ¶ 18 (10th Dist.). The right is not unlimited, however, and the state has broad authority to intervene to protect children from abuse and neglect. *In re L.B.*, 2020-Ohio-3045, ¶ 23 (10th Dist.). As an alternative of last resort, justified when necessary for the welfare of a child, a court may terminate parental rights and commit a child to the permanent custody of a public children services agency. *In re Swisher*, 2003-Ohio-5446, ¶ 26 (10th Dist.). Because of the extreme nature of this remedy, parents must be afforded every procedural and substantive protection authorized by law. *L.B.* at ¶ 22.

A. Failure to require further investigation into whether A.G. was an Indian child

{¶ 7} In her first assignment of error, B.G. argues the juvenile court committed plain error by failing to require FCCS to investigate further whether A.G. was an Indian child after the November 12, 2024 hearing and to notify the appropriate tribe or federal agency of the proceedings. At the end of the November 12, 2024 hearing, the juvenile court concluded that the requirements of the ICWA had been satisfied. The January 9, 2025 decision noted that "Mother believes that she and Father may have Indian Heritage" but "she was unable to identify a specific tribe for either parent" and "Mother further testified that neither she nor Father is a registered member of a Native American tribe." (Jan. 9, 2025 Decision & Jgmt. Entry at 1.) Thus, the juvenile court appears to have concluded that its duty to inquire had been satisfied and that the ICWA did not apply to this case. On appeal, B.G. argues that, based on her testimony, the juvenile court had reason to know that A.G. was potentially an Indian child and that further investigation was necessary to determine whether the ICWA applied.

{¶ 8} B.G.'s counsel did not object to the juvenile court's conclusion at the end of the November 12, 2024 hearing that the requirements of the ICWA had been satisfied. On appeal, B.G. argues the juvenile court plainly erred by failing to require FCCS to investigate further, thus apparently acknowledging that she is limited to plain error with respect to the juvenile court's conclusion. In civil cases, the plain error doctrine is not favored and may only be applied in extremely rare cases involving exceptional circumstances where leaving

the error uncorrected would challenge the fairness, integrity, or public reputation of the judicial process. *In re D.E.*, 2021-Ohio-524, ¶ 76 (10th Dist.).

{¶ 9} At the November 12, 2024 hearing on remand in this case, FCCS's counsel questioned B.G. about potential Indian heritage and tribal membership:

> Q. [D]o you have any Indian Heritage relevant to [A.G.]?
>
> A. I believe there is Indian heritage. A test was -- a DNA test was not performed with the alleged father, and I am informed and had been informed that we may be mixed with Indian heritage.
>
> Q. Do -- do you have any tribal membership, are you -- are you a member of any tribe in another words?
>
> A. No, I am not.
>
> Q. Okay. And you're -- you -- you talked about a -- a father, you -- you thought it possible that there -- there could be something there, right?
>
> A. Yes, with her father.
>
> Q. But you're not aware of any specific tribal membership; is that right?
>
> A. No, I am not.

(Nov. 12, 2024 Tr. at 5-6.)

{¶ 10} The juvenile court then asked additional questions to clarify B.G.'s testimony:

> [JUDGE]: And just to clarify ma'am, you said you're not a registered member of any tribe, correct?
>
> [B.G.]: No, I am not.
>
> [JUDGE]: And to your knowledge is father a registered member?
>
> [B.G.]: I am not aware.

(Nov. 12, 2024 Tr. at 6.)

{¶ 11} B.G.'s counsel suggested the court had not fully complied with the requirements of the ICWA, and the juvenile court asked B.G. additional follow-up questions:

> [JUDGE]: Ma'am, to the mother were you able to identify a specific tribe?
>
> [B.G.]: The only thing I know is that my mother had claimed that we were Cherokee Indian. I have not had much contact or to get the name of the tribe for the father of [A.G.] but the -- both his parents, his mother, his father and his father's wife has informed me that [Father] is indeed mixed with Indian on both his mother and his father side.
>
> [JUDGE]: Okay. So, let's start first for yourself. Are you able to identify a specific tribe?
>
> [B.G.]: Cherokee.
>
> [JUDGE]: But no specific tribe?[2]
>
> [B.G.]: No, I'm not sure. I just know Cherokee Indian, and that's only because my mother informed me.
>
> [JUDGE]: Are you able to identify any area where they may have lived?
>
> [B.G.]: No.
>
> [JUDGE]: And then to dad, same question, are you able to identify a specific tribe?
>
> [B.G.]: No.
>
> [JUDGE]: Or any specific areas where the family wha --
>
> [B.G.]: No.

(Nov. 12, 2024 Tr. at 9-10.)

{¶ 12} B.G. argues her testimony was sufficient to require further investigation by FCCS and notification of the appropriate tribe and federal agency. B.G. asserts that the

[2] On appeal, FCCS asserts that three federally recognized tribes identify by the name "Cherokee," and suggests that the juvenile court's question about a "specific tribe" in response to B.G.'s reference to Cherokee heritage reflected awareness of multiple tribes that could be meant by that term.

question of whether she or A.G.'s father were "registered" members of an Indian tribe was not dispositive of whether the ICWA applied. B.G. argues that because tribes determine their membership, FCCS should have notified the Cherokee Nation, the Bureau of Indian Affairs of the United States Department of the Interior, and the Secretary of the United States Department of the Interior to determine whether B.G. or A.G.'s father were members of a tribe and whether A.G. was eligible for tribal membership.

{¶ 13} "The ICWA establishes certain procedural safeguards intended to govern child custody proceedings involving Indian children." *In re D.E.*, 2021-Ohio-524, at ¶ 52 (10th Dist.). In adopting the ICWA, the United States Congress acknowledged "that an alarmingly high percentage of Indian families are broken up by the removal, often unwarranted, of their children from them by nontribal public and private agencies and that an alarmingly high percentage of such children are placed in non-Indian foster and adoptive homes and institutions." 25 U.S.C. 1901(4). Congress declared a national policy to "protect the best interests of Indian children and to promote the stability and security of Indian tribes and families" by establishing minimum federal standards for removal of Indian children from their families and placement into foster or adoptive homes. 25 U.S.C. 1902.

{¶ 14} The ICWA applies when an Indian child is the subject of certain child custody proceedings. *In re D.E.* at ¶ 53; 25 C.F.R. 23.103; Adm.Code 5180:2-53-02(B). For purposes of the ICWA, "Indian" is defined as "any person who is a member of an Indian tribe, or who is an Alaska Native and a member of a Regional Corporation as defined in [43 U.S.C. 1606]." 25 U.S.C. 1903(3). *See* Adm.Code 5180:2-53-01(I). "Indian child" is defined as "any unmarried person who is under age eighteen and is either (a) a member of an Indian tribe or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe." 25 U.S.C. 1903(4). *See* Adm.Code 5180:2-53-01(J). The party asserting applicability of the ICWA bears the burden of proving that the child meets the definition of an Indian child. *In re L.W.*, 2025-Ohio-2236, ¶ 45 (10th Dist.), citing *In re J.B.*, 2018-Ohio-1201, ¶ 19 (8th Dist.).

{¶ 15} Under the ICWA, when a state court "knows or has reason to know that an Indian child is involved, the party seeking . . . termination of parental rights to, an Indian child shall notify the parent or Indian custodian and the Indian child's tribe . . . of the

pending proceedings and of their right of intervention." 25 U.S.C. 1912(a). At the commencement of a proceeding, "[s]tate courts must ask each participant in an emergency or voluntary or involuntary child-custody proceeding whether the participant knows or has reason to know that the child is an Indian child." 25 C.F.R. 23.107(a). Failure to comply with the notice provisions of the ICWA may result in invalidation of a juvenile court's custody determination. *In re L.W.* at ¶ 42.

{¶ 16} There was no evidence in this case that A.G. was a member of an Indian tribe. Therefore, to qualify as an Indian child, it was necessary to show that A.G. "is eligible for membership in an Indian tribe and is the biological child of a *member* of an Indian tribe." (Emphasis added.) 25 U.S.C. 1903(4)(b). However, at the hearing on remand B.G. expressly testified that she was *not* a member of a tribe. When FCCS's counsel asked B.G. if she was "a member of any tribe," she directly responded, "[n]o, I am not." (Nov. 12, 2024 Tr. at 6.) On appeal B.G. focuses on the juvenile court's subsequent question about whether she was a "registered member" of a tribe and argues that registration or enrollment in a tribe is not required to establish membership. But B.G.'s arguments fail to address her clear, unequivocal testimony that she was not a member of an Indian tribe. B.G. testified that she "had been informed that we *may* be mixed with Indian heritage." (Emphasis added.) (Nov. 12, 2024 Tr. at 6.) In response to the juvenile court's follow-up questions, B.G. testified that "[t]he only thing I know is that my mother had *claimed* that we were Cherokee Indian." (Emphasis added.) (Nov. 12, 2024 Tr. at 9.)

{¶ 17} At most, B.G.'s testimony established the general possibility that she had Indian ancestry, and that by extension A.G. also had Indian ancestry. Other Ohio courts have held "the party asserting the applicability of the ICWA must do more than raise the possibility that a child has native American ancestry." *In re J.B.* at ¶ 19, citing *In re C.C.*, 2010-Ohio-780, ¶ 4 (8th Dist.). *See In re Z.B.*, 2024-Ohio-5387, ¶ 56 (12th Dist.) ("Evidence that a child merely has Indian heritage is insufficient to invoke the [ICWA]."); *In re L.R.D.*, 2019-Ohio-178, ¶ 21 (8th Dist.) ("Having Native American ancestry, by itself, does not make one an 'Indian child' for purposes of the ICWA."). Courts in other states have reached a similar conclusion, noting that applicability of the ICWA depends on tribal membership, not simply Indian heritage. *See People ex rel. E.A.M. v. D.R.M.*, 2022 CO 42, ¶ 6 ("We hold that mere assertions of a child's Indian heritage (including those that specify

a tribe or multiple tribes by name), without more, are not enough to give a juvenile court 'reason to know' that the child is an Indian child."); *In re Z.K.*, 973 N.W.2d 27, 33 (Iowa 2022) ("For the federal ICWA to apply, the proper question before the court is not whether the child is ethnic Indian. Instead, to trigger ICWA, the court focuses on the child's tribal membership: the child has to be a member of an Indian tribe or has to be eligible for membership and the biological child of a member of an Indian tribe."); *State ex rel. M.J.*, 2011 UT App. 398, ¶ 31 ("[W]e agree with the many courts that have determined that vague, unsupported, last-minute, or incredible assertions of Indian ancestry are not sufficient to invoke ICWA's notice provisions.").

{¶ 18} The cases from other jurisdictions that B.G. relies on in support of her appeal are inapposite. B.G. cites a California appellate court decision holding that "[w]hile enrollment can be one means of establishing [tribal] membership, it is not the only means, nor is it determinative." *In re Desiree F.*, 83 Cal.App.4th 460, 471 (2000). However, in that case the initial dependency petition noted that the child might fall within the provisions of the ICWA, and a related social services report indicated that the child's mother was Chukchansi Indian. *Id.* at 464. The record also established that the child's grandmother, who requested placement of the child, was a member of a recognized Indian tribe. *Id.* at 465. The relevant tribe sought to intervene in the case after an order had been issued terminating parental rights but before a permanent plan hearing. *Id.* at 466. At a hearing on the motion to intervene, the parties stipulated that the child had been enrolled as a member of the tribe after the termination order had been issued. Ultimately, the juvenile court denied the motion to intervene and held that the termination of parental rights was valid because at the time of the termination order neither the child nor the mother were enrolled as members of the tribe. *Id.* at 468. On appeal, the appellate court determined that testimony established the child was eligible for membership in the tribe at the time the dependency proceeding was initiated and ruled that the ICWA applied regardless of whether the child was registered or enrolled with the tribe. *Id.* at 471. The appellate court further concluded that the duty to notify under the ICWA was triggered because the dependency petition noted that the statute possibly applied. *Id.*

{¶ 19} B.G. also cites a Washington case that adopted a broad construction of the "reason to know" standard under the ICWA. *In re Dependency of Z.J.G.*, 196 Wn.2d 152

(2020). However, in that case there was significant evidence suggesting that the ICWA might apply. The initial dependency petition indicated that the mother had Indian heritage and was eligible for membership in a specific tribe. *Id.* at 159. Additional information from the caseworker indicated that the children's maternal grandmother was an enrolled member of a tribe. *Id.* at 160. The children's father also testified to his understanding that the mother had Indian heritage and was eligible for tribal membership, and to his understanding that the children were eligible for tribal membership. The father also testified that he had Indian heritage. *Id.* The children's mother similarly testified that she and her children were eligible for tribal membership but also admitted she was not an enrolled member of a federally recognized tribe. *Id.* The trial court concluded there was not a reason to know the children were Indian children because the mother and father were not enrolled members in a federally recognized tribe. *Id.* at 161. Ultimately, the Washington Supreme Court reversed, adopting a broad construction of the "reason to know" standard. *Id.* at 175-83. The court cited the testimony from the mother and the father regarding eligibility for tribal membership and held that the testimony was sufficient to find reason to know that the children were Indian children. *Id.* at 184-85.

{¶ 20} Unlike the California and Washington cases, in this case B.G. expressly testified that she was not a member of any tribe and her testimony merely suggested that she had Indian heritage based on what she had been told by her mother. Notwithstanding the juvenile court's follow-up questions about whether B.G. was a "registered" member of a tribe, the analysis in this case did not turn on the issue of registration or enrollment as indicia of tribal membership.

{¶ 21} B.G. also argues on appeal that her testimony about the Indian heritage of A.G.'s father was sufficient to require further investigation by FCCS. This court recently considered a similar argument in a case where a child's father appealed a permanent custody award asserting, in relevant part, that the juvenile court erred by failing to comply with the ICWA:

> [E]ven if appellant alleged, let alone proved, Native American heritage, ICWA's involuntary termination of parental rights provisions do not apply to him. In *Adoptive Couple v. Baby Girl*, 570 U.S. 637 (2013), the United States Supreme Court observed that 25 U.S.C. 1912(f) conditioned involuntary termination of parental rights on a showing regarding the

> merits of *continued* custody of the child by the parent. *Id.* at 648. Thus, that section "does not apply in cases where the Indian parent *never* had custody of the Indian child." (Emphasis in original.) *Id.* Here, it is undisputed that [child] never resided with or was in the legal custody of [father]. Thus, 25 U.S.C. 1912(f) would not apply to [child] through [father].
>
> Furthermore, in *Adoptive Couple*, the Supreme Court held that 25 U.S.C. 1912(d) only applied in cases "where an Indian family's 'breakup' would be precipitated by the termination of the parent's rights." *Id.* at 651. Thus, where there was no relationship that would be discontinued, or a Native American family entity that would be ended, by the termination of the Native American parent's rights, 25 U.S.C. 1912(d) does not apply. *Id.* at 651-652. Here . . . a number of factors demonstrate that a Native American family would not be broken up as a result of the termination of [father's] parental rights. Those factors include: [child] has never been in the legal custody of or resided with [father]; [father] and [mother] were never married; [father] has never established paternity of [child]; and in the beginning stages of this case, [father] did not engage in case plan objectives because he believed [mother] would work the case plan to reunify with [child]. As such, 25 U.S.C. 1912(d) would not apply to [child] through [father].

(Emphasis in original.) *In re B.N.*, 2026-Ohio-419, ¶ 50-51 (10th Dist.).

{¶ 22} In this case, there was no testimony or evidence that A.G.'s father ever had custody of A.G. As noted above, FCCS's motion for permanent custody asserted it never had contact with A.G.'s father, and one of the caseworkers testified that FCCS was never able to locate him. At the hearing before the magistrate, B.G. stated that she did not know the current whereabouts of A.G.'s father. The juvenile court also noted in its December 30, 2022 decision that A.G.'s father had not had contact with A.G. throughout the duration of the proceedings. Thus, consistent with our holding in *B.N.* and the precedent relied on in that decision, the ICWA would not apply to A.G. through her father in this case.

{¶ 23} Under the circumstances in this case, where B.G. generally testified to a belief that she and A.G.'s father both had Indian heritage but also expressly testified that she was not a member of an Indian tribe, and where there was no evidence that A.G. was ever in the custody of her father, we cannot find that the juvenile court plainly erred by concluding that the ICWA did not apply.

{¶ 24} Accordingly, we overrule B.G.'s first assignment of error.

B. Failure to apply the beyond-a-reasonable-doubt standard of proof

{¶ 25} In her second assignment of error, B.G. asserts the juvenile court erred by failing to treat A.G. as an Indian child and apply the proof-beyond-a-reasonable-doubt standard applicable under the ICWA.

{¶ 26} When the ICWA applies, parental rights may not be terminated "in the absence of a determination, supported by evidence beyond a reasonable doubt, including testimony of qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child." 25 U.S.C. 1912(f). B.G. argues the juvenile court erred by not applying that standard because her testimony suggested that A.G. was an Indian child, triggering the presumption that A.G. was an Indian child. Federal regulations implementing the ICWA provide that when there is "reason to know" a child is an Indian child but insufficient evidence to determine whether or not the child is an Indian child, a court must "[t]reat the child as an Indian child, unless and until it is determined on the record that the child does not meet the definition of an 'Indian child.' " 25 C.F.R. 23.107(b)(2). However, as explained above in our analysis of B.G.'s first assignment of error, we conclude that under the circumstances in this case the juvenile court did not plainly err by concluding that the ICWA did not apply. Therefore, the juvenile court likewise did not err by failing to apply the standard of proof required under the ICWA.

{¶ 27} Accordingly, we overrule B.G.'s second assignment of error.

C. Whether the juvenile court's decision was supported by sufficient evidence or was against the manifest weight of the evidence

{¶ 28} In her third assignment of error, B.G. argues the juvenile court's decision granting permanent custody of A.G. to FCCS was not based on sufficient evidence and was against the manifest weight of the evidence. B.G. claims that she substantially ameliorated the issues described in the original complaint filed by FCCS. B.G. also challenges the juvenile court's best interest findings and its findings regarding whether A.G. could be placed with her within a reasonable time.

1. Standard of review for grant of permanent custody

{¶ 29} The juvenile court may grant permanent custody of a child to a public children services agency if the court determines by clear and convincing evidence that (1) it is in the child's best interest, and (2) one of the factors set forth in R.C. 2151.414(B)(1)

applies. R.C. 2151.414(B)(1); *In re Z.C.*, 2023-Ohio-4703, ¶ 7. "Clear and convincing evidence is that measure or degree of proof which is more than a mere 'preponderance of the evidence,' but not to the extent of such certainty as is required 'beyond a reasonable doubt' in criminal cases, and which will produce in the mind of the trier of facts a firm belief or conviction as to the facts sought to be established." *Cross v. Ledford*, 161 Ohio St. 469 (1954), paragraph three of the syllabus.

{¶ 30} The juvenile court's findings are presumed to be correct because, as the trier of fact, it is in the best position to weigh the evidence and evaluate the testimony. *In re Lu.M.-R.*, 2026-Ohio-3344, ¶ 24 (10th Dist.). Therefore, an appellate court will not reverse a juvenile court's decision in a permanent custody case unless it is against the manifest weight of the evidence. *Id.* When reviewing the manifest weight of the evidence, the appellate court must weigh the evidence and all reasonable inferences, consider the credibility of the witnesses, and determine whether the finder of fact clearly lost its way and created such a manifest miscarriage of justice that the judgment must be reversed. *Id.*

2. Juvenile court's R.C. 2151.414(B)(1) determination

{¶ 31} In the January 9, 2025 decision, the juvenile court referenced the findings contained in its December 30, 2022 decision regarding permanent custody. In the December 30, 2022 decision, the juvenile court concluded that R.C. 2151.414(B)(1)(b) applied because A.G. had been willfully abandoned by her parents. The court found that B.G. had failed to meet with A.G. in person since May 10, 2019, and that B.G.'s contact with A.G. by video call since that time had been sporadic, with only six video calls occurring during 2022. The court further found that A.G.'s father had failed to visit or have meaningful contact with her during the pendency of the case. The juvenile court also found that R.C. 2151.414(B)(1)(d) applied because A.G. had been in the temporary custody of FCCS for 12 or more months of a consecutive 22-month period. The court found that A.G. had been in FCCS's continuous custody since April 12, 2019, which was a period of 44 months as of the December 30, 2022 decision, and a period of 68 months as of the January 9, 2025 decision.

{¶ 32} B.G. does not challenge the juvenile court's finding that R.C. 2151.414(B)(1)(b) and (d) applied; rather, she asserts that the court's findings related

to whether granting permanent custody to FCCS was in A.G.'s best interest were not supported by sufficient evidence and were contrary to the manifest weight of the evidence.

3. Juvenile court's best interest determination

{¶ 33} When determining whether granting permanent custody is in a child's best interest, the juvenile court must consider all relevant factors, including specific factors set forth in R.C. 2151.414(D)(1)(a) through (e). Under R.C. 2151.414(D)(1)(a), the juvenile court must consider "[t]he 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." The juvenile court noted that B.G. moved away from Columbus a month after A.G. was removed from her custody and moved away from Ohio within two months of A.G.'s removal. As a result, B.G. had not visited in person with A.G. since May 2019. The juvenile court also found that B.G. had not regularly participated in virtual visits with A.G. The juvenile court concluded that A.G. had a bond with her foster mother and was doing well in the foster placement.

{¶ 34} On appeal, B.G. cites testimony from caseworker Davis and foster mother M.L., along with her own testimony, indicating that B.G. interacted appropriately with A.G. during video visits. However, that testimony does not establish that the juvenile court's conclusion regarding R.C. 2151.414(D)(1)(a) was not supported by sufficient evidence or was against the manifest weight of the evidence. As the juvenile court noted in the December 30, 2022 decision, caseworker Ramsey testified that B.G. only participated in one in-person visit with A.G. while still living in Ohio. Ramsey also testified to a unique bond between A.G. and her foster mother. Similarly, caseworker Davis also testified that A.G. was very bonded with her foster mother.

{¶ 35} Under R.C. 2151.414(D)(1)(b), the juvenile court must consider the child's wishes, as expressed directly by the child or through the guardian ad litem. B.G. cites her own testimony that A.G. acknowledged her as being her mother, while also admitting that FCCS presented testimony establishing that A.G. referred to foster mother M.L. as "mommy." B.G. also cites testimony from M.L. that she only had a few conversations with A.G. about who her mother was. By citing that testimony, B.G. seems to suggest that A.G.'s wishes were equivocal or unclear.

{¶ 36} The juvenile court's findings as to R.C. 2151.414(D)(1)(b) cited the guardian ad litem's written report and testimony indicating that A.G. did not understand the concepts of permanency and adoption but in an age-appropriate manner had indicated her wish to remain in the foster home with M.L. The guardian ad litem testified that when asked on multiple occasions where she would like to live long term, A.G. stated she wanted to live with M.L. B.G.'s testimony asserting that A.G. acknowledged B.G. as her mother does not establish that the juvenile court's conclusion about A.G.'s wishes was not supported by sufficient evidence or against the manifest weight of the evidence.

{¶ 37} Under R.C. 2151.414(D)(1)(c), the juvenile court must consider the child's custodial history, including whether the child has been in the temporary custody of a public children services agency for 12 or more months of a consecutive 22-month period. The juvenile court found that A.G. had been in the continuous custody of FCCS since her removal on April 12, 2019, which was a period of 39 months as of the time of the trial. On appeal, B.G. argues that despite the substantial period of separation, her relationship with A.G. had not been diminished. However, that assertion, even if true, does not establish that the juvenile court's conclusion about the length of time A.G. had been in FCCS's custody was not supported by sufficient evidence or was against the manifest weight of the evidence.

{¶ 38} Under R.C. 2151.414(D)(1)(d), the juvenile court must consider the child's need for a legally secure placement and whether that can be achieved without a grant of permanent custody to the agency. Under R.C. 2151.414(D)(1)(e), the juvenile court must consider whether any of the factors listed in R.C. 2151.414(E)(7) through (11) apply. Generally, those factors relate to whether the parent has been convicted of or pleaded guilty to certain offenses, repeatedly withheld medical treatment or food from the child, placed the child at substantial risk of harm two or more times due to drug or alcohol abuse and refused to participate in treatment, abandoned the child, or had parental rights involuntarily terminated with respect to a sibling of the child. R.C. 2151.414(E)(7) through (11). With respect to R.C. 2151.414(D)(1)(d) and (e), the juvenile court found that A.G. was desperately in need of secure placement and had stability in her current placement. The court found that B.G. and A.G.'s father failed to substantially remedy the issues giving rise to her removal and demonstrated an inability to protect and provide for A.G. Specifically, with respect to the R.C. 2151.414(E)(7) through (11) factors, the juvenile court only found

that R.C. 2151.414(E)(10) applied, concluding that A.G. had been abandoned because B.G. had not visited with her in person since May 2019 and A.G.'s father had not had any contact with her during the pendency of the case, both of which exceeded the 90-day threshold constituting abandonment.

{¶ 39} On appeal, B.G. argues "the evidence shows that [she] can provide a secure and safe place for [A.G.] to live, and [she] possesses ability to skillfully parent the child." (Appellant's Brief at 38.) B.G. also argues at length that she substantially ameliorated the problems described in FCCS's original complaint. However, again, B.G. fails to establish that the juvenile court's decision was not supported by sufficient evidence or was against the manifest weight of the evidence. Caseworker Ramsey testified that B.G. refused to go to drug testing while living in Colorado and refused to let Ramsey see her Colorado apartment during video calls. Similarly, caseworker Davis testified that B.G. refused to take a drug test and failed to provide a copy of the mental health assessment she claimed to have completed in Colorado. Caseworker Blackford also testified that B.G. did not complete drug testing and refused to discuss mental health assessments. The guardian ad litem testified that B.G. showed him her home during a video call and testified about the apparent conditions he observed. Although B.G. cites various evidence in support of her claim that she substantially ameliorated the conditions leading to the original complaint, she fails to establish that there was not sufficient evidence to support the juvenile court's decision or that the decision was against the manifest weight of the evidence.

4. Juvenile court's R.C. 2151.414(E) findings

{¶ 40} B.G. also argues that the juvenile court's findings related to the factors set forth in R.C. 2151.414(E) were not supported by sufficient evidence and were against the manifest weight of the evidence. We note that the factors set forth in R.C. 2151.414(E) relate to determining "whether a child cannot be placed with either parent within a reasonable period of time or should not be placed with the parents." That determination is necessary when the juvenile court assesses whether R.C. 2151.414(B)(1)(a) applies. As explained above, in this case, the juvenile court found that R.C. 2151.414(B)(1)(b) and (d) applied. Therefore, it was not necessary for the court to reach the factors set forth in R.C. 2151.414(E), except the factors in R.C. 2151.414(E)(7) through (11) within the context of analyzing R.C. 2151.414(D)(1)(e), as discussed above. *See In re Bil.I.*, 2023-Ohio-434,

¶ 34 (10th Dist.) ("When [R.C. 2151.414(B)(1)(d)] applies, an agency need not prove that the child cannot be placed with the parents within a reasonable time or should not be placed with the parents."); *In re Damron*, 2003-Ohio-5810, ¶ 9 (10th Dist.) ("Because the facts trigger [R.C. 2151.414(B)(1)(d)], they cannot and do not trigger [R.C. 2151.414(B)(1)(a)]. As such, it was unnecessary for the court to analyze whether or not the Damron children could be placed with either of their parents within a reasonable time, or should be placed with either parent, under R.C. 2151.414(B)(1)(a)."). *See also In re C.W.*, 2004-Ohio-6411, ¶ 21 ("After H.B. 484's addition of the '12 of 22' provision to R.C. 2151.414, an agency need no longer prove that a child cannot be returned to the parents within a reasonable time or should not be returned to the parents, so long as the child has been in the temporary custody of an agency for at least 12 months."); *In re A.M.*, 2025-Ohio-2993, ¶ 27 (10th Dist.), quoting *In re D.R.*, 2023-Ohio-539, ¶ 28 (10th Dist.) (Emphasis in original.) ("When a trial court determines the best interests of a child under the *second* step of its analysis, the relevant portion of the statute, R.C. 2151.414(D)(1)(e), 'instructs the court to consider only whether any of the factors in R.C. 2151.414(E)(7) to (11) apply to the parents and child and does not incorporate the remaining factors contained in R.C. 2151.414(E).' ").

{¶ 41} Although not required in this case, we conclude that the juvenile court's conclusions regarding the R.C. 2151.414(E) factors were supported by sufficient evidence and were not against the manifest weight of the evidence. The juvenile court found that the factors specified under R.C. 2151.414(E)(1), (2), (4), (10), (14), and (16) were present in this case. With respect to R.C. 2151.414(E)(1), the juvenile court found that B.G. failed to complete and provide documentation to establish completion of major parts of her case plan, including completing a mental health assessment, complying with random drug screenings, and meeting regularly with her caseworker and with A.G. These findings were supported by the testimony provided by the caseworkers. With respect to R.C. 2151.414(E)(2), the juvenile court found that B.G.'s mental health issues posed a safety risk to A.G. The court found that B.G. had only provided documentation of mental health treatment between October and December 2019, and that B.G. had failed to complete random drug screens or comply with an alcohol and drug assessment. Based on those findings, the court found that B.G. had untreated mental health and substance abuse issues that made her unable to provide a permanent home for A.G. With regard to

R.C. 2151.414(E)(4), the juvenile court found that B.G. demonstrated a lack of commitment to A.G. by failing to regularly visit or communicate with her because B.G. left Ohio within two months of removal and had not visited with A.G. in person since May 2019. The court further found that B.G. failed to regularly participate in video visits, and only participated in six video visits in 2022, despite having the capability to participate in such visits. With regard to R.C. 2151.414(E)(10), the juvenile court found that B.G. had abandoned A.G. because she had not visited A.G. since May 2019, which the court found to far exceed the 90-day period constituting parental abandonment. Finally, with regard to R.C. 2151.414(E)(14), the juvenile court found that B.G. demonstrated that she was unwilling to provide basic necessities or prevent neglect by failing to establish her sobriety, mental health treatment, or improved parenting practices.

{¶ 42} B.G. asserts that she completed major components of her case plan and cites testimony asserting that she completed mental health assessments and drug testing. B.G. also asserts that she voluntarily completed mental health services. As this court has noted, evidence of case plan compliance is relevant to determining whether granting permanent custody is in a child's best interest but is not dispositive of that issue. *In re Bil.I.* at ¶ 46. Moreover, testimony provided by the caseworkers in this case supported the juvenile court's conclusion that B.G. failed to complete significant portions of her case plan. All three caseworkers testified that B.G. did not complete drug testing. There was also testimony that B.G. failed to provide documentation to the caseworkers to support her claim of having completed a mental health assessment.

{¶ 43} Ultimately, based on our review of the evidence presented in this case, we cannot find that the juvenile court's decision was not supported by sufficient evidence or was against the manifest weight of the evidence.

{¶ 44} Accordingly, we overrule B.G.'s third assignment of error.

IV. Conclusion

{¶ 45} For the foregoing reasons, we overrule B.G.'s three assignments of error and affirm the judgment of the Franklin County Court of Common Pleas, Division of Domestic Relations and Juvenile Branch.

Judgment affirmed.

MENTEL and LELAND, JJ., concur.