[Cite as *In re A.J.*, 2026-Ohio-4657.]

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

IN RE:

A.J.,

NEGLECTED AND DEPENDENT CHILD.

[JASON J. - APPELLANT]
[SEDINA J. - APPELLANT]

CASE NO. 13-26-06

OPINION AND JUDGMENT ENTRY

Appeal from Seneca County Common Pleas Court
Juvenile Division
Trial Court No. 22350032

Judgment Affirmed

Date of Decision: November 23, 2026

APPEARANCES:

Sagan S. Kahler **for Appellant, Sedina J.**

Timothy J. Hoover **for Appellant, Jason J.**

Victor H. Perez **for Appellee**

ZIMMERMAN, P.J.

{¶1} Mother-appellant, Sedina J. ("Sedina"), and father-appellant, Jason J. ("Jason"), appeal the April 16, 2026 decision of the Seneca County Court of Common Pleas, Juvenile Division, granting permanent custody of their minor child—A.J.—to Seneca County Job and Family Services (the "agency"). For the reasons that follow, we affirm.

{¶2} The underlying proceedings commenced on May 8, 2023, when the agency filed a complaint in the trial court alleging that A.J. (born March 2023) was a dependent and neglected child. The agency's complaint stemmed from a report by Nationwide Children's Hospital in Toledo, Ohio where A.J. was admitted on April 28, 2023 for failure to thrive amid concerns that she was not being properly fed. According to the complaint, hospital staff reported that Sedina and Jason did not appear to understand the care required for A.J.'s chromosomal abnormalities and hypoglycemia. The situation escalated on May 5, 2023, when staff alerted the agency that the parents attempted to remove A.J. from the hospital against medical advice by disconnecting her NG tube and pulse oximeter and placing her in a car seat.

{¶3} That same day, the trial court issued an ex parte order granting emergency temporary custody of A.J. to the agency after determining that there was probable cause to believe that A.J. was a dependent and neglected child. Following

her release from the hospital, A.J. remained in the agency's temporary custody until the adjudicatory proceedings commenced on August 1, 2023, at which point the trial court transferred her to a kinship placement. Upon concluding adjudicatory and dispositional hearings held across August 1, August 4, and September 15, 2023, the trial court adjudicated A.J. as a dependent and neglected child and ordered that she remain in the temporary custody of her kinship providers.

{¶4} Following the commencement of the case, the trial court appointed a Guardian Ad Litem ("GAL") to represent A.J.'s interests throughout the pendency of the proceedings, who issued reports throughout the case. The trial court also ordered Sedina and Jason to undergo psychological evaluations, and Sedina underwent an additional independent parental capacity assessment. Throughout the case, the agency filed case plans and semi-annual reviews, and the trial court held several review hearings determining that the agency made reasonable efforts toward reunification.

{¶5} Following an August 14, 2024 review hearing, the trial court modified the disposition by agreement of the parties and placed A.J. back into the temporary custody of the agency.

{¶6} On October 17, 2025, the agency filed a motion seeking permanent custody of A.J. On February 6, 2026, Sedina and Jason filed a joint motion requesting that the trial court grant them legal custody of A.J. The GAL filed a

report on January 27, 2026 (and a supplemental report on March 17, 2026) recommending that the trial court grant the agency's motion.

{¶7} After a four-day hearing beginning on March 24, 2026, the trial court granted permanent custody of A.J. to the agency on April 16, 2026. In particular, the trial court found, by clear and convincing evidence, that permanent custody was warranted under R.C. 2151.414(B)(1)(d) and that granting permanent custody to the agency was in A.J.'s best interest.

{¶8} Sedina and Jason filed a joint notice of appeal on May 14, 2026. Sedina raises four assignments of error, while Jason raises two assignments of error for our review. For ease of discussion, we will address Sedina's and Jason's first assignments of error together, followed together by Sedina's and Jason's second assignments of error, then Sedina's third and fourth assignments of error.

Sedina's First Assignment of Error

> **The juvenile court erred in granting permanent custody to the Agency because the judgment was against the manifest weight of the evidence.**

Jason's First Assignment of Error

> **The trial court erred in granting permanent custody to the Seneca County Department of Job and Family Services because the judgment was against the manifest weight of the evidence and not supported by clear and convincing evidence under R.C. 2151.414.**

{¶9} In Sedina's and Jason's first assignments of error, they argue that the trial court erred by granting permanent custody of A.J. to the agency. Specifically,

both parents challenge the evidence supporting the trial court's decision, asserting that the judgment was against the manifest weight of the evidence. Furthermore, Jason contends that the trial court's determination under R.C. 2151.414 was not supported by clear and convincing evidence.

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). However, the rights and interests of a natural parent 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 re C.E.*, 2009-Ohio-6027, ¶ 14 (3d Dist.). R.C. 2151.414(B)(1) establishes a two-part test for courts to apply when determining whether to grant a motion for permanent custody: (1) the trial court must find that one of the circumstances in R.C. 2151.414(B)(1)(a)-(e) applies, and (2) the trial court must find that permanent custody is in the best interest of the child. *In re S.G.*, 2015-Ohio-2306, ¶ 10 (9th Dist.). 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 . . . by clear and convincing evidence, that "[t]he 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 . . . ." R.C. 2151.414(B)(1)(d). *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").

{¶13} Under the second step of the analysis, "[i]f 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.). "In determining the best interest of a child, a juvenile court 'may apply one of two different tests.'" *In re S.C.*, 2022-Ohio-356, ¶ 38 (10th Dist.), quoting *In re J.P.*, 2019-Ohio-1619, ¶ 39 (10th Dist.). "'Under R.C. 2151.414(D)(1), the juvenile court weighs multiple factors . . . to decide whether granting an agency permanent custody of a child is in that child's best interest.'" *Id.*, quoting *In re J.P.* at ¶ 39. "By contrast, 'under R.C. 2151.414(D)(2), if the juvenile court makes [each of] the four enumerated findings, permanent custody is per se in the child's best interest and the court "shall" commit the child to the permanent custody of the agency.'" *Id.*, quoting *In re J.P.* at ¶ 39. "These two provisions 'are *alternative* means for reaching the best-interest determination,' and '[w]here a juvenile court employs the R.C. 2151.414(D)(1) [multiple factor weighing] method of determining the child's best interest, the court need not also conduct the R.C. 2151.414(D)(2) [four-requisite prong] analysis.'" (Emphasis added.) *Id.*, quoting *In re J.P.* at ¶ 40.

{¶14} In determining whether granting the agency permanent custody is in the best interest of the child, R.C. 2151.414(D)(1) provides:

> [T]he court shall consider all relevant factors, including, but not limited to, the following:
>
> (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.

R.C. 2151.414(D)(1)(a)-(e).

{¶15} "Under R.C. 2151.414(B)(1), juvenile court may grant permanent custody of a child to the agency that moved for permanent custody if the court determines, 'by clear and convincing evidence, that it is in the best interest of the child' to do so and that any of five factors enumerated in R.C. 2151.414(B)(1)(a) through (e) applies." *In re Z.C.*, 2023-Ohio-4703, at ¶ 7. "Clear and convincing evidence is that which is sufficient to produce in the mind of the trier of fact a firm

belief or conviction as to the facts sought to be established." *In re S.G.*, 2015-Ohio-2306, at ¶ 10 (9th Dist.).

{¶16} In granting permanent custody to the agency, the trial court found that A.J. had been in the agency's temporary custody for 12 or more months of a consecutive 22-month period, satisfying R.C. 2151.414(B)(1)(d). Neither parent challenges this finding on appeal. Instead, Jason's argument centers on the evidence supporting the trial court's alternative findings under R.C. 2151.414(E), which are relevant to a determination under R.C. 2151.414(B)(1)(a). Because the statute requires a finding under only one of the R.C. 2151.414(B)(1) subdivisions, the undisputed finding under R.C. 2151.414(B)(1)(d) independently satisfies the first prong of the permanent-custody test, rendering Jason's argument without merit. *See In re B.J.P.*, 2018-Ohio-5221, ¶ 15 (3d Dist.).

{¶17} 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). On appeal, both Sedina and Jason contend that the trial court's best-interest findings are against the manifest weight of the evidence. Specifically, Sedina argues that the trial court placed dispositive weight on the stability of the foster placement and A.J.'s medical complexity while undervaluing her consistent visitation, her treatable parental-capacity concerns, and her ability to improve if provided with individualized services. Similarly, Jason argues that he demonstrated a desire to parent, maintained

consistent visitation where bonding was observed, and completed parenting classes, asserting that he could provide proper care for A.J. with adequate governmental and medical assistance. Both parents assert that, in light of these factors, the trial court erred by concluding that A.J.'s best interest is served by granting permanent custody to the agency rather than exploring less drastic custodial alternatives, such as legal custody or a progressive reunification schedule.

{¶18} In this case, the trial court determined that the best-interest factors under R.C. 2151.414(D)(1)(a), (b), and (c) all weigh in favor of granting the agency's motion, and the record supports those determinations. Regarding A.J.'s interactions and interrelationships under R.C. 2151.414(D)(1)(a), Sedina and Jason emphasize their consistent visitation attendance, provision of food and toys, and capacity for warm, supportive care. While the parents consistently attended these visits, the record reflects that the sessions never progressed beyond the highest level of supervision. Cathy Wirth, the Patchworks House employee who supervised the visits, testified that she was not comfortable leaving A.J. alone with the parents due to their need for ongoing coaching and their resistance to instruction regarding A.J.'s extensive medical needs. *See In re C.M.*, 2026-Ohio-2472, ¶ 29 (3d Dist.). Consequently, the trial court found that A.J. lacks a bond with her parents, noting a troubling temporal association between the visits and the deterioration of A.J.'s behavior, such as reports of her biting herself and waking up crying on visitation days. *See In re A.S.*, 2019-Ohio-342, ¶ 17 (5th Dist.). Conversely, the record

reflects that A.J. shares a strong, established bond with her foster caregivers, with whom she has resided continuously since June 2024 and who wish to adopt her. *See In re C.M.* at ¶ 30.

{¶19} Under R.C. 2151.414(D)(1)(b), because three-year-old A.J. is non-verbal due to developmental delays, the trial court properly relied on the GAL's recommendation that permanent custody is in her best interest. *See id.* at ¶ 32. Further, regarding her custodial history under R.C. 2151.414(D)(1)(c), the record establishes that A.J. has not lived with Sedina or Jason since she was approximately one month old and had been in the continuous temporary custody of the agency for over 12 months of a consecutive 22-month period.

{¶20} The trial court also found that R.C. 2151.414(D)(1)(d)—A.J.'s need for a legally secure permanent placement—weighed in favor of permanent custody. The facts underpinning this conclusion strongly reinforce the trial court's ultimate decision to terminate parental rights. Specifically, the trial court determined that A.J.'s need for stability could only be met by granting permanent custody to the agency, pointing to Sedina's and Jason's failure to maintain stable housing and employment over the past year. In sum, the court reasoned that parents who cannot take care of themselves cannot adequately care for A.J.

{¶21} On appeal, both parents contend that a legally secure placement could be achieved without permanently severing their parental rights, arguing that the trial court failed to adequately weigh less drastic alternatives such as legal custody or a

progressive reunification schedule. Sedina specifically points to the expert testimony of two psychologists who evaluated the parents—Dr. Gregory Hupp ("Dr. Hupp") and Dr. Minerva Spurlock ("Dr. Spurlock")—arguing that her parental-capacity concerns and mental-health needs are "fixable" with proper individualized services, medication, and therapy. Jason similarly points to his completion of parenting classes and argues that, with adequate governmental and medical assistance, he could provide proper care for A.J.

{¶22} However, "[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.), quoting *In re T.J.*, 2021-Ohio-4085, ¶ 59 (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.*

{¶23} While the parents argue that they could eventually improve with more targeted services and more time, the record demonstrates that neither parent was in a position to provide a legally secure placement at the time of the permanent custody hearing. *Accord In re C.M.*, 2026-Ohio-2472, at ¶ 41 (3d Dist.). Critically, neither parent possessed independent, stable, and appropriate housing. *Compare id.* Indeed, the trial court found that Jason and Sedina continued to move regularly,

including living in a tent and then a camper without reliable heat or running water during freezing winter months. In particular, at the time of the permanent custody hearing, they were living in a dirty camper with no utilities other than electricity, relying on friends' houses or a nearby gas station for restroom and shower facilities. The trial court specifically found that this was "absolutely not a safe place to bring **any** child—especially not a child with several life-threatening medical diagnoses." (Emphasis in original.) (Doc. No. 152). Accordingly, the trial court was under no obligation to leave A.J. in ongoing custodial limbo while the parents attempted to secure independent housing and demonstrate long-term stability. *See In re C.M.* at ¶ 41.

{¶24} 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.). "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.). Here, the record demonstrates that Sedina and Jason failed to remedy the core comprehension and behavioral issues that necessitated the agency's ongoing involvement. *Compare id.* at ¶ 43. Importantly, the trial court found that they failed to fully understand the extent of A.J.'s severe health diagnoses, continued to object to her recommended medical treatment, and disregarded her medical team's

recommendations. Thus, the trial court did not equate a lack of housing alone with an inability to provide permanency; it considered the parents' housing, employment, functioning, medical-care comprehension, and parenting capacity together.

{¶25} As a result, A.J.'s "paramount need for permanency and long-term stability outweighs the speculative hope that the parents might eventually become stable after [nearly] three years of agency involvement." *Id.* at ¶ 44. Therefore, we conclude that the trial court's determination that A.J. needs a legally secure permanent placement that cannot be achieved without granting the agency's motion is supported by competent, credible evidence.

{¶26} Finally, with respect to R.C. 2151.414(D)(1)(e)—whether any of the factors in R.C. 2151.414(E)(7)-(11) apply—the trial court found that none of these factors were present in this case.

{¶27} For these reasons, based on the totality of the evidence, we conclude that the trial court's determination that it is in A.J.'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 A.J. to the agency is not against the manifest weight of the evidence.

{¶28} Sedina's and Jason's first assignments of error are overruled.

Sedina's Second Assignment of Error

The juvenile court erred and abused its discretion in ordering permanent custody as the Agency failed to make reasonable case planning efforts.

Jason's Second Assignment of Error

> **The trial court erred in finding that the child could not be placed with Appellant within a reasonable time or should not be placed with Appellant under R.C. 215l(E) [sic] where the Agency failed to exercise reasonable, diligent efforts toward family reunification.**

{¶29} In their second assignments of error, Sedina and Jason argue that the trial court erred by granting permanent custody of A.J. to the agency because the agency failed to make reasonable efforts toward reunification.

Standard of Review

{¶30} "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 the trial court's decision is unreasonable, arbitrary, or unconscionable. *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219 (1983).

Analysis

{¶31} "'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." *In re C.F.* at ¶ 29. "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.'" *Id.*, quoting R.C. 2151.01(A). "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." *Id.* 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). The Supreme Court of Ohio "determined that the trial court is not obligated, under R.C. 2151.419, to make a determination that the agency used reasonable efforts to reunify the family at the time of the permanent custody hearing *unless* the agency has not established that reasonable efforts have been made prior to the hearing." (Emphasis in original.) *In re N.R.S.*, 2018-Ohio-125, ¶ 25 (3d Dist.), citing *In re C.F.* at ¶ 41, 43 (concluding that the reasonable efforts determination under R.C. 2151.419 does not apply to permanent-custody motions under R.C. 2151.413 or to hearings on such motions under R.C. 2151.414). "[T]he trial court is only obligated to make a determination that the agency has made reasonable efforts to reunify the family at 'adjudicatory, emergency, detention, and temporary-disposition hearings, and dispositional hearings for abused, neglected, or dependent children, all of which occur prior to a decision transferring permanent

custody to the state.'" *In re B.S.*, 2015-Ohio-4805, ¶ 36 (3d Dist.), quoting *In re C.F.* at ¶ 41.

{¶32} Here, 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. *Accord 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 to prevent or eliminate the need for removal and to make it possible for A.J. to safely return home. The record supports that the agency provided regular supervised visitations, accommodated remote participation in medical appointments, facilitated specialized medical education, and provided tangible assistance such as linking the parents to housing programs and employment agencies, filling their gas tank, and paying hundreds of dollars for their electric, water, sewer, and propane bills.

{¶33} Nevertheless, Sedina and Jason argue on appeal that the trial court abused its discretion by finding the agency's reunification efforts to be reasonable. Specifically, both parents contend that the agency failed to sufficiently tailor its efforts to accommodate their cognitive and emotional limitations.

{¶34} "'Reasonable efforts means that a children's services agency must act diligently and provide services appropriate to the family's need to prevent the child's removal or as a predicate to reunification.'" *In re H.M.K.*, 2013-Ohio-4317,

¶ 95 (3d Dist.), quoting *In re D.A.*, 2012-Ohio-1104, ¶ 30 (6th Dist.). "'In determining whether the agency made reasonable efforts [pursuant to R.C. 2151.419(A)(1)] to prevent the removal of the child from the home, 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 R.C.*, 2023-Ohio-146, ¶ 29 (5th Dist.), quoting *In re Lewis*, 2003-Ohio-5262, ¶ 16 (4th Dist.). "'"Reasonable efforts" does not mean all available efforts.'" *Id.*, quoting *In re Lewis* at ¶ 16. "A 'reasonable effort' is 'an honest, purposeful effort, free of malice and the design to defraud or to seek an unconscionable advantage.'" *Id.*, quoting *In re Weaver*, 79 Ohio App.3d 59, 63 (12th Dist. 1992). When assessing "'whether reasonable efforts were made, the child's health and safety is paramount.'" *In re A.M.*, 2015-Ohio-2740, ¶ 25 (3d Dist.), quoting *In re T.S.*, 2015-Ohio-1184, ¶ 27 (3d Dist.), citing R.C. 2151.419(A)(1).

{¶35} "'"Case plans are the tools that child protective service agencies use to facilitate the reunification of families who . . . have been temporarily separated."'" *Id.*, quoting *In re T.S.* at ¶ 26, quoting *In re Evans*, 2001 Ohio App. LEXIS 4809, *7 (3d Dist. Oct. 30, 2001). "'To that end, case plans establish individualized concerns and goals, along with the steps that the parties and the agency can take to achieve reunification.'" *Id.*, quoting *In re T.S.* at ¶ 27. The agency is required to demonstrate that it developed and facilitated a plan to "account for the respective abilities of the parents and children in pursuing individualized

concerns, goals, and steps necessary for reunification." *In re Leveck*, 2003-Ohio-1269, at ¶ 10 (3d Dist.). "'Agencies have an affirmative duty to diligently pursue efforts to achieve the goals in the case plan.'" *Id.*, quoting *In re T.S.* at ¶ 27. """Nevertheless, the issue is not whether there was anything more that [the agency] could have done, but whether the [agency's] case planning and efforts were reasonable and diligent under the circumstances of this case."""" *Id.*, quoting *In re T.S.* at ¶ 27, quoting *In re Leveck* at ¶ 10.

{¶36} Based on our review of the record, we conclude that the trial court did not abuse its discretion by determining that the agency's reunification efforts were reasonable. Even though the record reflects that the agency took deliberate steps to accommodate the parents' needs, those efforts were ultimately undermined by Sedina's and Jason's own combative behavior, transience, and refusal to accept services. *See In re L.R.*, 2024-Ohio-5592, ¶ 79 (2d Dist.).

{¶37} Indeed, the record reflects that caseworkers scheduled regular Zoom calls, facilitated remote attendance at doctor's appointments so the parents could ask questions directly, and created customized, laminated physical therapy exercise cards to use during visits. The agency also referred the parents to the Seneca County Board of Developmental Disabilities (the "Board") to assist with employment, housing, and life skills; however, the parents were largely uncooperative and were interested in services only if they resulted in regaining custody of A.J. Ultimately, the Board determined Sedina was ineligible for services in early 2024.

{¶38} Further, the record reflects that much of Sedina's and Jason's lack of progress did not stem from any of their unaccommodated cognitive barriers, but from their refusal to accept A.J.'s medical realities and to coordinate efforts with providers. *See In re Leveck*, 2003-Ohio-1269, at ¶ 11 (3d Dist.). In particular, the record demonstrates that Sedina and Jason persistently engaged in combative behavior with caseworkers and medical providers, failed to complete anger management classes, and continually minimized or failed to comprehend the severity of A.J.'s developmental and seizure disorders.

{¶39} The balance of Sedina's and Jason's "complaints about the agency's efforts are undermined by the hallmark of the statute—that the agency need only make *reasonable* efforts, not exhaust every conceivable option." (Emphasis in original.) *In re C.M.*, 2026-Ohio-2472, at ¶ 57 (3d Dist.). Here, the record reflects that the agency provided housing assistance by securing apartments and paying utility and rent bills, only for the parents to be evicted due to nonpayment, conflict with neighbors, and allowing the properties to be destroyed by flea infestations and multiple untreated cats. The agency's obligation to provide reasonable efforts does not require it to infinitely fund housing or tolerate unmitigated safety hazards when the parents' instability is driven by their own choices. *Accord id.* (concluding that an agency providing resource lists and rent assistance satisfies the reasonable-efforts requirement, and that the agency is not obligated to secure concrete housing when a parent's instability is self-driven).

{¶40} Taken together, Sedina's and Jason's complaints amount to a demand for ideal services and perfect outcomes, not a showing that the trial court acted unreasonably, arbitrarily, or unconscionably. *Accord id.* at ¶ 61. Therefore, because the agency provided sustained, practical assistance adapted to Sedina and Jason's capabilities, and the parents' progress was continually undermined by their own hostility and refusal to accept A.J.'s medical needs, the trial court did not abuse its discretion by concluding that the agency's reunification efforts were reasonable.

{¶41} Accordingly, Sedina's and Jason's second assignments of error are overruled.

Sedina's Third Assignment of Error

> **The juvenile court erred and violated Sedina J[.]'s due process rights by proceeding to permanently terminate her parental rights without appointing a guardian ad litem, or at minimum conducting an inquiry into whether she required one.**

{¶42} In her third assignment of error, Sedina argues that the trial court violated her due process rights by proceeding to permanently terminate her parental rights without appointing a GAL on her behalf, or at a minimum, conducting an inquiry into whether she required one.

Standard of Review

{¶43} "The determination of whether a parent appears mentally incompetent is within the discretion of the trial court, and an appellate court reviews a trial court's decision whether to appoint a guardian ad litem for the parent for an abuse of

discretion." *In re H.L.*, 2024-Ohio-1600, ¶ 22 (10th Dist.). Again, an abuse of discretion suggests the trial court's decision is unreasonable, arbitrary, or unconscionable. *Blakemore*, 5 Ohio St.3d at 219.

{¶44} However, the failure to request the appointment of a GAL in the trial court waives all but plain error on appeal. *In re E.Z.-S.*, 2019-Ohio-1177, ¶ 19 (6th Dist.). In civil cases, courts must exercise extreme caution when invoking the plain error doctrine. *Id.* Application of "'the doctrine is sharply limited to the *extremely rare* case involving *exceptional* circumstances where the error, left unobjected to at the trial court, rises to the level of challenging the legitimacy of the underlying judicial process itself.'" (Emphasis in original.) *Id.*, quoting *Goldfuss v. Davidson*, 79 Ohio St.3d 116, 122-123 (1997).

Analysis

{¶45} In this case, Sedina argues that the trial court erred by failing to appoint a GAL on her behalf or, at a minimum, inquiring into her need for one. She contends that her low IQ score, her ADHD and bipolar disorder diagnoses, and her difficulty understanding A.J.'s medical needs and the agency's expectations, "were significant enough to trigger inquiry into whether [she] required her own [GAL] to protect her interests." (Appellant's Brief at 22).

{¶46} Under both R.C. 2151.281(C) and Juv.R. 4(B), a juvenile court is required to appoint a guardian ad litem to protect a parent's interests if the parent is under eighteen years of age or "appears to be mentally incompetent." "Having a

mental illness does not equate to mental incompetence." *In re C.M.*, 2026-Ohio-2087, ¶ 31 (8th Dist.). Rather, "'[m]ental incompetence means that the person cannot understand and participate in the proceedings.'" *In re L.C.*, 2024-Ohio-147, ¶ 56 (11th Dist.), quoting *In re C.C.*, 2016-Ohio-7447, ¶ 122 (11th Dist.). "The fact that a person may have some mental impairment or may be mildly mentally retarded does not necessarily mean that the person is mentally incompetent." *In re Amber G.*, 2004-Ohio-5665, ¶ 19 (6th Dist.).

{¶47} Here, even though the record reflects that Sedina suffers from mental health challenges and cognitive limitations, it does not reflect that she was incapable of understanding or participating in the permanent custody proceedings. *See In re L.C.* at ¶ 56. Indeed, the record demonstrates that she appeared at multiple hearings, participated in psychological evaluations, and actively communicated her desired case strategies to her attorneys (which resulted in two attorneys withdrawing from representation when she disagreed with them). Further, Dr. Hupp testified that she was cooperative, provided information freely, and demonstrated the ability to understand and answer questions during her evaluation with him. *Compare id.*

{¶48} Furthermore, even if the trial court should have appointed a GAL, the error is not reversible unless the parent demonstrates prejudice. *In re Amber G.* at ¶ 35. A parent does not suffer prejudice if they were represented by counsel who safeguarded their rights and advocated for their wishes. *In re L.C.* at ¶ 57. Thus, even if Sedina appeared mentally incompetent, she failed to demonstrate that she

was prejudiced. Significantly, Sedina was represented by counsel throughout the proceedings who defended her interests, cross-examined the agency's witnesses, and advocated for reunification in accordance with her wishes—including filing a motion requesting legal custody of A.J. *See id.* at ¶ 57. Finally, Sedina's argument that a GAL would have physically led her to services fundamentally misunderstands the role of a GAL. *In re Amber G.* at ¶ 35 (noting that a GAL is not a general guardian tasked with prompting a parent to take advantage of available services).

{¶49} For these reasons, it was not error, let alone plain error, for the trial court to fail to appoint a GAL for Sedina.

{¶50} Sedina's third assignment of error is overruled.

Sedina's Fourth Assignment of Error

Sedina J[.] was denied the effective assistance of counsel.

{¶51} In her fourth assignment of error, Sedina argues that she was denied the effective assistance of counsel. Specifically, she contends that her trial attorneys' cumulative failures—including failing to request a GAL on her behalf, failing to appeal the adjudication and disposition findings, and failing to timely object to the case plans—amounted to deficient performance that prejudiced the outcome of her case.

Standard of Review

{¶52} "Section 2151.352 of the Revised Code provides that parents are guaranteed the right to counsel at all stages of a permanent custody proceeding." *In re D.L.S.*, 2015-Ohio-2809, ¶ 34 (3d Dist.). *See also* Juv.R. 4(A). "This right to counsel includes the right to effective assistance of counsel." *In re D.L.S.* at ¶ 34. In permanent custody proceedings, where parental rights are subject to termination, the standard for determining ineffective assistance of counsel mirrors the standard established for criminal proceedings. *Id. See also In re E.C.*, 2015-Ohio-2211, ¶ 40 (3d Dist.) ("In permanent custody proceedings, where parents face losing their children, we apply the same test as the test for ineffective assistance of counsel in criminal cases.").

{¶53} In order to prove an ineffective assistance of counsel claim, the appellant must carry the burden of establishing (1) that his or her counsel's performance was deficient or unreasonable under the circumstances and (2) that this deficient performance prejudiced the defendant. *In re C.N.*, 2018-Ohio-2442, ¶ 16 (3d Dist.), citing *Strickland v. Washington*, 466 U.S. 668, 687 (1984). In order to show counsel's conduct was deficient or unreasonable, the defendant must overcome the presumption that counsel provided competent representation and must show that counsel's actions were not trial strategies prompted by reasonable professional judgment. *Strickland* at 687. Counsel is entitled to a strong presumption that all decisions fall within the wide range of reasonable professional

assistance. *State v. Sallie*, 81 Ohio St.3d 673, 675 (1998). Tactical or strategic trial decisions, even if unsuccessful, do not generally constitute ineffective assistance. *State v. Carter*, 72 Ohio St.3d 545, 558 (1995). Rather, the errors complained of must amount to a substantial violation of counsel's essential duties to his client. *See State v. Bradley*, 42 Ohio St.3d 136, 141-142 (1989).

{¶54} "Prejudice results when 'there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different.'" *State v. Liles*, 2014-Ohio-259, ¶ 48 (3d Dist.), quoting *Bradley* at 142, citing *Strickland* at 691. "'A reasonable probability is a probability sufficient to undermine confidence in the outcome.'" *Id.*, quoting *Bradley* at 142 and citing *Strickland* at 694.

Analysis

{¶55} Here, Sedina argues that her trial counsel provided ineffective assistance not through a single, isolated error, but rather through an accumulation of errors. Specifically, she asserts that her trial attorneys were deficient because they failed to request the appointment of a guardian ad litem to help her navigate the proceedings, failed to appeal the trial court's initial adjudication and disposition findings, and failed to formally object to the agency's case plans until much later in the case.

{¶56} To begin with, based on our resolution of Sedina's third assignment of error, Sedina's argument that her trial counsel was ineffective for failing to request

the appointment of a guardian ad litem to help her navigate the proceedings is without merit.

{¶57} Furthermore, regarding her claims that counsel was ineffective for failing to appeal the adjudication and disposition findings or to object to the case plans, Sedina fails to satisfy the prejudice prong of the ineffective-assistance analysis. *See In re Dependent*, 2022-Ohio-2761, ¶ 33 (5th Dist.) (noting that an appellate court "may dispose of a claim of ineffective assistance of counsel based solely on the appellant's failure to demonstrate the requisite prejudice"). Even though the adjudication was a contested hearing that resulted in findings of neglect and dependency in this case, Sedina failed to identify any specific evidence or legal error in the record that would have negated those findings or demonstrated a reasonable probability that an appeal would have been successful. *See In re R.L.*, 2025-Ohio-2758, ¶ 73 (9th Dist.). Similarly, while Sedina contends her counsel should have objected to the agency's case plans earlier in the proceedings, she does not articulate what specific, alternative case plan services could have been requested that would have yielded a different result. *See In re L.J.R.*, 2022-Ohio-3418, ¶ 55 (5th Dist.). Consequently, because Sedina has not demonstrated a reasonable probability that, but for trial counsel's alleged errors, the result of the permanent custody proceedings would have been different, she has failed to establish ineffective assistance of counsel.

{¶58} Sedina's fourth assignment of error is overruled.

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

Judgment Affirmed

MILLER 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

Mark C. Miller, Judge

Juergen A. Waldick, Judge

DATED:
/hls