[Cite as *In re J.H.*, 2026-Ohio-4501.]

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

IN RE: J.H. AND B.Z.	:	
	:	C.A. No. 30897
	:	
	:	Trial Court Case Nos. G-2020-004577-0N,0P; G-2023-000773-0K, 0M
	:	
	:	(Appeal from Common Pleas Court-Juvenile Division)
	:	
	:	**FINAL JUDGMENT ENTRY & OPINION**

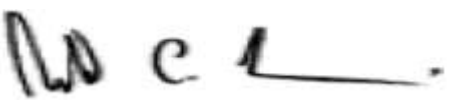
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Pursuant to the opinion of this court rendered on November 13, 2026, the judgment of the trial court is affirmed.

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,



RONALD C. LEWIS, PRESIDING JUDGE

TUCKER, J., and HANSEMAN, J., concur.

OPINION
MONTGOMERY C.A. No. 30897

HEATHER DUWEL-MEHL, Attorney for Appellant
MICHAEL P. ALLEN, Attorney for Appellee

LEWIS, P.J.

{¶ 1} K.H. ("Mother") appeals from a judgment of the Montgomery County Common Pleas Court, Juvenile Division, that granted permanent custody of two of her minor children to the Montgomery County Department of Job and Family Services – Children Services Division ("MCCS"), thereby terminating her parental rights. For the reasons that follow, the judgment of the trial court is affirmed.

I. Facts and Course of Proceedings

{¶ 2} Mother has at least six children. This appeal involves only J.H. (born July 2020) and B.Z. (born April 2022). J.H.'s father is unknown. Be.Z. is the legal father of B.Z. Neither father is part of this appeal.

{¶ 3} On December 10, 2020, MCCS filed a complaint alleging that five-month-old J.H. was dependent. The complaint alleged that J.H. had tested positive for drugs at birth and the agency had been involved with Mother since April 2019. Since J.H.'s birth, Mother had multiple incidents with the police in which she was highly intoxicated, and J.H. was removed from Mother's care. In October 2020, Mother was arrested for a probation violation from a felony child endangering case and was expected to be placed in an in-custody treatment facility for the following six months.

{¶ 4} J.H. was adjudicated dependent on February 24, 2021, and placed in the temporary custody of V.N., a maternal aunt. On May 17, 2022, MCCS filed a motion seeking reunification of J.H. with Mother and protective supervision to MCCS. On September 20,

2022, the trial court granted MCCS's motion for reunification and ordered that J.H. be reunified with Mother. The trial court further ordered that MCCS maintain protective supervision over J.H. for 12 months.

{¶ 5} On February 13, 2023, MCCS filed an ex parte motion for interim temporary custody of J.H. due to a domestic violence incident that had occurred in the presence of B.Z while Mother was intoxicated. Additionally, Mother had been sexually assaulted while intoxicated and in the presence of at least one of her children. For the same reasons stated in the motion for temporary custody of J.H., MCCS filed a neglect and dependency complaint requesting temporary custody of B.Z. and an ex parte motion for interim temporary custody of B.Z. MCCS was granted interim temporary custody of B.Z. and J.H. (collectively, "the girls") following an ex parte hearing.

{¶ 6} On February 21, 2023, interim temporary custody of the girls was given to MCCS. On May 8, 2023, B.Z. was found to be a neglected child and MCCS was granted temporary custody of the girls.

{¶ 7} On July 25, 2023, MCCS filed a motion for temporary custody of the girls to be transferred to D.W., a maternal aunt. On August 14, 2023, interim temporary custody of the girls was given to D.W.

{¶ 8} On August 29, 2023, MCCS filed a motion for temporary custody of the girls to be transferred to MCCS because D.W. was no longer willing or able to care for them. Interim temporary custody of the girls was granted to MCCS on September 5, 2023. Temporary custody of the girls was granted to MCCS on October 27, 2023.

{¶ 9} On January 14, 2025, MCCS filed for permanent custody of the girls. On March 13, 2025, Mother filed a motion for reunification with all of her children. On July 15, 2025, the guardian ad litem ("GAL") made an oral motion for legal custody of the girls to be given

to Maternal Grandmother. As of July 15, 2025, Maternal Grandmother was permitted to attend Mother's two-hour weekly supervised visits with the girls.

{¶ 10} A hearing on the custody motions was held on September 23, 2025. Prior to the start of the hearing, Mother, through counsel, withdrew her motion for reunification and stipulated that although she had made some progress on her case plan objectives, she had not completed all of them. She further stipulated that there were still barriers to her reunification and supported granting legal custody of the girls to Maternal Grandmother. B.Z.'s father was incarcerated and not present at the hearing but was represented by counsel. He also supported granting legal custody of B.Z. to Maternal Grandmother. The following is a summary of the relevant testimony that was elicited during the evidentiary hearing.

a. Foster Mother's Testimony

{¶ 11} Foster Mother testified that she and her husband were the foster parents for the girls, who had been living with the foster family almost continuously since February 13, 2023. When the girls came to the foster family, B.Z. was 10 months old and J.H. was almost 3 years old. B.Z. had been on formula and was a typical baby. J.H. was unable to talk or feed herself and was developmentally delayed. J.H. was unable to use any utensils to feed herself, drink from an open cup, or drink from a straw. When J.H. was tested just after turning 3 years old, she tested at an 18- to 22-month-old mentality.

{¶ 12} Due to her delays, the foster parents engaged J.H. in occupational therapy, physical therapy, speech therapy, and feeding therapy. It took several months to get J.H. into all the services she needed. At the time of the hearing, J.H. was still receiving speech therapy, occupational therapy, and physical therapy through her kindergarten. J.H. was on an IEP for being developmentally delayed. J.H. had some behavioral issues in school

because she did not want to be in class and sometimes growled at the teachers. She would also get distracted easily.

{¶ 13} Since B.Z. had been with the foster family, she had learned how to walk and talk. B.Z. was almost potty trained. There were no developmental concerns with B.Z.

{¶ 14} The girls did well in the foster home. They loved to sing and dance, play with their eight-year-old foster brother, and play with the family dogs. The girls were bonded with their foster brother and called him their "big brother." The three children were very close and "super attached." The girls were also bonded with their foster parents.

{¶ 15} The foster parents viewed the girls as their own daughters. If MCCS were granted permanent custody and the family adopted the girls, the foster parents were willing to make arrangements for the girls to continue relationships with their biological family. The girls did have visitation with their siblings at MCCS, but no additional visits beyond that. If the foster parents got custody of the girls, they were willing to build relationships with whomever obtained custody of the girls' siblings.

{¶ 16} The foster parents had a "pretty good rapport" with B.Z.'s father. Be.Z. inquired at visits about how B.Z. was doing, and the foster parents felt comfortable communicating with him. Mother had supervised visitation with the girls on Wednesday evenings for two hours, but the foster parents and Mother did not interact very much. There were no official visitations with Maternal Grandmother, but she had recently been permitted to attend Mother's visitations, so the foster parents had seen her "every once in a while." Although Maternal Grandmother had been consistently showing up to visitations in the few weeks prior to the hearing, the girls had hardly seen her before that.

{¶ 17} The girls were usually in good spirits when going to visitations. However, the foster parents did not inform the girls in advance of scheduled visitations in case they were canceled so that the cancellation would not negatively affect the girls' behaviors.

b. Caseworker's Testimony

{¶ 18} Nicole Lumbatti, a casework supervisor for all of Mother's children, testified on behalf of the agency. Lumbatti stated that MCCS initially got involved with the family due to concerns regarding substance use, domestic violence, and neglect. Lumbatti stated that the girls were doing very well in foster care. B.Z. had no special needs and was meeting all of her milestones. J.H. was five years old and attending kindergarten. J.H. was on an IEP and received physical therapy, occupational therapy, and speech therapy. She had made significant progress since entering foster care. Both girls were bonded with their foster family, which was a licensed foster-to-adopt placement.

{¶ 19} Ze.B. had completed a home study, which was denied due to his criminal history. He was incarcerated at the time of the hearing. Until his recent arrest, Ze.B. had completed most of his case plan objectives.

{¶ 20} Despite attempts to locate family members to take custody of the girls, MCCS was unaware of any relatives who were willing, able, and appropriate to care for them. There was a brief time in early 2023 when temporary custody of B.Z. was given to a cousin, but that only lasted 6 days before B.Z. was returned to her foster family. In July 2023, temporary custody of the girls was given to a maternal aunt, but that only lasted 13 days before the girls were again returned to their foster home. The girls had been with their foster family continuously since August 2023. It was the only home B.Z. knew and it was the home J.H. remembered the most.

{¶ 21} Maternal Grandmother had temporary custody of the girls' 12-year-old sister, C.H. There were concerns that C.H. was failing all of her classes and needed therapy. C.H. was not enrolled in therapy but Maternal Grandmother had reached out for services. MCCS had filed to remove C.H. from Maternal Grandmother's home previously, but it had been denied. C.H. was several years older than the girls, who were unable to self-protect and were therefore more vulnerable than C.H.

{¶ 22} Maternal Grandmother completed a home study for MCCS, which was denied due to her criminal background. Maternal Grandmother had a conviction for operating a vehicle while under the influence (OVI) from 2019 and had recently been convicted of a second OVI in September 2024, for which she was still on probation. MCCS did not consider Maternal Grandmother an option for legal custody of the girls because she was on active probation.

{¶ 23} Maternal Grandmother had a two-bedroom apartment that would have required the girls to share a single small bedroom with C.H. Maternal Grandmother had not obtained beds or car seats for the girls and had not looked into schooling or preschool for the girls if she were to obtain custody. It was possible MCCS could help Maternal Grandmother to obtain beds or car seats. Maternal Grandmother had not consistently visited with the girls or established a relationship with them. Since July 15, 2025, when Maternal Grandmother was allowed to join Mother's visitations with the girls, she had visited with the girls only three or four times. Lumbatti had not observed a bond between the girls and Maternal Grandmother.

{¶ 24} The girls were comfortable in the foster home in which they had lived for the previous two years. Lumbatti conceded, however, that if the girls lived in the same home as C.H., it would foster a stronger relationship among them. While the foster parents had not

engaged in additional sibling visits outside the weekly visits, they adhered to the visitation plan that was in place and followed the rules and parameters of MCCS. The foster family had expressed an interest in adopting the girls together. If MCCS were granted permanent custody of the girls, the plan was to have them adopted by the foster family. According to Lumbatti, the girls needed a safe, stable, and loving home.

c. Maternal Grandmother's Testimony

{¶ 25} Despite Maternal Grandmother's hearing difficulties, she testified that she was willing to take legal custody of the girls. Maternal Grandmother had temporary custody of Mother's oldest daughter, C.H., and had raised her other grandchildren who were grown. Maternal Grandmother felt it was in the girls' best interest for her to have custody because she loved them and wanted to raise them. She testified she could provide housing, medical assistance, food, and anything else they needed.

{¶ 26} Beginning on July 15, 2025, Maternal Grandmother was permitted to attend Mother's weekly visitation with the girls. Maternal Grandmother had missed a few visits, but she had let the caseworker know in advance when she was unable to attend. Maternal Grandmother felt that her granddaughters were bonded with her. She also stated that the girls were bonded with C.H. If she obtained legal custody of the girls, she was willing to work with their biological parents to schedule visitations.

{¶ 27} Maternal Grandmother had been arrested in August 2024 for drinking and driving. She remained in jail for five days, and C.H. stayed with friends during that time. Maternal Grandmother was placed on probation and was still on probation at the time of the evidentiary hearing. She had completed her alcohol assessments and follow up, had her driver's license reinstated, and was expected to be released from probation early. She had a prior OVI conviction in 2018 or 2019 when she was stopped after leaving a party. She did

not have any children with her in the car during either offense. Maternal Grandmother no longer drank alcohol and was living a clean life.

{¶ 28} Maternal Grandmother agreed that the girls were bonded with their foster parents. She believed the foster parents were great people and that she could have a good relationship with them. If Maternal Grandmother were to receive legal custody of the girls, she planned to have them share a bedroom with C.H. Maternal Grandmother planned to rent bunk beds for the girls and obtain car seats from her niece.

d. GAL's Recommendation

{¶ 29} The girls were too young to express their wishes, but the GAL recommended that legal custody of the girls be given to Maternal Grandmother. The GAL believed the girls were attached to Mother, and she was appropriate with them. The GAL's report was admitted as an exhibit without objection.

{¶ 30} On November 17, 2025, the magistrate issued a decision awarding MCCS permanent custody of the girls. Among other things, the magistrate found that the girls had been in the agency's temporary custody for 12 or more months of a consecutive 22-month period and that awarding MCCS permanent custody was in their best interest. The magistrate further denied the GAL's oral motion for legal custody of the girls to be granted to Maternal Grandmother and denied Mother's motion for reunification. Mother filed objections to the magistrate's order, arguing that the magistrate's decision to grant permanent custody of the girls to MCCS was not supported by the record and that legal custody should have been granted to Maternal Grandmother.

{¶ 31} On May 15, 2026, the trial court overruled Mother's objections and awarded MCCS permanent custody of the girls. Like the magistrate, the trial court found that the girls had been in the agency's temporary custody for at least 12 of 22 consecutive months and

that awarding permanent custody to MCCS was in the children's best interest. Mother now appeals from that judgment and raises two assignments of error for review.

II. Granting Permanent Custody of the Children to MCCS Was Not Against the Manifest Weight of the Evidence

{¶ 32} Mother's first assignment of error states:

> The trial court erred and abused its discretion in overruling Mother's objections and granting permanent custody of J.H. and B.Z. to MCCS because the determination that permanent custody is in the children's best interest under R.C. 2151.414(D)(1) is not supported by clear and convincing evidence.

{¶ 33} "A public or private child-placement agency may file a motion under R.C. 2151.413(A) to request permanent custody of a child after a court has committed the child to the temporary custody of the agency pursuant to R.C. 2151.353(A)(2)." *In re C.F.*, 2007-Ohio-1104, ¶ 22. "R.C. 2151.414 sets forth the procedures a juvenile court must follow and the findings it must make before granting a motion filed pursuant to R.C. 2151.413." *In re C.W.*, 2004-Ohio-6411, ¶ 9.

{¶ 34} Relevant here, under R.C. 2151.414(B)(1)(d), a trial court may terminate parental rights and grant permanent custody to a children services agency if the court finds by clear and convincing evidence that 1) the child has been in the agency's temporary custody for 12 or more months of a consecutive 22-month period and 2) that a grant of permanent custody is in the child's best interest. *In re N.M.P.*, 2020-Ohio-1458, ¶ 22. Clear and convincing evidence is defined as "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.

{¶ 35} The trial court found that MCCS had proven by clear and convincing evidence that the standard set forth in R.C. 2151.414(B)(1)(d) had been met. Mother does not contest that finding and therefore we will not consider that aspect of the trial court's decision. Instead, Mother claims that the court erred in finding that the children's best interest required a grant of permanent custody to the agency rather than legal custody to Maternal Grandmother.

{¶ 36} When making the best-interest determination, R.C. 2151.414(D)(1) provides the following non-exhaustive list of factors for the trial court to consider:

> (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 . . .;
>
> (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 [R.C. 2151.414] apply in relation to the parents and child.

{¶ 37} The standards that apply in reviewing decisions on the permanent custody of children and the termination of parental rights are sufficiency of the evidence and manifest weight of the evidence. *In re Z.C.*, 2023-Ohio-4703, ¶ 1. Here, Mother raises only a manifest-weight challenge, and we limit our analysis to that standard of review. "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*. at ¶ 14, citing *Eastley v. Volkman*, 2012-Ohio-2179, ¶ 20. "In weighing the evidence, the court of appeals must always be mindful of the presumption in favor of the finder of fact." *Eastley* at ¶ 21.

{¶ 38} The trial court made detailed findings addressing each of the best-interest factors. The trial court found that the girls were in need of a legally secure placement, which only could be achieved by awarding MCCS permanent custody. Those findings are supported by the record.

a. R.C. 2151.414(D)(1)(a) (Children's Interactions with Others)

{¶ 39} The girls were removed from Mother's care in February 2023 and placed in foster care. The girls were attached to and bonded with Mother.

{¶ 40} J.H.'s father was unknown. Be.Z. had a good relationship with B.Z. when he was not incarcerated.

{¶ 41} The girls were bonded with their foster family, which included the family's eight-year-old son with whom the girls were "super close"; they considered him their "big brother." The girls thrived in the foster home and were treated like the foster parents' own children. The girls attended family trips with their foster family and engaged with friends from church.

{¶ 42} While Maternal Grandmother claimed she was bonded with the girls, Lubatti did not observe that they were bonded with Maternal Grandmother. Prior to July 15, 2025, at which time Maternal Grandmother was given permission to attend Mother's visitations with the girls for two-hours on Wednesday evenings, Maternal Grandmother had not been involved much, if at all, in the girls' lives. Between July 15, 2025, and the final hearing on September 23, 2025, a maximum of 10 possible visits could have occurred. Maternal

Grandmother admitted she had missed some of the visits. Lubatti estimated that Maternal Grandmother had visited only three or four times total during that time frame. Maternal Grandmother agreed that the girls were bonded with their foster parents.

b. R.C. 2151.414(D)(1)(b) (Wishes of the Children Through the GAL)

{¶ 43} Neither of the girls were able to express their wishes due to their ages. The GAL recommended that Maternal Grandmother be granted legal custody of the girls. There was no testimony presented at the evidentiary hearing regarding the basis for the GAL's recommendation, however, the GAL report was admitted without objection. In reviewing the report, almost the entirety of the GAL's discussion of Maternal Grandmother revolved around the custody of C.H., not the girls. Maternal Grandmother told the GAL that she was willing to accept legal custody of the girls. However, the GAL report did not address any of the agency's concerns regarding Maternal Grandmother's lack of supplies for the girls, the size of her apartment, or her lack of interactions with the girls. The report never mentioned a discussion with Maternal Grandmother about schooling for the girls or how to address J.H.'s developmental delays. The GAL was concerned with Maternal Grandmother's August 2024 OVI conviction and that she was still on probation. Nevertheless, the GAL recommended legal custody of the girls to Maternal Grandmother.

c. R.C. 2151.414(D)(1)(c) (Custodial History)

{¶ 44} Mother had a lengthy history with MCCS. J.H. had been in and out of Mother's custody when she was very young. The girls were removed from Mother's care in February 2023 and had not been returned to her during the pendency of the proceedings. The girls had lived with the same foster family since February 2023, which was the majority of B.Z.'s lifetime and nearly half of J.H.'s lifetime.

{¶ 45} At the time MCCS filed for permanent custody, the girls had been in the

temporary custody of MCCS for more than 20 months of a consecutive 22-month period. At the time of the evidentiary hearing, the girls had been in foster care for 32 months.

d. R.C. 2151.414(D)(1)(d) (Children's Need for Legally Secure Permanent Placement)

{¶ 46} There is no dispute that the girls were in need of a legally secure permanent placement. The girls had been in foster care for over 2½ years and neither Mother nor the girls' fathers were able to provide a legally secure permanent placement. Mother stipulated that she had not completed her case plan objectives and that there remained barriers to her reunifying with the girls. Be.Z. had substantially completed his case plan objectives, but his home study had been denied due to his criminal history. At the time of the evidentiary hearing, he was incarcerated and not an available placement. J.H.'s father was unknown.

{¶ 47} MCCS explored alternative placements with various family members, all of whom had proved unsuccessful. In 2021, J.H. had been placed with a maternal aunt, V.N., who relinquished custody as she was unable to care for the child. J.H. was reunified with Mother in September 2022, but Mother lost custody again in February 2023 and the girls went to a foster home.

{¶ 48} On July 25, 2023, MCCS filed a motion for temporary custody of the girls to be transferred to D.W., a maternal aunt. However, that placement only lasted 13 days before D.W. became overwhelmed and the girls were returned to foster care. Other relatives had been contacted but declined to be involved due to their inability to take additional children or their inability to follow through with the agency's requirements.

{¶ 49} Maternal Grandmother did not pass a home study due to her criminal history. Maternal Grandmother had been convicted of OVI in 2019 and again in 2024 while she had temporary custody of C.H. Maternal Grandmother was placed on probation and her driver's

license was suspended. Maternal Grandmother had regained her driver's license but remained on probation at the time of the September 23, 2025 hearing.

{¶ 50} Despite Maternal Grandmother having temporary custody of C.H, the girls were several years younger than C.H. and were unable to self-protect. Therefore, the girls were more vulnerable than their older sister. At the time of the hearing, C.H. was failing all of her classes and needed therapy but was not yet enrolled in any therapy services. MCCS had filed to remove C.H. from Maternal Grandmother's temporary custody previously, but it had been denied. Maternal Grandmother had a two-bedroom apartment, meaning that the three sisters (ages 3, 5, and 12) would have had to share a single small bedroom. Maternal Grandmother did not have beds or car seats for the girls, but she believed she could rent a bunk bed and obtain car seats from her niece. Maternal Grandmother did not have plans in place for enrolling the girls in school if she were to receive legal custody.

{¶ 51} The girls had lived with the same foster family for over two years at the time of the evidentiary hearing. The girls thrived in the foster home, were bonded with the foster family, and had all of their needs met. The foster family was a licensed foster-to-adopt placement and were interested in adopting the girls together.

e. R.C. 2151.414(D)(1)(e) (Applicable Factors in R.C. 2151.414(E)(7) through (11))

{¶ 52} The trial court did not find any of these factors applicable in this case. Therefore, we need not address them.

f. Conclusion

{¶ 53} In considering the above factors, we conclude that there was clear and convincing evidence supporting the trial court's decision finding that it was in the best interest of the girls to award permanent custody to MCCS. None of the parents were suitable

placements for the girls, and it was not in the girls' best interests for Maternal Grandmother to obtain legal custody. Although the GAL recommended that Maternal Grandmother receive legal custody of the girls, the trial court was not bound to follow the GAL's recommendation, only to consider it, which it did. *In re E.M.W.*, 2009-Ohio-3016, ¶ 18 (2d Dist.). Maternal Grandmother had not been involved in the girls' lives and had only just started visitations with them two months prior to the evidentiary hearing. Even then, Maternal Grandmother did not consistently attend the once-weekly visitations, and Lumbatti did not observe Maternal Grandmother to be bonded with the girls. Maternal Grandmother did not have adequate space in her home for all three children to reside with her, and she did not have all the necessary supplies for the girls. Maternal Grandmother was still on probation for her second OVI at the time of the evidentiary hearing and could not pass a home study. It is also relevant that Maternal Grandmother had custody of the girls' older sister, C.H., who was failing her classes and not attending therapy despite her need for it. Unlike C.H., the girls were too young to self-protect, and J.H. had developmental delays that required ongoing therapy. Maternal Grandmother's willingness to care for the girls did not alter the statutory factors to be considered in granting permanent custody, which, in this case, favored granting permanent custody of the girls to MCCS. *In re T.S.*, 2017-Ohio-482, ¶ 18 (2d Dist.).

{¶ 54} The girls had lived with the same foster family for over two years. They were bonded with their foster brother and foster parents, who were a licensed foster-to-adopt placement and wanted to adopt the girls. J.H. had obtained therapy to help with her developmental delays and had made significant progress while in foster care. B.Z. had learned to walk and talk and was meeting all of her milestones. All of their needs were being met and they were thriving. An award of permanent custody to the agency would enable the girls to obtain the legally secure permanent placement they needed. The trial court properly

weighed the best interest factors, and we cannot conclude that the trial court's decision was against the manifest weight of the evidence.

{¶ 55} Mother's first assignment of error is overruled.

III. Mother Lacks Standing to Challenge the Denial of the GAL's Motion for Legal Custody of the Girls to Maternal Grandmother.

{¶ 56} Under her second assignment of error, Mother argues that the trial court erred and abused its discretion by denying the GAL's motion for legal custody of the girls to go to Maternal Grandmother. According to Mother, the trial court did not adequately address the rejection of the GAL's recommendation and Maternal Grandmother was a suitable relative that was ready, willing, and able to take legal custody of the girls. Mother, therefore, challenges the trial court's denial of the GAL's oral motion for legal custody to be given to Maternal Grandmother.

{¶ 57} "'A parent has no standing to assert that the court abused its discretion by failing to give [a third-party relative] legal custody; rather, the challenge is limited to whether the court's decision to terminate parental rights was proper.'" *In re S.G.*, 2016-Ohio-8403, ¶ 52 (3d Dist.), quoting *In re Pittman*, 2002-Ohio-2208, ¶ 70 (9th Dist.). Therefore, a parent may not "assert the rights of a relative who has not appealed the denial of her or his petition for legal custody." *In re K.C.*, 2017-Ohio-8383, ¶ 8 (1st Dist.); *see also In re S.F.*, 2020-Ohio-693, ¶ 51 (2d Dist.) (contrasting a scenario where a parent appeals from the parent's own motion asking for a relative to be granted legal custody). In other words, Mother may appeal the termination of only her own parental rights, not the denial of a motion by a third party. In this case, Maternal Grandmother did not appeal the trial court's final decision. Mother does not have standing to appeal the court's decision not to award legal custody to Maternal Grandmother. *In re M.D.*, 2026-Ohio-1394, ¶ 62 (2d Dist.). Even if Mother had standing, the

statutory best interest factors supported granting MCCS permanent custody of the girls and, therefore, it was necessarily not in the children's best interest for legal custody to be given to Maternal Grandmother. *In re O.D.-L.*, 2021-Ohio-79, ¶ 20 (2d Dist.).

{¶ 58} Mother's second assignment of error is overruled.

IV. Conclusion

{¶ 59} Having overruled the assignments of error, we affirm the judgment of the trial court.

. . . . . .

TUCKER, J., and HANSEMAN, J., concur.