[Cite as *In re D.M.*, 2026-Ohio-4654.]

IN THE COURT OF APPEALS OF OHIO
THIRD APPELLATE DISTRICT
HANCOCK COUNTY

IN RE:

D.M.,

ADJUDICATED DEPENDENT CHILD.

[ASHLEY M. - APPELLANT]

CASE NO. 5-26-04

OPINION AND JUDGMENT ENTRY

Appeal from Hancock County Common Pleas Court
Juvenile Division
Trial Court No. 2024 AND 0003

Judgment Affirmed

Date of Decision: November 23, 2026

APPEARANCES:

Linda Gabriele **for Appellant**

Miranda M. Lobdell **for Appellee**

ZIMMERMAN, P.J.

{¶1} Mother-appellant, Ashley M. ("Ashley"), appeals the February 10, 2026 judgment of the Hancock County Court of Common Pleas, Juvenile Division, granting permanent custody of D.M. to the Hancock County Job and Family Services (the "agency"). For the reasons that follow, we affirm.

{¶2} Ashley M. and William M. ("William") are the biological parents of D.M., born in 2024. At the time of D.M.'s birth, the agency had an open case with Ashley involving her two older children.[1] In March of 2023, Ashley's two older children were removed from the home Ashley shared with her parents due to deplorable home conditions. The agency was prepared to return the children under protective supervision in June of 2023, but an incident of domestic violence involving Ashley and William thwarted the plan.[2]

{¶3} On January 24, 2024, the agency filed a complaint in the trial court alleging D.M. to be an abused and dependent child. On that same day, the trial court issued an ex parte order placing D.M. in the emergency temporary custody of the agency. On January 29, 2024, the agency amended its complaint to remove the abuse allegation.

[1] Ashley and William are not married and William is not the biological father of Ashley's two older children.

[2] Ashley's two older children were placed in the legal custody of their maternal aunt on November 2, 2024, and are not part of this proceeding.

{¶4} After a shelter-care hearing on January 29, 2024, the trial court placed D.M. in the temporary custody of the agency. The trial court found that removal from the home was in D.M.'s best interest and that the agency made reasonable efforts to avoid removing the child from the home. Specifically, the trial court found that the agency made reasonable efforts by conducting investigations, case plan services, exterminator services, home coaching, parent education, visitation, mental health counseling, and domestic violence counseling. The trial court also appointed a guardian ad litem ("GAL") to represent the child's interest.

{¶5} Following an adjudicatory hearing on April 3, 2024, the trial court found D.M. to be a dependent child. After a dispositional hearing on April 11, 2024, the trial court ordered that D.M. shall remain in the temporary custody of the agency. The trial court found that the agency made reasonable efforts to prevent the continued removal of D.M. from the home by providing case plan services, mental health evaluation, home studies, relative searches, and visitations.

{¶6} On January 7, 2025, the agency filed a motion seeking permanent custody of the child. The GAL filed her report on January 12, 2026, recommending that the trial court grant the agency's motion.

{¶7} After hearings on January 20 and 22, 2026, the trial court granted permanent custody of D.M. to the agency on February 10, 2026. The trial court found, by clear and convincing evidence, that permanent custody was warranted under R.C. 2151.414(B)(1)(a) because the child cannot be placed with either parent

within a reasonable period of time or should not be placed with either parent. The trial court further found that granting permanent custody to the agency was in the child's best interest.

{¶8} Ashley filed her notice of appeal on February 23, 2026.[3] Ashley raises four assignments of error for our review. For ease of discussion, we will address Ashley's first, second, and fourth assignments of error together, followed by her third assignment of error.

First Assignment of Error

The Trial Court's Decision Was Against The Manifest Weight Of The Evidence As The Agency Did Not Prove By Clear And Convincing Evidence That It Should Be Granted Permanent Custody Of The Minor Child.

Second Assignment of Error

The Juvenile Court Abused Its Discretion In Finding That Permanent Custody To The Agency Was In The Minor Child's Best Interest.

Fourth Assignment of Error

The Permanent Custody Motion Was Not Filed Following The Requisite Twelve (12) Month Period, Was In Error And A Violation Of The Due Process Rights Of The Appellant-Mother.

{¶9} In her first, second, and fourth assignments of error, Ashley argues that the trial court erred by granting permanent custody of D.M. to the agency. In her first assignment of error, Ashely contends that the trial court's decision to grant

[3] William did not file a timely notice of appeal.

permanent custody to the agency is against the manifest weight of the evidence. In her second assignment of error, Ashley asserts that the trial court erred by determining that permanent custody was in the child's best interest. In her fourth assignment of error, Ashley argues that her due process rights were violated because she was not given "the full 12-month period to work toward reunification" before the agency moved for permanent custody under R.C. 2151.414(B)(1)(d). (Appellant's Brief at 20).

Standard of Review

{¶10} The proper appellate standard of review in permanent custody cases is either sufficiency of the evidence or manifest weight of the evidence, depending on the specific arguments raised by the appellant. *In re Z.C.*, 2023-Ohio-4703, ¶ 18. Sufficiency of the evidence concerns whether the evidence is legally adequate to support the trial court's findings. *Id.* at ¶ 13. Manifest weight of the evidence requires the appellate court to weigh the evidence and reasonable inferences, consider witness credibility, and determine whether the factfinder clearly lost its way, creating a manifest miscarriage of justice requiring that the judgment must be reversed and a new trial ordered. *Id.* at ¶ 14. *See also In re A.E.*, 2014-Ohio-4540, ¶ 28 (3d Dist.) ("A court's decision to terminate parental rights will not be overturned as against the manifest weight of the evidence if the record contains competent, credible evidence by which a court can determine by clear and

convincing evidence that the essential statutory elements for a termination of parental rights have been established.").

Analysis

{¶11} The right to raise one's child is a basic and essential right. *In re Murray*, 52 Ohio St.3d 155, 157 (1990). "Parents have a 'fundamental liberty interest' in the care, custody, and management of the child." *Id.*, quoting *Santosky v. Kramer*, 455 U.S. 745, 753 (1982). The rights and interests of a natural parent, however, are not absolute. *In re Thomas*, 2003-Ohio-5885, ¶ 7 (3d Dist.). These rights may be terminated under appropriate circumstances and when the trial court has met all due process requirements. *In re Leveck*, 2003-Ohio-1269, ¶ 6 (3d Dist.).

{¶12} When considering a motion for permanent custody of a child, the trial court must comply with the statutory requirements set forth in R.C. 2151.414. In particular, R.C. 2151.414 establishes a two-part test for courts to apply when determining whether to grant a motion for permanent custody. First, the trial court must find that one of the circumstances in R.C. 2151.414(B)(1)(a)-(e) applies. Second, the trial court must find that permanent custody is in the best interest of the child under the factors enumerated in R.C. 2151.414(D). *In re K.S.*, 2021-Ohio-3786, ¶ 11 (3d Dist.).

{¶13} As to the first part of the permanent-custody test, R.C. 2151.414(B)(1) provides, in relevant part, that a trial court

> may grant permanent custody of a child to a movant if the court determines at the hearing . . . by clear and convincing evidence, that it is in the best interest of the child to grant permanent custody of the child to the agency that filed the motion for permanent custody and that any of the following apply:
>
> (a) The child is not abandoned or orphaned, has not been in the temporary custody of one or more public children services agencies . . . for twelve or more months of a consecutive twenty-two-month period, . . . and *the child cannot be placed with either of the child's parents within a reasonable time or should not be placed with the child's parents.*
>
> . . .
>
> (d) The child has been in the temporary custody of one or more public children services agencies . . . for twelve or more months of a consecutive twenty-two-month period . . . .

(Emphasis added.) R.C. 2151.414(B)(1)(a), (d). When R.C. 2151.414(B)(1)(a) is applicable, the trial court must determine if one or more of the factors set forth in R.C. 2151.414(E) exist as to each of the child's parents. If one or more of the factors exist, then the trial court must enter a finding that the child cannot be placed with either parent within a reasonable period of time or should not be placed with either parent. *In re R.R.*, 2021-Ohio-1620, ¶ 66 (3d Dist.). In pertinent part, R.C. 2151.414(E) states,

> In determining . . . whether a child cannot be placed with either parent within a reasonable period of time or should not be placed with the parents, the court shall consider all relevant evidence. If the court determines, by clear and convincing evidence . . . that one or more of the following exist as to each of the child's parents, the court shall enter a finding that the child cannot be placed with either parent within a reasonable time or should not be placed with either parent:

> (1) Following the placement of the child outside the child's home and notwithstanding reasonable case planning and diligent efforts by the agency to assist the parents to remedy the problems that initially caused the child to be placed outside the home, the parent has failed continuously and repeatedly to substantially remedy the conditions causing the child to be placed outside the child's home. In determining whether the parents have substantially remedied those conditions, the court shall consider parental utilization of medical, psychiatric, psychological, and other social and rehabilitative services and material resources that were made available to the parents for the purpose of changing parental conduct to allow them to resume and maintain parental duties.
>
> . . .
>
> (16) Any other factor the court considers relevant.

R.C. 2151.414(E)(1), (16).

{¶14} "If the trial court determines that *any* provision enumerated in R.C. 2151.414(B)(1) applies, the trial court must determine, by clear and convincing evidence, whether granting the agency permanent custody of the child is in the child's best interest." (Emphasis in original.) *In re A.F.*, 2012-Ohio-1137, ¶ 55 (3d Dist.). Thus, the second part of the permanent-custody test mandates that the trial court consider the following factors to determine the child's best interest:

> (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 this section apply in relation to the parents and child.

R.C. 2151.414(D)(1)(a)-(e). Under the second part of the permanent-custody test, "the trial court considers the totality of the circumstances when making its best interest determinations. No single factor is given more weight than others." *In re N.R.S.*, 2018-Ohio-125, ¶ 16 (3d Dist.).

{¶15} If the trial court makes these statutorily required determinations, a reviewing court will not reverse a trial court's decision unless it is not supported by clear and convincing evidence. *See In re A.E.*, 2014-Ohio-4540, at ¶ 28 (3d Dist.). "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.

{¶16} In this case, the trial court determined that D.M. cannot be placed with either parent within a reasonable period of time and should not be placed with either parent under R.C. 2151.414(B)(1)(a). The trial court made this determination after

considering the factors set forth in R.C. 2151.414(E) and finding that the following exists as to Ashley:

> The Court finds that the case plans in this case were reasonably calculated to correct the reasons the child was removed from his home. The case plan required [Ashley] to complete substance abuse and mental health treatment, parent education, anger management, domestic violence counseling, home coaching, maintain a safe and stable home and undergo a psychological evaluation. [Ashley] has worked on the case plan and engaged in services. However, case plan compliance does not preclude a grant of permanent custody to [the agency]. . . . Substantial compliance with a case plan, without more, does not entitle a parent to custody. . . . It does not appear that much has changed with [Ashley] despite her engaging in services. The most improvement has been seen during visits because [D.M.] cries less. That improvement has been attributed to [D.M.] maturing and the fact that a two-year-old is easier to care for than a newborn. [Dr.] Babula indicated he would be concerned with [Ashley] having unsupervised contact with the child for any extended period. This opinion appears to be relevant today despite his evaluation of her being two years ago. Not much has changed.

(Feb. 10, 2026 Judgment Entry). The trial court further found that the agency's case planning and efforts were reasonably calculated to correct the reasons the child was removed and that Ashley had failed continuously and repeatedly to substantially remedy the conditions causing the child to be placed outside of the home. *See* R.C. 2151.414(E)(1).

{¶17} In addition to finding that Ashley had made little change in the two years this case had been pending, the trial court found that placement with Ashley was inappropriate under R.C. 2151.414(E)(16) due to the ongoing volatile

relationship between Ashley and William. The trial court expressed its concerns as follows:

> The ongoing violence between the parents in this case is very relevant to this Court's determination as to whether they can appropriately parent. The violence is not isolated but is interwoven into this relationship to such an extent that the Court has concerns about [Ashley] and [William] being together around anyone, especially a child. Neither party appears to care if there are court orders forbidding their contact. [Ashley] and both of her parents are enmeshed in a very toxic relationship with [William] that none of them appear to fully appreciate nor do they appear to want to terminate it. The Court is concerned that this relationship is going to end very badly and no child should be near the parties when it does.

(Feb. 10, 2026 Judgment Entry).

{¶18} In her first assignment of error, Ashley challenges the trial court's findings under the first part of the permanent-custody test and argues that "the evidence presented at the permanent custody hearing weighs heavily against the [trial] court's decision[.]" (Appellant's Brief at 12). Specifically, Ashely argues that the evidence shows that she "regularly visited her child, alleviated residential safety concerns, and availed herself of assessments and treatment and case plan services as directed by the agency." (*Id.*). As to her relationship with William, Ashley acknowledges that she continued to have contact with him throughout the pendency of this case. Nevertheless, Ashley asserts that she "ultimately recognized and addressed" the agency's concerns and obtained a civil protection order against William. (*Id.* at 13).

{¶19} The trial court properly applied R.C. 2151.414(E)(1) and (16) to Ashley, finding that, despite working on the case plan and engaging in services for two years, "[i]t does not appear that much has changed" with Ashley. (Feb. 10, 2026 Judgment Entry). Indeed, the record reflects that Ashley made negligible progress in providing a safe and stable home for the child. In particular, Jessica Achey ("Jessica"), the agency caseworker, testified that she has been working with Ashley since 2023 when the two older children were removed from the home due to deplorable home conditions. At the time the two older children were removed from the home, Ashley lived with her parents. Moreover, Ashley has continued to live with her parents throughout the pendency of this case. Jessica testified that she has seen a "[s]light" improvement in the home conditions, but the home is still not appropriate for a child. (Jan. 20, 2026 Tr. at 199). Jessica explained that animal feces is left on the floor, electrical cords remain a hazard, and trash clutters the premises.

{¶20} Jessica further testified that there has been no improvement in the volatile relationship between Ashley and William. The evidence at the hearing outlined the history of domestic violence between the parties dating back to 2017. Throughout their relationship, criminal complaints have been filed against William for domestic violence and for violating civil protection orders. The evidence further showed that Ashley and her parents repeatedly requested that the charges be dismissed. Even though Ashley obtained a civil protection order against William in

April of 2024, she continued to communicate with him during his periods of incarceration. Jessica testified that she reviewed recorded jail calls between Ashley and William and they frequently discussed committing acts of violence against third parties.

{¶21} Additionally, the evidence showed that Ashley contacted William just one month prior to the permanent-custody hearing to rekindle their relationship. Officer Jedidiah Walker ("Officer Walker"), of the Findlay Police Department, testified that he was dispatched on December 10, 2025 to respond to a report of domestic violence between Ashley and William. Officer Walker met with Ashley at the home she shared with her parents. Ashley told Officer Walker that she and William "got into an altercation, a physical and a verbal altercation" and William punched her in the face. (Jan. 20, 2026 Tr. at 131). Ashley explained to Officer Walker that she and William had been exchanging text messages that day and that she went to William's address to retrieve a cell phone and money he owed her. Officer Walker reviewed the text messages between Ashley and William and observed that Ashley had asked William to "get back together" and "start dating again." (*Id.* at 135). After speaking with Ashley, Officer Walker went to William's address and arrested him for violating a civil protection order.

{¶22} Accordingly, competent, credible evidence supports the trial court's finding that Ashley's failure to remedy the reasons the child was removed from the home—namely, the ongoing violence between Ashley and William—prevented her

from providing a safe and stable home for the child. *See* R.C. 2151.414(B)(1)(a). Therefore, the trial court properly concluded that one of the necessary provisions of R.C. 2151.414(B)(1) was met in this case.

{¶23} In her fourth assignment of error, Ashley argues that she was not given the full 12-month period to work toward reunification before the agency moved for permanent custody under R.C. 2151.414(B)(1)(d). Even though the agency alleged in its motion that D.M. had been in its temporary custody for 12 or more months of a consecutive 22-month period, the trial court determined that the 12-month threshold of R.C. 2151.414(B)(1)(d) had not been met. Since R.C. 2151.414(B)(1) requires a finding under only one of its subdivisions, Ashley's arguments in her fourth assignment of error regarding being deprived of the full 12-month period under R.C. 2151.414(B)(1)(d) are without merit. *See In re A.W.*, 2017-Ohio-7786, ¶ 17 (9th Dist.) (noting "that the five factors listed in R.C. 2151.414(B)(1)(a)-(e) are alternative findings, and that the agency need only prove one in order to satisfy the first prong of the permanent custody test").

{¶24} Having resolved that the trial court did not err by concluding that one provision of R.C. 2151.414(B)(1) applies in this case, we next address the trial court's best-interest determination under R.C. 2151.414(D)(1). In her second assignment of error, Ashley argues that the record does not contain clear and convincing evidence by which the trial court could conclude that granting permanent custody to the agency was in the child's best interest. Ashley contends

that she "was building a bond with [D.M.]" such that she "would have been a suitable placement for [D.M.] within a reasonable time." (Appellant's Brief at 16). Ashley further contends that "there were interested persons, specifically the maternal grandparents identified as potential legal custodians of the child." (*Id.* at 15). Ashley asserts that the trial court erred by concluding that the child's best interest would be served by granting permanent custody to the agency rather than returning the child "to the loving support of his biological family." (*Id.* at 16).

{¶25} Regarding the best-interest factor under R.C. 2151.414(D)(1)(a), the trial court considered the child's interaction and interrelationship with the parents, siblings, relatives, and foster caregivers. Relevantly, the trial court noted that the child has regularly visited with Ashley, but does not appear to be bonded to her. Indeed, the record reflects that the child cried during visits with Ashley and that Ashley failed to progress beyond supervised visitation. The trial court also considered that Ashley's parents never requested visitation with the child.

{¶26} In contrast, the trial court noted that the child is bonded with the foster caregivers. *See In re J.H.*, 2026-Ohio-1333, ¶ 21 (3d Dist.) (supporting the R.C. 2151.414(D)(1)(a) analysis with the trial court's finding that the child "is bonded with the foster family"). Kelli Miller ("Miller"), the agency administrator and adoption assessor, testified that the foster caregivers are "very interested" in adopting the child. (Jan. 22, 2026 Tr. at 354). The trial court considered that there are no appropriate relatives who are willing to care for the child. The trial court

noted that the relative who has legal custody of Ashley's two older children is not a possible kinship placement for D.M. because the relative has indicated that she is unable to care for another child. As to placement with Ashley's parents, the trial court noted that the deplorable home conditions originated in the home that Ashley shared with her parents. The trial court further noted that Ashley's parents have been complicit in the ongoing volatile relationship between Ashley and William. Ashley's father allowed William at the home to do "scrapping" work with him. (*Id.* at 278). Similarly, Ashley's mother repeatedly requested that civil protection orders be dropped so that William could live at the home. Consequently, the record supports the trial court's determination that R.C. 2151.414(D)(1)(a) weighs in favor of granting permanent custody to the agency.

{¶27} Regarding R.C. 2151.414(D)(1)(b)—the child's wishes—the child was less than two years of age at the time of the permanent-custody hearing. Due to the child's young age, the trial court appropriately considered the GAL's report and recommendation that granting permanent custody to the agency was in the child's best interest. *See In re J.H.* at ¶ 22 (affirming the trial court's reliance on the GAL's recommendation in favor of permanent custody where the child was unable to articulate his wishes to the court).

{¶28} Concerning R.C. 2151.414(D)(1)(c)—the child's custodial history—the trial court found that this factor weighed in favor of permanent custody. Specifically, the trial court found that the child had been in the temporary custody

of the agency since birth. The agency first placed the child with Ashley's sister, but the kinship placement ended abruptly in March of 2024 when the sister left the child unsupervised with Ashley and William. The child was then placed in the home of the current foster caregivers and has remained there since.

{¶29} As to R.C. 2151.414(D)(1)(d)—the child's need for a legally secure permanent placement—the trial court found that this factor weighed in favor of permanent custody. Both Jessica and Miller testified at the hearing that the child needs a legally secure and permanent placement and that such placement cannot be achieved without granting permanent custody to the agency. "A 'legally secure placement' under R.C. 2151.414(D)(1)(d) means a safe, stable, consistent environment where [the child's] needs will be met." *In re R.R.*, 2023-Ohio-2575, ¶ 35 (6th Dist.). "[T]he permanent custody statutes do not contemplate leaving children in custodial limbo for an extended period of time while a parent attempts to establish that the parent can provide the child with a legally secure permanent placement." *In re Z.M.*, 2019-Ohio-2564, ¶ 34 (4th Dist.). "Additionally, keeping children in limbo is not in their best interests." *Id.*

{¶30} Even though Ashley worked the case plan and engaged in services for two years, the record demonstrates that she was not in a position to provide a legally secure placement for the child at the time of the permanent-custody hearing. Critically, Ashley continued to pursue a relationship with William despite the documented history of domestic violence between them. Accordingly, the trial

court was under no obligation to leave the child in custodial limbo while Ashley attempted provide a legally secure placement.

{¶31} Moreover, "it is generally accepted that a trial court is not limited to considering only current compliance with case plan objectives or objectives related to housing and income in its analysis of the child's need for a legally secure permanent placement." *In re W.J.*, 2022-Ohio-2449, ¶ 72 (3d Dist.). Indeed, "[s]ubstantial compliance with a case plan is not necessarily dispositive on the issue of reunification and does not preclude a grant of permanent custody to a children's services agency." *In re W.C.J.*, 2014-Ohio-5841, ¶ 46 (4th Dist.). "The focal point is whether the parent has remedied the underlying conditions that caused the removal in the first place." *In re B.L.*, 2025-Ohio-4320, ¶ 27 (3d Dist.).

{¶32} Here, the record demonstrates that Ashley failed to remedy the conditions that necessitated the agency's involvement. Importantly, despite completing domestic violence classes and anger management counseling, ongoing volatility persisted between Ashley and William, culminating in an incident of domestic violence just one month prior to the permanent-custody hearing.

{¶33} In sum, the child's paramount need for permanency and long-term stability outweighs the speculative hope that Ashley might eventually become stable after years of agency involvement. *See In re Dn.R.*, 2020-Ohio-6794, ¶ 54 (3d Dist.) (affirming permanent custody and determining that a child's need for a legally secure permanent placement is paramount, outweighing the parents' bond, their

participation in services, and the speculative success of last-minute efforts to achieve stability). Consequently, Ashley's reliance on engaging in services does not outweigh the trial court's conclusion that a legally secure placement could not be achieved without a grant of permanent custody to the agency. Therefore, we conclude that the trial court's determination that the child needs a legally secure permanent placement that cannot be achieved without granting the agency's motion is supported by competent, credible evidence.

{¶34} For these reasons, based on the totality of the evidence, we conclude that the trial court's determination that it is in the child's best interest to grant the agency's motion for permanent custody is supported by competent, credible evidence. Therefore, the trial court's decision granting permanent custody of the child to the agency is not against the manifest weight of the evidence.

{¶35} Ashley's first, second, and fourth assignments of error are overruled.

Third Assignment of Error

The Juvenile Court Committed Prejudicial Error In Finding That The Agency Made Reasonable Efforts And Diligent Case Planning To Accommodate The Appellant-Mother's Alleged Disabilities To Reunite Her With Her Child.

{¶36} In her third assignment of error, Ashley argues that the trial court erred by determining that the agency made reasonable efforts toward reunification.

Standard of Review

{¶37} "We review under an abuse-of-discretion standard a trial court's finding that an agency made reasonable efforts toward reunification." *In re A.M.*, 2015-Ohio-2740, ¶ 24 (3d Dist.). An abuse of discretion suggests that the trial court's decision is unreasonable, arbitrary, or unconscionable. *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219 (1983).

Analysis

{¶38} The concept of "reasonable efforts" has been defined as "the state's efforts, after intervening to protect a child's health or safety, to resolve the threat to the child before removing the child from the home or to return the child to the home after the threat is removed." *In re I.H.*, 2020-Ohio-4853, ¶ 23 (6th Dist.), citing *In re C.F.*, 2007-Ohio-1104, ¶ 28. However,

> [n]o one section of the Revised Code addresses the concept of reasonable efforts. Overall, Ohio's child-welfare laws are designed to care for and protect children, "whenever possible, in a family environment, separating the child from the child's parents only when necessary for the child's welfare or in the interests of public safety." To that end, various sections of the Revised Code refer to the agency's duty to make reasonable efforts to preserve or reunify the family unit.

In re C.F. at ¶ 29, quoting R.C. 2151.01(A). In particular, under R.C. 2151.419, when a trial court

> removes a child from the child's home or continues the removal of a child from the child's home, the court shall determine whether the public children services agency . . . has made reasonable efforts to prevent the removal of the child from the child's home, to eliminate

> the continued removal of the child from the child's home, or to make it possible for the child to return safely home.

R.C. 2151.419(A)(1). *See In re T.S.*, 2015-Ohio-1184, ¶ 27 (3d Dist.) (noting that the child's welfare is paramount when making a reasonable-efforts determination under R.C. 2151.419(A)(1)).

{¶39} In this case, the record reflects that the trial court made the requisite reasonable efforts findings at various stages of the proceedings prior to the permanent-custody hearing. Thus, the trial court was not required to make a further reasonable efforts finding at the permanent-custody hearing. *See In re W.J.*, 2022-Ohio-2449, at ¶ 87 (3d Dist.). Nonetheless, the trial court did so. Specifically, the trial court found that the agency engaged in reasonable efforts by conducting a search for relatives, providing mental health and substance abuse assessments and counseling, anger management counseling, domestic violence counseling, parent education classes, case management, information and referrals, transportation, and visitation.

{¶40} On appeal, Ashley argues that the trial court erred by concluding that the agency made reasonable efforts toward reunification "as there was no evidence that the case plan and communication with [Ashley] accommodated her specific needs." (Appellant's Brief at 19). Specifically, Ashley contends that the agency failed to implement the recommendations set forth in the psychological assessments and further failed to communicate with her regarding those recommendations.

{¶41} "Case plans are the tool that child protective service agencies use to facilitate the reunification of families who . . . have been temporarily separated." *In re Evans*, 2001 WL 1333979, *3 (3d Dist. Oct. 30, 2001). "[C]ase plans establish individualized concerns and goals, along with the steps that the parties and the agency can take to achieve reunification." *In re T.S.*, 2015-Ohio-1184, at ¶ 27 (3d Dist.). "Agencies have an affirmative duty to diligently pursue efforts to achieve the goals in the case plan." *In re A.M.A.*, 2013-Ohio-3779, ¶ 29 (3d Dist.). Importantly, the agency's case planning and efforts need only be reasonable and diligent under the circumstances of the case. *Id.*

> "'Reasonable 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."

In re H.M.K., 2013-Ohio-4317, ¶ 95 (3d Dist.), quoting *In re M.A.P.*, 2013-Ohio-655, ¶ 47 (12th Dist.).

{¶42} The record reveals that the agency referred Ashley to Mark A. Babula, Psy.D., a clinical psychologist, to assess her mental health and parental fitness. Dr. Babula met with Ashley on January 25, 2024. As part of his evaluation, Dr. Babula interviewed Ashley, administered testing, and observed Ashley interact with her two older children. Dr. Babula then prepared a psychological report regarding Ashley's parental fitness. Based on her low intellectual functioning (Ashley tested as having the cognitive skills of a typical eight or nine year old), past behavior, propensity towards anger, and limited ability to recognize and attend to the needs of her

children, Dr. Babula recommended that Ashley not have a primary parenting role. Regarding supervised visitation, Dr. Babula recommended that Ashley may need occasional coaching to manage her mood and to intervene when appropriate during supervised visitation. Prior to engaging in unsupervised visitation, Dr. Babula recommended that Ashley participate in an anger management program and a parenting program so that unsupervised visitation may take place in a safe and healthy environment.

{¶43} On May 30, 2024, Ashley met with Rachel Ruholt Nienaber, Psy.D., a psychologist, for a clinical interview and testing. Based on Dr. Nienaber's notes, Stuart W. Bassman, Ed.D., a psychologist, prepared a psychological assessment report. In his report, Dr. Bassman noted that Ashley appeared to have a lower-than-average cognitive ability. Dr. Bassman further noted that, with appropriate support, Ashley may be able to resume her role as the primary parent. Dr. Bassman recommended that Ashley continue to work the case plan so that she may progress beyond supervised visitation to unsupervised visitation. Dr. Bassman further recommended that Ashley continue with her parenting training courses, counseling services for anger management, home coach sessions, and meeting with the caseworker to discuss the case plan.

{¶44} Jessica, the ongoing caseworker, testified that the case plan was amended in April of 2024 to include anger management counseling for Ashley as recommended by Dr. Babula. Jessica further testified that Ashley had an angry

outburst at the courthouse after the dispositional hearing. Following the outburst, the trial court ordered that police be present during home inspections. Ashley was referred to anger management counseling in Bowling Green, but failed to complete the program due to lack of attendance. Thereafter, Ashley was referred to anger management counseling in Toledo. Despite completing the program, Jessica testified that Ashley continued to exhibit angry outbursts. Jessica further testified that Ashley failed to progress beyond supervised visitation because she remained a safety risk for the child.

{¶45} Jessica testified that the case plan also included sessions with a home coach to improve Ashley's parenting skills. Ashley's attendance at the sessions was sporadic. As recommended by Dr. Babula, the home coach assisted Ashley during supervised visitations and stepped in to attend to the child's needs when appropriate. Regarding parenting classes, Jessica testified that Ashley completed parenting education classes in June of 2023 as part of the case plan involving her two older children. Following Dr. Babula's recommendation that Ashley reengage in a parenting education program, the case plan was amended to add parenting classes in this case. Even though Ashley completed the program in July of 2024, Jessica testified that Ashley demonstrated no meaningful improvement in her parenting skills.

{¶46} As previously stated, when considering the agency's reasonable efforts, the issue is not whether there is anything more the agency could have done,

but whether the case planning and efforts were reasonable and diligent under the circumstances. *See In re A.M.A.*, 2013-Ohio-3779, at ¶ 29 (3d Dist.). Here, the record reflects that the agency's case planning and efforts were reasonable and diligent under the circumstances. Even though Ashley argues that agency failed to implement the recommendations set forth in the psychological assessments and further failed to accommodate her specific needs, the record shows that the case plan was amended to include anger management counseling and parenting education classes as recommended by Dr. Babula. Moreover, a home coach was also made available to Ashley during supervised visitation. There is no evidence in the record that the agency failed to instruct or assist Ashley in a manner commensurate with her specific needs. Instead, the record reflects that Ashley's lack of progress is the result of her inability to apply the lessons that she has learned. *See In re C.M.*, 2026-Ohio-2472, ¶ 56 (3d Dist.).

{¶47} Accordingly, based on the record before us, we conclude that the trial court did not abuse it discretion by determining that the agency engaged in reasonable efforts toward reunification.

{¶48} Ashley's third assignment of error is overruled.

{¶49} Having found no error prejudicial to the appellant herein in the particulars assigned and argued, we affirm the judgment of the trial court.

Judgment Affirmed

WILLAMOWSKI and WALDICK, J.J., concur.

JUDGMENT ENTRY

For the reasons stated in the opinion of this Court, the assignments of error are overruled and it is the judgment and order of this Court that the judgment of the trial court is affirmed with costs assessed to Appellant for which judgment is hereby rendered. The cause is hereby remanded to the trial court for execution of the judgment for costs.

It is further ordered that the Clerk of this Court certify a copy of this Court's judgment entry and opinion to the trial court as the mandate prescribed by App.R. 27; and serve a copy of this Court's judgment entry and opinion on each party to the proceedings and note the date of service in the docket. *See* App.R. 30.

William R. Zimmerman, Judge

John R. Willamowski, Judge

Juergen A. Waldick, Judge

DATED:
/hls