

IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
GREENE COUNTY

IN RE: J.B., J.B., R.B.

:
: C.A. No. 2026-CA-41
:
: Trial Court Case Nos. 2024-C-00035;
: 2024-C-00036; 2024-C-00037
:
: (Appeal from Common Pleas Court-
: Juvenile Division)
:
: **FINAL JUDGMENT ENTRY &
: OPINION**

.....

Pursuant to the opinion of this court rendered on October 23, 2026, the judgment of the trial court is affirmed.

Costs to be paid as stated in App.R. 24.

Pursuant to Ohio App.R. 30(A), the clerk of the court of appeals shall immediately send a copy of the court's ruling to each party and note that action on the docket. Additionally, pursuant to App.R. 27, the clerk of the court of appeals shall send a certified copy of this judgment, which constitutes a mandate, to the clerk of the trial court and note the service on the appellate docket.

For the court,



ROBERT G. HANSEMAN, JUDGE

TUCKER, J., concurs.

HUFFMAN, J., concurs in judgment only.

OPINION
GREENE C.A. No. 2026-CA-41

HOLLY M. SIMPSON, Attorney for Appellant
MEGAN A. HAMMOND, Attorney for Appellee Greene County Children Services

HANSEMAN, J.

{¶ 1} Mother appeals from a judgment of the Juvenile Division of the Greene County Common Pleas Court that granted permanent custody of her children J.B.1, J.B.2, and R.B. to Greene County Children Services (“GCCS”). For the reasons outlined below, the trial court’s judgment is affirmed.

Facts and Course of Proceedings

{¶ 2} Mother gave birth to J.B.1 in 2015, J.B.2 in 2016, and R.B. in 2018. When the children were nine, eight, and six years old, respectively, their adult sister took them to Dayton Children’s Hospital. On April 21, 2024, GCCS received information that reported concerns of Mother struggling with a methamphetamine addiction and allowing unsafe individuals around the children. It was also reported that the children had been exposed to her drug use. Additionally, J.B.2 disclosed that she had been touched around her vaginal and buttocks areas by two different men. GCCS implemented a safety plan, which Mother refused, and the children were placed with their sister.

{¶ 3} The next day, GCCS filed neglect and dependency complaints and received interim temporary custody. The adult sister could not manage the care of all three children, so maternal grandmother took J.B.1 and J.B.2 and sister continued caring for R.B.

{¶ 4} On May 22, 2024, the juvenile court adjudicated the children neglected and dependent. In August 2024, after maternal grandmother and sister vocalized their inability

to continue with the children's care, J.B.1, J.B.2, and R.B. were placed in foster care in the same home.

{¶ 5} GCCS implemented a case plan for Mother, with the goal of reunification. The case plan required Mother to complete a mental health and drug and alcohol assessment, follow any recommended treatment, maintain sobriety and a safe home, cooperate with GCCS, complete parenting classes, and attend supervised visitations with the children. While Mother made efforts at completing her case plan requirements, the juvenile court granted GCCS two extensions of temporary custody.

{¶ 6} By March 2026, the children remained in foster care, and GCCS filed a motion for permanent custody. The juvenile court conducted an in camera interview of the children, and it held a permanent custody hearing on April 28, 2026. No relatives or other people significant to the children filed motions for legal custody prior to the hearing. The juvenile court took evidence from two GCCS caseworkers, the children's court-appointed special advocate ("CASA"), and Jerome P. Reed, an expert witness from Forensic Fluids. Mother was present for the hearing, but she did not testify.

{¶ 7} The evidence presented to the juvenile court indicated that Mother had substantially completed her case plan objectives. It was undisputed that she completed the initial mental health and drug and alcohol assessment, which did not recommend treatment or parenting classes. Mother further completed an inpatient partial hospitalization program at Full Circle Recovery Services in May 2025 and an intensive outpatient treatment program with TCN Behavioral Health ("TCN") on September 23, 2025. The juvenile court also heard evidence that Mother maintained her home, was employed, and loved her children. But throughout working her case plan objectives, Mother continued to use methamphetamine and had positive drug screens in June 2024, August 2025, and September 2025. The

juvenile court ordered weekly drug screens in January 2026. Mother failed to complete the weekly screens, but she did complete seven screens between February and April 2026. Each test was positive for methamphetamine. One test was also positive for ecstasy.

{¶ 8} Evidence before the juvenile court also revealed that Mother had been inconsistent with her supervised visits with the children and that no caseworker or the CASA had observed the children's interactions with Mother during the visits that had taken place. The evidence was undisputed that when a caseworker told Mother that visits needed to be more consistent, she complied. Visitations with the children were never moved from supervised appointments at the visitation center. At the end of the hearing, the CASA testified that, in her opinion, the best interests of the children would be served by awarding permanent custody to GCCS because of Mother's continued methamphetamine use.

{¶ 9} On April 30, 2026, the juvenile court filed its 12-page decision, finding that the children had been in the temporary custody of GCCS for more than 12 months out of a consecutive 22-month time period and that the best interests of the children would be served by granting GCCS permanent custody. The court also found that GCCS made reasonable efforts to eliminate the continued removal of the children. Mother timely appealed.

{¶ 10} Mother asserts the following five assignments of error:

- I. The trial court erred in awarding permanent custody to the State when the only basis for the award of permanent custody was Mother's positive drug screens and alleged failure to complete required treatment.
- II. The trial court erred in awarding permanent custody to the agency because the evidence was insufficient to support the decision and the decision was against the manifest weight of the evidence.

- III. The trial court erred in failing to allow Mother an extension to work toward reunification.
- IV. The trial court erred in awarding permanent custody to the State when the agency did not make reasonable efforts to evaluate potential family placements.
- V. The trial court erred in awarding permanent custody to the State of Ohio when the decision violates Mother’s constitutional rights.

Standard of Review

{¶ 11} An appellate court reviews a juvenile court’s decision to award permanent custody of a child and to terminate parental rights under R.C. 2151.414 under the sufficiency-of-the-evidence and/or manifest-weight-of-the-evidence standards. *In re Z.C.*, 2023-Ohio-4703, ¶ 18. The sufficiency of the evidence and manifest weight of the evidence standards are “distinct concepts and are “both quantitatively and qualitatively different.”” *Id.* at ¶ 13, quoting *Eastley v. Volkman*, 2012-Ohio-2179, ¶ 10, quoting *State v. Thompkins*, 78 Ohio St.3d 380, 386 (1997), paragraph two of the syllabus.

{¶ 12} “Whether the evidence is legally sufficient to sustain a verdict is a question of law.” *Z.C.* at ¶ 13, quoting *Thompkins* at 386. “When applying a sufficiency-of-the-evidence standard, a court of appeals should affirm a trial court when the evidence is legally sufficient to support the jury verdict [or trial court’s decision] as a matter of law.” (Cleaned up.) *Id.*

{¶ 13} “But ‘even if a trial court judgment is sustained by sufficient evidence, an appellate court may nevertheless conclude that the judgment is against the manifest weight of the evidence.’” *Z.C.* at ¶ 14, quoting *Eastley* at ¶ 12. “When reviewing for manifest weight, the appellate court must weigh the evidence and all reasonable inferences, consider the credibility of the witnesses, and determine 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.” *Id.* “In weighing the evidence, the court of appeals must always be mindful of the presumption in favor of the finder of fact.” *Id.*, quoting *Eastley* at ¶ 21.

First, Second, and Fifth Assignments of Error

{¶ 14} Mother contends that the permanent custody award to GCCS violates her constitutional rights. Mother argues that the juvenile court erred in awarding permanent custody to GCCS when its only basis was Mother’s continued illegal drug use. Mother also claims that the juvenile court gave improper weight to the testimony of GCCS’s witnesses.

{¶ 15} We acknowledge that a parent has a “fundamental liberty interest” in the care, custody, and management of his or her child and an “essential” and “basic civil right” to raise his or her children. *Santosky v. Kramer*, 455 U.S. 745, 753 (1982); *In re Murray*, 52 Ohio St.3d 155, 157 (1990); accord *In re D.A.*, 2007-Ohio-1105, ¶ 8-9. However, a parent’s fundamental rights are not absolute. *D.A.* at ¶ 11. Rather, “it is plain that the natural rights of a parent . . . are always subject to the ultimate welfare of the child, which is the polestar or controlling principle to be observed.” *In re Cunningham*, 59 Ohio St.2d 100, 106 (1979), quoting *In re R.J.C.*, 300 So.2d 54, 58 (Fla.App. 1974). Thus, the state may terminate parental rights when a child’s best interest demands such termination. *D.A.* at ¶ 11.

{¶ 16} Under R.C. 2151.414(B)(1), a trial court may terminate parental rights and grant permanent custody to a children services agency if that disposition is in the child’s best interest and the child has been in the agency’s temporary custody for 12 or more months of a consecutive 22-month period. “A trial court’s decision to terminate parental rights must be supported by clear and convincing evidence.” *In re Z.B.*, 2026-Ohio-1582, ¶ 10 (2d Dist.); R.C. 2151.414(B)(1). “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.

{¶ 17} Without challenging the “12-in-22” factor or arguing the individual statutory best-interest factors that guide a trial court’s discretion in permanent custody matters, Mother asserts that the juvenile court terminated her parental rights exclusively over her positive drug screens and “alleged failure to complete required treatment.” Mother’s argument implicitly challenges the trial court’s best-interest determination.

{¶ 18} In awarding GCCS permanent custody, the trial court applied the following best-interest factors found in R.C. 2151.414(D)(1):

(a) The 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;

(b) The wishes of the child, as expressed directly by the child or through the child’s guardian ad litem, with due regard for the maturity of the child;

(c) The custodial history of the child, including whether the child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period . . . ;

(d) The child’s need for a legally secure permanent placement and whether that type of placement can be achieved without a grant of permanent custody to the agency;

(e) Whether any of the factors in divisions (E)(7) to (11) of this section apply in relation to the parents and child.

{¶ 19} The juvenile court made detailed findings addressing all of the applicable statutory factors. Those findings, which are supported by the record, indicate that Mother loves the children and that the children were bonded with her and love her as well. Despite this, the children were also doing well with their foster family, and their needs were being met. The court noted that the children had been with their foster family since August 2024, or for 20 months, and that while J.B.1 and R.B. indicated to their CASA and to the court in an in-camera interview that they wished to reside with Mother, J.B.2 wanted to remain with the foster family. The court further considered that the children had not lived with Mother for 24 months and that it did not have evidence regarding the children's relationship with other individuals, including their older siblings or grandparents.

{¶ 20} The juvenile court relied heavily on the children's need for a legally secure permanent placement. The court indicated that it shared the CASA's concern regarding Mother's continued illegal drug use. Despite the substance abuse treatment programs that Mother had successfully completed with Full Circle Recovery Services and TCN, she continued to test positive for methamphetamine after she completed her programs all the way up to April 2026, when the juvenile court held the permanent custody hearing. While not highlighted by the juvenile court in its decision, we note that an August 2025 drug test of Mother was positive for methamphetamine greater than 8,000 ng/mL. GCCS's expert witness Jerome Reed described this concentration as a "toxic" exposure level. The juvenile court noted that it had ordered Mother to complete weekly drug tests in January 2026 and that Mother failed to comply. However, Mother did complete seven drug tests between

February and April 2026. All indicated positive results for methamphetamine, and one test showed positive for ecstasy.

{¶ 21} The juvenile court did not limit its analysis of the children’s need for a legally secure permanent placement to its consideration of Mother’s continued substance abuse. The court also considered Mother’s visitations with the children. The court noted that when Mother was inconsistent, the children reacted with disappointment, and on at least one occasion J.B.1 cried and J.B.2 insisted that Mother “promised” to be present for the visit. While not mentioned in the juvenile court’s written decision of the factors, we note that the court heard testimony from the children’s CASA that all three children were attending therapy related to the issues in Mother’s home that had led to their removal and their ongoing adjustment issues.

{¶ 22} Mother cites *In re B.T.*, 2025-Ohio-3019 (12th Dist.), *In re R.S.*, 2023-Ohio-3323 (1st Dist.), and *In re Knuckles*, 2003-Ohio-4418 (12th Dist.) to argue that evidence of positive drug tests alone are insufficient for a juvenile court to terminate a parent’s fundamental rights. We find the cases cited by Mother distinguishable. In *B.T.*, the agency failed to present evidence that methamphetamine use affected Mother’s parenting and ability to provide a legally secure home for B.T., that it formed a part of B.T.’s environment, or that it adversely impacted B.T. In this case, evidence before the juvenile court demonstrated that Mother’s drug abuse caused the unsafe home conditions that led to the children’s removal from the home. Mother exhibited poor decision-making with respect to the people she allowed in her home while she abused methamphetamine. In addition, the original report to GCCS indicated that Mother abused illegal drugs in front of the children. The juvenile court also had evidence that the children were enrolled in counseling partially

because of the issues in Mother's home that they had witnessed or experienced while living there.

{¶ 23} In *R.S.*, that appellate court held that a stipulation stating that Mother had tested positive for drugs and had undergone outpatient drug treatment was insufficient to prove by clear and convincing evidence that the child was dependent. *R.S.* at ¶ 17-21. The stipulation stated: "[Mother] had a presumptive positive test for opiates with a negative range upon her admissions. She disclosed that she used meth, opiates, cocaine in the past and that she had outpatient treatment at crossroads." (Bracketed text in original.) *Id.* at ¶ 18. *R.S.* involved a dependency adjudication, which required a focus on the condition of the children, not on the fault of the parents or a parent's conduct insofar as it formed part of the child's environment. *Id.* at ¶ 8, quoting *In re Burrell*, 58 Ohio St.2d 37, 39 (1979). By contrast, here the juvenile court determined the best interests of the children, not their dependency.

{¶ 24} *Knuckles* is also distinguishable because the facts are completely different. In *Knuckles*, the parents had transportation issues, and the children services agency failed to make reasonable efforts to help alleviate the Knuckles' transportation difficulties, a major barrier to reunification. The appellate court also concluded that the record before the juvenile court did not support its findings, such as the parents' failure to maintain a safe and sanitary home following the initial removal or the parents' addictions to alcohol. Additionally, the record did not clearly and convincingly support that juvenile court's application of facts to the statutory best interest factors.

{¶ 25} Considering the entire record in this case, it is apparent that the juvenile court did not rely on Mother's positive drug screens alone in awarding GCCS permanent custody. Instead, the record shows that the juvenile court applied all of the applicable statutory factors

and considered the best interests of the children when it awarded GCCS permanent custody. Here, legally sufficient evidence supports the juvenile court's conclusion.

{¶ 26} While the record indicates that Mother had suitable housing, employment, and a bond with the children, “the best-interest analysis is ‘focused on the child, not on Mother or her case-plan progress per se.’” *Z.B.*, 2026-Ohio-1582, at ¶ 19 (2d Dist.), quoting *In re A.S.*, 2026-Ohio-288, ¶ 17 (2d Dist.). “‘In essence, the ‘12 in 22’ requirement recognizes a parent’s right to raise his or her child and gives a parent a full 12 months to pursue a case plan and work toward reunification.’” *Id.*, quoting *A.S.* at ¶ 17. “‘After that time, a children services agency generally must seek permanent custody, and the focus shifts to what is best for the child. . . . At that point, the best-interest factors are examined to determine whether an award of permanent custody would be best for a child’s growth, stability, and security.’” *Id.*, quoting *A.S.* at ¶ 17.

{¶ 27} The juvenile court’s conclusion was also not against the manifest weight of the evidence. To the extent that Mother argues that the testimony of the caseworkers was given more weight than it deserved, we will not substitute our judgment for that of the juvenile court on the issue of witnesses’ credibility, and we do not find from the record that the juvenile court lost its way in arriving at its best interest conclusion. Additionally, the transcript of the hearing does not show the inconsistencies alleged by Mother. For the reasons set forth above, we conclude that the juvenile court’s award of permanent custody to GCCS was not against the manifest weight of the evidence. Therefore, Mother’s constitutional rights were not violated by the juvenile court’s award. Mother’s first, second and fifth assignments of error are overruled.

Fourth Assignment of Error

{¶ 28} In her fourth assignment of error, Mother argues GCCS failed to prove it made reasonable efforts to evaluate potential family placement of the children. Mother's issue presented for review asks whether GCCS's disregard for available family members was reasonable and whether the court should have found that the children could be placed with a relative.

{¶ 29} A public children services agency has the burden of proving that it has made reasonable efforts to reunify the family before terminating parental rights. *In re C.F.*, 2007-Ohio-1104, ¶ 4. We have defined "reasonable efforts" to mean "a good faith effort which is "an honest, purposeful effort, free of malice and the desire to defraud or to seek an unconscionable advantage." The issue is not whether [the Agency] could have done more, but whether it did enough to satisfy the "reasonableness" standard under the statute." *In re N.M.*, 2016-Ohio-318, ¶ 54 (2d Dist.), quoting *In re S.F.*, 2013-Ohio-508, ¶ 21 (2d Dist.), quoting *In re Secrest*, 2002-Ohio-7096, ¶ 13 (2d Dist.).

{¶ 30} By contrast, "[r]easonable efforts" does not mean all available efforts. Otherwise, there would always be an argument that one more additional service, no matter how remote, may have made reunification possible." *Id.* at ¶ 53, quoting *In re K.M.*, 2004-Ohio-4152, ¶ 23 (12th Dist.). *Accord In re C.O.*, 2015-Ohio-4290, ¶ 43 (2d Dist.).

{¶ 31} Mother argues that GCCS did not make reasonable efforts toward family placement because it failed to follow leads and make recommendations for the children to be placed with other relatives. However, as the juvenile court found, GCCS sent out 80 letters to relatives. Only two people responded. No relative or non-relative, including R.B.'s paternal grandfather, filed a motion for legal custody in the case. R.C. 2151.353(A)(3) requires the person who wishes to have legal custody to file a motion prior to the

dispositional hearing. Absent a motion for legal custody from any relative before the hearing, the juvenile court was not authorized to consider a relative for placement. *In re Grooms*, 2004-Ohio-6782, ¶ 22 (2d Dist.); *In re A.K.-R.N.*, 2023-Ohio-4172, ¶ 18 (12th Dist.); *In re Perez*, 135 Ohio App.3d 494, 497 (9th Dist. 1999).

{¶ 32} We have also held that placing a child with a relative is not a statutory requirement and that courts are not obligated to consider placing a child with a relative. *In re G.D.*, 2023-Ohio-1913, ¶ 11 (2d Dist.). Therefore, we agree with the juvenile court's determination that GCCS made reasonable efforts to evaluate potential family placements. Mother's fourth assignment of error is overruled.

Third Assignment of Error

{¶ 33} In her third assignment of error, Mother argues that the juvenile court erred by not extending temporary custody following the permanent custody hearing so that she could continue to work toward reunification with her children. We disagree because the law does not support Mother's argument.

{¶ 34} Juvenile courts are statutorily limited to two years in extending an order of temporary custody to a children services agency. R.C. 2151.353(G) provides: "Any temporary custody order issued . . . shall terminate one year after the earlier of the date on which the complaint in the case was filed or the child was first placed into shelter care." The division further provides that "the court shall not order an existing temporary custody order to continue beyond two years after the date on which the complaint was filed or the child was first placed into shelter care, whichever date is earlier, regardless of whether any extensions have been previously ordered pursuant to division (D) of section 2151.415 of the Revised Code." *Id.*

{¶ 35} A juvenile court may grant no more than two extensions of temporary custody order. R.C. 2151.415(D)(4) provides in pertinent part that “[n]o court shall grant an agency more than two extensions of temporary custody pursuant to division (D) of this section and the court shall not order an existing temporary custody order to continue beyond two years after the date on which the complaint was filed” Juv.R. 14(B) contains similar language: “The court may extend the temporary custody order for a period of up to six months. Prior to the end of the extension period, the agency may request one additional extension of up to six months.”

{¶ 36} We have previously held that these statutes clearly limit “a grant of temporary custody to a period of two years—an initial period of one year, followed by up to two extensions of six months each.” *In re D.J.*, 2006-Ohio-6304, ¶ 13 (2d Dist.).

{¶ 37} The initial complaint for neglect and dependency was filed on April 22, 2024. By the time the juvenile court held its hearing on April 28, 2026, two years had passed, and the juvenile court had already granted GCCS two extensions of temporary custody. The first extension was granted on March 17, 2025, and the second was granted on January 22, 2026. The juvenile court was not authorized to grant any further extensions because it exhausted the maximum number allowed—two. Therefore, Mother’s third assignment of error is overruled.

Conclusion

{¶ 38} Having overruled Mother’s five assignments of error, the judgment of the juvenile court is affirmed.

.....

TUCKER, J., concurs.

HUFFMAN, J., concurs in judgment only.