

**IN THE COURT OF APPEALS OF OHIO
ELEVENTH APPELLATE DISTRICT
TRUMBULL COUNTY**

IN THE MATTER OF:

THE ADOPTION OF P.F.S.

CASE NO. 2026-T-0059

Civil Appeal from the
Court of Common Pleas,
Probate Division

Trial Court No. 2025 ADP 0051

OPINION AND JUDGMENT ENTRY

Decided: October 13, 2026

Judgment: Affirmed

John A. Ams, 755 Boardman Canfield Road, Suite M1, Youngstown, OH 44512 (For Petitioner-Appellee).

Brendan J. Keating, Guarnieri & Secrest, P.L.L., 151 East Market Street, P.O. Box 4270, Warren, OH 44481 (For Appellant).

ROBERT J. PATTON, J.

{¶1} Appellant, natural father of P.F.S. (“Father”), appeals the judgment of the Trumbull County Court of Common Pleas, Probate Division, finding that Father’s consent to appellee’s (“Stepfather”) adoption of P.F.S. was not required. The trial court determined that, without just cause, Father failed to maintain more than de minimis contact with the minor for a period greater than one year preceding the filing of the adoption petition. R.C. 3107.07(A).

{¶2} On appeal, Father argues that the trial court erred by failing to deem his conduct justifiable. According to Father, his lack of contact was the result of “significant

interference” or “significant discouragement” of his communication with P.F.S. on behalf of the child’s mother (“Mother”).

{¶3} Upon review, we conclude that the trial court’s finding, that Stepfather proved by clear and convincing evidence that Father lacked justifiable cause, is not against the manifest weight of the evidence. Father’s own testimony, that he has not seen P.F.S. since “maybe 2018, maybe 2019”, has not spoken to her since March 2020, and that he made no effort to contact her since at least April 2024 or April 2025 is, as aptly noted by the trial court, entirely “inconsistent with someone who was seeking communication with the minor child.” The trial court’s further determination that Father’s conduct was not the result of significant interference or significant discouragement by Mother is consistent with, and not against, the manifest weight of the evidence.

{¶4} Accordingly, the judgment of the Trumbull County Court of Common Pleas, Probate Division, is affirmed.

Substantive and Procedural Facts

{¶5} On November 17, 2025, Stepfather filed an adoption petition in the Trumbull County Court of Common Pleas, Probate Division, seeking to adopt P.F.S. To determine whether Father’s consent was required, the trial court held a hearing on May 12, 2026. The following testimony was elicited.

{¶6} Mother and Father were divorced in 2017, and a visitation schedule was in place. Shortly thereafter, Father moved approximately two hours away to Pennsylvania and stopped visiting P.F.S. as his car was repossessed. Father testified that he has not actually seen P.F.S. since 2018 or 2019, and the most recent communication Father has had with her was by telephone in March 2020.

{¶7} Mother testified that while the divorce was pending, she moved to an address known to Father. Father acknowledged that he had been to that address many times before. Mother continued to live at the same address from the 2017 divorce until June or July 2022 when she married Stepfather. Although Mother blocked Father on Facebook, Mother and P.F.S. maintained the same telephone numbers during that time, and Father had those numbers.¹ Father testified that he never sent P.F.S. holiday cards, letters, or gifts, and he never filed anything in the court system to enforce his parental rights or visitation. The only action Father took was an action seeking to reduce his child support obligation in February 2021.

{¶8} Father stated that he ultimately “gave up” on trying to contact P.F.S. around 2020 because anytime he would call or leave messages, they went unreturned. Father also expressed frustration that when he had been visiting P.F.S., law enforcement could potentially be involved. Mother admitted to calling police on one occasion when Father threatened to take P.F.S. and not return her for three weeks, and again on a second occasion where Father showed up unannounced, off schedule, and was screaming, banging on the doors and windows, and scaring the other children in Mother’s home. Both of these instances occurred prior to 2020. Father also testified that Mother, citing safety concerns, prevented visitation on one occasion in 2019 when Father showed up attempting to pick up P.F.S. in a semi-truck.

{¶9} In April 2024, which is almost two years after Mother and P.F.S. had moved in with Stepfather, Father returned to Ohio due to a death in his family. Father went to Mother’s old address—not knowing whether she still lived there—and knocked on the

1. Mother and P.F.S. did not change telephone numbers until January 2023.

door.² No one answered. Father also drove to Mother's parents' ("maternal grandparents") house and knocked on the door. No one answered there, either. Father testified that he did not leave a note that he was in either location. No one else was aware of this alleged attempt. Father stated that he chose not to make any effort to locate Mother and P.F.S.'s new address because he thought it would require hiring a lawyer.

{¶10} Father made no other effort to get in contact with P.F.S. until approximately three months after being served with the adoption petition filed in this case, and such endeavor was made on the same day as the first hearing scheduled in the trial court. Father did so by showing up unannounced at Mother's new address, obtained from the adoption petition, and maternal grandparents' house on February 18, March 24, and March 29, 2026. Father left notes on these occasions with his phone number asking P.F.S. to call him. Mother testified that P.F.S. did not want to call Father, but P.F.S. wrote him a letter which they mailed via certified mail, return receipt requested. Mother received a signed card indicating Father received the letter.

{¶11} On May 26, 2026, the trial court journalized its decision finding that Father failed to provide more than de minimis contact to P.F.S. for at least one year preceding the filing of the adoption petition. The trial court further found that Father lacked justifiable cause as Father knew Mother's address for several years following their divorce, and Father knew full well maternal grandparents' address, which had never changed throughout the many years of failing to contact his daughter. Father sent no letters, holiday cards, or gifts to P.F.S. on any occasion. According to Father's own testimony, Father "gave up." The court noted that even accepting Father's version of the events, his

2. Father initially testified that the events occurred in April 2024. Father was recalled after hearing Mother and Stepfather's testimony where Father then claimed that these events occurred in April 2025.

most recent contact with P.F.S. before being served with the adoption petition was in March 2020.

The Appeal

{¶12} Father timely appeals and raises, as his sole assignment of error, that “the trial court erred in finding [Father’s] lack of contact with the minor in the one-year period before the petition for adoption was filed was not justified.” Father argues the trial court’s finding that he lacked justifiable cause is against the manifest weight of the evidence as Mother changed residences, blocked him on Facebook, and changed telephone numbers without informing Father. Father believes these factors amount to significant interference or significant discouragement of contact with P.F.S. We disagree.

Consent Phase in Adoption Cases

{¶13} Adoption proceedings contain two phases: (1) consent and (2) best interest.³ R.C. 3107.06 generally requires written parental consent before a court may grant a petition to adopt a minor unless one of the exceptions contained in R.C. 3107.07 applies. As relevant here, R.C. 3107.07(A) provides in part that parental consent is not required where “it is alleged in the adoption petition and the court, after proper service of notice and hearing, finds by clear and convincing evidence that the parent has failed without justifiable cause to have more than de minimis contact with the minor . . . for a period of one year immediately preceding the filing of the adoption petition.”

{¶14} R.C. 3107.07(A) “operates only to determine whether an adoption may proceed without a parent’s consent”; its operation “does not result directly in the adoption

3. We note for jurisdictional purposes that despite the pending nature of the best-interest phase in this case, the Supreme Court of Ohio has held that a probate court’s decision on the consent phase is a final appealable order. *In re Adoption of Greer*, 1994-Ohio-69, ¶ 16. Therefore, this court has jurisdiction over this timely appeal.

to which it relates.” *In re Adoption of A.K.*, 2022-Ohio-350, ¶ 12, citing *In re Adoption of Jorgensen*, 33 Ohio App.3d 207, 209 (3d Dist. 1986). A court that finds consent unnecessary must still determine that the adoption is in the child’s best interest before entering a final decree. *Id.*; accord R.C. 3107.14(C).

{¶15} In applying the contact prong of R.C. 3107.07(A), a trial court first decides whether the parent failed to have more than de minimis contact. Contact is not confined to physical visitation; it includes “gifts, cards, letters, telephone calls, and text messages.” *In re Adoption of M.K.B.B.*, 2026-Ohio-2001, ¶ 11 (2d Dist.), citing *In re A.J.W.*, 2024-Ohio-3124, ¶ 54 (2d Dist.); accord *In re Adoption of N.I.B.*, 2019-Ohio-4412, ¶ 25-26 (11th Dist.). “More than de minimis contact” means “either attempted or successful” contact beyond a single occurrence. *Id.*, citing *In re Adoption of T.U.*, 2020-Ohio-841, ¶ 25 (6th Dist.).

{¶16} Where a trial court finds that a parent failed to have more than de minimis contact, the court must then determine whether the parent had justifiable cause. “‘Justifiable cause’ is a flexible term and must be determined based on the facts of the specific case.” *In re Adoption of M.G.S.*, 2024-Ohio-322, ¶ 12 (9th Dist.), citing *In re Adoption of Holcomb*, 18 Ohio St.3d 361, 367 (1985). Justifiable cause is established when there is “[s]ignificant interference by a custodial parent with communication between the non-custodial parent and the child, or significant discouragement of such communication.” *Holcomb*, paragraph three of the syllabus.

{¶17} “Determining whether an interference is significant requires a court to look at the particular facts of the case at hand and also to consider the custodial parent’s conduct and the noncustodial parent’s efforts.” *In re Doe*, 123 Ohio App.3d 505, 509 (9th

Dist. 1997). “Relevant considerations include the parent’s willingness and ability to contact the child and his efforts to enforce his parental rights.” *In re Adoption of I.R.S.*, 2026-Ohio-3588, ¶ 33 (11th Dist.). Courts must consider “preceding events having any bearing on the parent’s failure to communicate with his child.” *In re Adoption of Wagner*, 1997 WL 817835, *6 (11th Dist. Dec. 31, 1997), quoting *In re Adoption of Lauck*, 82 Ohio App.3d 348, 353 (9th Dist. 1992). However, preceding events may nonetheless prove to be unpersuasive where the parent has failed to make any effort to contact the child during the one-year statutory period. See *In re Adoption of Haylett*, 2004-Ohio-2306, ¶ 29 (11th Dist.).

{¶18} The reviewing court must bear in mind that “[t]he probate court is in the best position to observe the demeanor of the parties, to assess their credibility, and to determine the accuracy of their testimony.” *Holcomb* at 367. Therefore, whether justifiable cause “has been proven by clear and convincing evidence in a particular case is a determination for the probate court and will not be disturbed on appeal unless such determination is against the manifest weight of the evidence.” *In re Adoption of Masa*, 23 Ohio St.3d 163 (1986), paragraph two of the syllabus, citing *In re Adoption of McDermitt*, 63 Ohio St.2d 301, 306 (1980). “A reviewing court must not substitute its judgment for that of the trial court where there exists some competent and credible evidence supporting the judgment rendered by the trial court.” *In re Adoption of B.T.R.*, 2020-Ohio-2685, ¶ 22 (5th Dist.), citing *Myers v. Garson*, 1993-Ohio-9.

{¶19} “To determine whether the judgment is against the weight of the evidence, the reviewing court ‘weighs the evidence and all reasonable inferences, considers the credibility of witnesses and determines whether in resolving conflicts in the evidence, the

[finder of fact] clearly lost its way and created such a manifest miscarriage of justice that the [judgment] must be reversed and a new trial ordered.” *In re Adoption of R.R.L.*, 2022-Ohio-1100, ¶ 19 (11th Dist.), quoting *Eastley v. Volkman*, 2012-Ohio-2179, ¶ 20.

{¶20} Here, the parties agree that Father failed to have more than de minimis contact with the child. Father’s brief solely contests the trial court’s finding with respect to justifiable cause. Accordingly, we limit our analysis. *See generally Catalano v. Pisani*, 134 Ohio App.3d 549, 552 (11th Dist. 1999) (an appellate court need only address issues as assigned and briefed). The trial court’s determination that Father lacked justifiable cause is supported by competent, credible evidence and does not represent a manifest miscarriage of justice. Mother’s conduct does not amount to significant interference or discouragement.

{¶21} Mother continued to reside at the same address from the time of the divorce in 2017 until June or July 2022; Father knew the address and had been there many times. Father admittedly never wrote P.F.S. any letters nor did he send holiday cards or gifts. Mother and P.F.S. each maintained phone numbers known to Father which did not change until 2023. Mother testified that she provided P.F.S. with a cellphone at an early age specifically for the purpose of allowing contact with Father.

{¶22} Father attempts to argue that Mother’s address change in 2022 and phone number change in 2023 amounts to significant interference. We are unpersuaded. By Father’s own testimony, he made no efforts to physically visit P.F.S. since 2019 and no efforts to call since 2020. Mother’s address and phone number changes—occurring several years later—are inconsequential where Father failed to make even a minimal effort to establish contact when Mother and P.F.S.’s current information was available

and known to him. See *In re Adoption of J.R.I.*, 2023-Ohio-475, ¶ 40 (2d Dist.) (rejecting a similar claim, noting that “even when [Mother] lived in places that Father was familiar with and had a phone number that Father knew, neither [Father] nor his family ever reached out to [Mother]”). Moreover, Father was aware of maternal grandparents’ address, which had never changed. Father did not make any attempt to contact P.F.S. through that known address, either.

{¶23} Mother’s testimony that she blocked Father on Facebook does not amount to significant interference or significant discouragement in this case, either. See *In re Adoption of K.C.*, 2014-Ohio-3985, ¶ 28 (3d Dist.) (affirming a trial court’s judgment that Mother’s blocking on Facebook “holds no substantive value” where other means of communication such as telephone, email, and contact information for relatives remained readily available). Here, Mother testified that she blocked Father during the divorce in 2017. Indeed, that did not frustrate Father’s communication as he visited and spoke to P.F.S. post-divorce.

{¶24} Father’s “efforts to enforce his parental rights,” are one of the relevant considerations. *I.R.S.*, 2026-Ohio-3588, at ¶ 33 (11th Dist.). Therefore, we must note the irony in Father’s testimony that he did not attempt to take any legal action to enforce his parental or visitation rights as he “could not afford a lawyer” and “didn’t know that [he] could” file anything on his own, yet Father was able to successfully petition the court to reduce his child support obligations. Accordingly, we agree with the trial court’s decision that Father’s lack of contact was not the result of Mother’s interference or discouragement; rather, Father’s conduct is entirely “inconsistent with someone who was seeking communication with the minor child.”

{¶25} Father's sole assignment of error is without merit.

Conclusion

{¶26} For the reasons set forth above, the judgment of the Trumbull County Court of Common Pleas, Probate Division, is affirmed.

MATT LYNCH, P.J.,

EUGENE A. LUCCI, J.,

concur.

JUDGMENT ENTRY

For the reasons stated in the opinion of this court, appellant's assignment of error is without merit. It is the judgment and order of this court that the judgment of the Trumbull County Court of Common Pleas, Probate Division, is affirmed.

Costs to be taxed against appellant.

JUDGE ROBERT J. PATTON

PRESIDING JUDGE MATT LYNCH,
concur

JUDGE EUGENE A. LUCCI,
concur

THIS DOCUMENT CONSTITUTES A FINAL JUDGMENT ENTRY

A certified copy of this opinion and judgment entry shall constitute the mandate pursuant to Rule 27 of the Ohio Rules of Appellate Procedure.