[Cite as *In re Adoption of B.L.F.*, 2021-Ohio-1926.]

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
ATHENS COUNTY

IN THE MATTER OF THE ADOPTION OF:	:	
	:	
B.L.F.	:	Case No. 20CA11
	:	
	:	
	:	DECISION AND JUDGMENT
	:	ENTRY
	:	
	:	

APPEARANCES:

Ryan Shepler, Logan, Ohio, for Intervenor-Appellant.

Smith, P. J.

{¶1} Appellant, the child's paternal grandmother, appeals the trial court's judgment that granted a petition to adopt the minor child. Appellant raises three assignments of error. Appellant first asserts that the trial court erred as a matter of law by allowing the adoption to proceed when the Petitioner, the child's stepfather, did not use an agency or an attorney to arrange the adoption. Appellant next claims that the trial court erred by accepting the biological father's consent to the adoption when the father's consent was based upon terminating his child support obligation. Appellant

further contends that the trial court erred by concluding that adoption is in the child's best interest.[1]

{¶2} Upon review, we do not find any merit to Appellant's assignments of error. Accordingly, we overrule Appellant's three assignments of error and affirm the trial court's judgment.

BACKGROUND

{¶3} J.B. ("Father") and J.F. ("Mother") are the child's biological parents but were never married. In October 2016, approximately four years after the child's birth, J.F. married M.F. ("Stepfather").

{¶4} Father exercised parenting time with the child until the child was around six years of age. At that time, Father stopped visiting the child.

{¶5} On February 19, 2020, Stepfather filed a petition to adopt the child. Father consented to the adoption.

{¶6} Appellant, the child's paternal grandmother, later filed a motion to intervene.

{¶7} On September 22, 2020, the trial court granted Appellant's motion to intervene and held an adoption hearing. The trial court asked Father whether anyone had forced him to consent. Father stated, "No." The court asked Father whether his decision to consent was of his "own free

[1] We observe that neither the Petitioner, M.F., nor the biological father, J.B., have entered an appearance in this appeal.

will," and Father stated, "Yes." Father also indicated that he understood that his decision to consent to the adoption would affect Appellant's relationship with the child. The court asked Father if he wished "to contest the adoption in anyway," and Father stated that he did not.

{¶8} Stepfather testified that he wished to adopt the child. Stepfather stated that the child does not remember Father, because it has been two or three years since the child saw Father. Father then interjected and confirmed that he has not seen the child in about two years. Father explained that the child "does not wish to be a part of our family. Does not wish to come and do anything with us. It is my belief that my mother has bought his love * * *."

{¶9} Father then testified that he believes granting the adoption is in the child's best interest. Father explained that the child "wants nothing to do with me and my family. The only contact that he's had with my mom is because it is court granted. If you can refer to the guardian ad litem's * * * notes I believe somewhere in them notes [sic] it did state that [the child] didn't even want to come to my mother's house and I think the only reason that he would want to go there is because she buys his love, like she did with me when I was a kid." Father continued to testify that he has a strained

relationship with Appellant and that he does not believe continued contact between Appellant and the child would benefit the child.

{¶10} Appellant testified that until Father stopped visiting the child, Appellant shared a "wonderful" relationship with the child. Appellant stated that before Father moved out of her house two or three years ago, Father had been exercising parenting time with the child at Appellant's house every other week and that she helped care for the child. Appellant further explained that she does not believe that the adoption is in the child's best interest because it would end the relationship that the child has with Appellant and her extended family. Appellant stated that the child enjoys visiting her and the extended family.

{¶11} On October 13, 2020, the trial court granted Stepfather's petition to adopt the child. The court first found that Father had consented to the adoption. The trial court noted: "The father filed his written consent and confirmed the consent in open court. In addition, the Court advised the father of the effect on his mother's rights and still consented and indicated it was his opinion that the adoption was in the best interest of the child." The court also found that Father voluntarily consented to the adoption.

{¶12} The court next considered the best-interest factors. With respect to the least detrimental alternative available, the court observed that

Father and Stepfather testified that granting the adoption would not negatively affect the child. The court also noted that both Father and Stepfather stated that the child's visits with Appellant are detrimental to the child. The court recognized that Appellant testified to the contrary and commented that Appellant "seemed to concentrate on how the adoption would affect her and her family and not the impact on the child." The court determined that this best-interest factor weighed in favor of granting the adoption.

{¶13} The court found the next two best-interest factors—the age and health and the wishes of the child—to be neutral. The court noted that the child is old enough to express his wishes, but none of the parties requested the court to conduct an in-camera interview.

{¶14} The court determined that the fourth best-interest factor—the duration of separation of the child from a parent—"strongly favors" granting the adoption. The court observed that the child has been separated from Father for several years.

{¶15} The court concluded that the fifth best-interest factor—whether adoption will allow the child to enter into a more stable and permanent family relationship—also favored granting the adoption. The court noted

that granting the adoption will not change the child's current placement, but it will legally establish the relationship that "has existed for years."

{¶16} The court found that the sixth best-interest factor—the likelihood of a safe reunification with a parent within a reasonable period of time—also weighed in favor of granting the adoption. The court commented that "[t]here is virtually no chance of reunification with the father."

{¶17} The court determined that the seventh best-interest factor—the importance of providing permanency, stability, and continuity of relationships for the child—to be neutral. The court found that granting the adoption will give the child permanency and stability but may discontinue the relationship with Father's relatives. The court noted that Mother stated that "under certain circumstances she would allow contact of the child with other paternal relatives." However, the court concluded that Mother "has zero credibility on this issue." The court nevertheless did not believe that this factor weighed against granting the adoption.

{¶18} The court found that the eighth best-interest factor—the child's interactions and interrelationships—also favored granting the adoption. The court noted that the child has a good relationship with Stepfather and his half-siblings, but "has no relationship with his father whatsoever."

{¶19} The court concluded that the ninth best-interest factor—the child's adjustment to the child's current home, school, and community—also favored granting the adoption. The court found that the child is well adjusted to the child's home, school, and community and that not granting the adoption would maintain the child in Mother's custody. The court indicated, however, that it "has great concern about not granting the adoption and mother's possible death. In that event the father would automatically be the custodian."

{¶20} The court did not find either of the remaining two best-interest factors relevant to the case.

{¶21} The court noted Appellant's concerns with the adoption yet it determined that granting the adoption is in the child's best interest.

{¶22} The court thus entered a final decree of adoption. This appeal followed.

ASSIGNMENTS OF ERROR

{¶23} Appellant raises three assignments of error.

I. THE TRIAL COURT ERRED IN GRANTING AN ADOPTION WHERE THE PETITIONER WAS UNREPRESENTED BY COUNSEL, IN VIOLATION OF R.C. 3107.011.

II. THE TRIAL COURT IMPROPERLY GRANTED A TRANSACTIONAL ADOPTION, BY WHICH THE PETITIONER IMPLICITLY OBTAINED

THE BIOLOGICAL FATHER'S CONSENT IN EXCHANGE FOR A TERMINATION OF HIS CHILD SUPPORT OBLIGATION.

III. THE TRIAL COURT ERRED IN DETERMINING THAT THE ADOPTION IS IN THE BEST INTEREST OF B.L.F.

FIRST ASSIGNMENT OF ERROR

{¶24} In her first assignment of error, Appellant asserts that the trial court erred as a matter of law by granting the adoption petition when the adoption petitioner, Stepfather, did not use an attorney to effectuate the adoption. Appellant argues that R.C. 3107.011(A) plainly requires a party seeking to adopt a child to use an attorney to arrange the adoption.

{¶25} We first observe that Appellant did not object to the lack of an attorney during the trial court proceedings at a time when the court could have corrected any error. As a general rule, appellate courts " ' will not consider any error which could have been brought to the trial court's attention, and hence avoided or otherwise corrected.' " *Cline v. Rogers Farm Ents., LLC*, 2017-Ohio-1379, 87 N.E.3d 637, ¶ 47 (4th Dist.), quoting *Schade v. Carnegie Body Co.*, 70 Ohio St.2d 207, 210, 436 N.E.2d 1001 (1982). "Thus, a party forfeits, and may not raise on appeal, any error that arises during trial court proceedings if that party fails to bring the error to the court's attention, by objection or otherwise, at a time when the trial

court could avoid or correct the error." *Id.*, citing *Goldfuss v. Davidson,* 79 Ohio St.3d 116, 121, 679 N.E.2d 1099 (1997), and *Stores Realty Co. v. City of Cleveland Bd. of Bldg. Standards and Bldg. Appeals,* 41 Ohio St.2d 41, 43, 322 N.E.2d 629 (1975).

{¶26} Moreover, parties may not raise any new issues or legal theories for the first time on appeal. *Stores Realty Co. v. Cleveland*, 41 Ohio St.2d 41, 43, 322 N.E.2d 629 (1975). Thus, a litigant who fails to raise an argument before the trial court forfeits the right to raise that issue on appeal. *Independence v. Office of the Cuyahoga Cty. Executive*, 142 Ohio St.3d 125, 2014-Ohio-4650, 28 N.E.3d 1182, ¶ 30 (stating that "an appellant generally may not raise an argument on appeal that the appellant has not raised in the lower courts"); *State v. Quarterman*, 140 Ohio St.3d 464, 2014-Ohio-4034, 19 N.E.3d 900, ¶ 21 (explaining that defendant forfeited his constitutional challenge by failing to raise it during trial court proceedings); *Gibson v. Meadow Gold Dairy*, 88 Ohio St.3d 201, 204, 724 N.E.2d 787 (2000) (concluding that party waived arguments for purposes of appeal when party failed to raise those arguments during trial court proceedings); *State ex rel. Gutierrez v. Trumbull Cty. Bd. of Elections*, 65 Ohio St.3d 175, 177, 602 N.E.2d 622 (1992) (explaining that an appellant cannot "present * * * new arguments for the first time on

appeal"); *accord State ex rel. Jeffers v. Athens Cty. Commrs.*, 4th Dist. Athens No. 15CA27, 2016-Ohio-8119, 2016 WL 7230928, fn.3 (stating that "[i]t is well-settled that failure to raise an argument in the trial court results in waiver of the argument for purposes of appeal"); *State v. Anderson*, 4th Dist. Washington No. 15CA28, 2016-Ohio-2704, 2016 WL 1643247, ¶ 24 (explaining that "arguments not presented in the trial court are deemed to be waived and may not be raised for the first time on appeal").

{¶27} Appellate courts may, however, consider a forfeited argument using a plain-error analysis. *See Risner v. Ohio Dept. of Nat. Resources, Ohio Div. of Wildlife*, 144 Ohio St.3d 278, 2015-Ohio-3731, 42 N.E.3d 718, ¶ 27 (stating that reviewing court has discretion to consider forfeited constitutional challenges); *see also Hill v. Urbana*, 79 Ohio St.3d 130, 133-34, 679 N.E.2d 1109 (1997), citing *In re M.D.*, 38 Ohio St.3d 149, 527 N.E.2d 286 (1988), syllabus (stating that "[e]ven where [forfeiture] is clear, [appellate] court[s] reserve[] the right to consider constitutional challenges to the application of statutes in specific cases of plain error or where the rights and interests involved may warrant it"). For the plain error doctrine to apply, the party claiming error must establish (1) that " 'an error, i.e., a deviation from a legal rule' " occurred, (2) that the error was " 'an "obvious" defect in the trial proceedings,' " and (3) that this obvious error affected

substantial rights, i.e., the error " 'must have affected the outcome of the trial.' " *State v. Rogers*, 143 Ohio St.3d 385, 2015-Ohio-2459, 38 N.E.3d 860, ¶ 22, quoting *State v. Barnes*, 94 Ohio St.3d 21, 27, 759 N.E.2d 1240 (2002); *Schade v. Carnegie Body Co.*, 70 Ohio St.2d 207, 209, 436 N.E.2d 1001, 1003 (1982) ("A 'plain error' is obvious and prejudicial although neither objected to nor affirmatively waived which, if permitted, would have a material adverse affect [sic] on the character and public confidence in judicial proceedings."). For an error to be "plain" or "obvious," the error must be plain " 'under current law.' " *Johnson v. United States*, 520 U.S. 461, 467, 468, 117 S.Ct. 1544, 137 L.Ed.2d 718 (1997), quoting *United States v. Olano*, 507 U.S. 725, 734, 113 S.Ct. 1770, 123 L.Ed.2d 508 (1993). *Accord Barnes, supra*, at 27; *State v. G.C.*, 10th Dist. Franklin No. 15AP-536, 2016-Ohio-717, ¶ 14. Thus, the error must be plain "at the time of appellate consideration." *Johnson* at 467.

{¶28} The plain error doctrine is not, however, readily invoked in civil cases. Instead, an appellate court "must proceed with the utmost caution" when applying the plain error doctrine in civil cases. *Goldfuss v. Davidson*, 79 Ohio St.3d 116, 121, 679 N.E.2d 1099 (1997). The Supreme Court of Ohio has set a "very high standard" for invoking the plain error doctrine in a civil case. *Perez v. Falls Financial, Inc.*, 87

Ohio St.3d 371, 721 N.E.2d 47 (2000). Thus, "the doctrine is sharply limited to the extremely rare case involving exceptional circumstances where error, to which no objection was made at the trial court, seriously affects the basic fairness, integrity, or public reputation of the judicial process, thereby challenging the legitimacy of the underlying judicial process itself." *Goldfuss*, 79 Ohio St.3d at 122, 679 N.E.2d 1099; *accord Gable v. Gates Mills*, 103 Ohio St.3d 449, 2004-Ohio-5719, 816 N.E.2d 1049, ¶ 43. Moreover, appellate courts " 'should be hesitant to decide [forfeited errors] for the reason that justice is far better served when it has the benefit of briefing, arguing, and lower court consideration before making a final determination.' " *Risner* at ¶ 28, quoting *Sizemore v. Smith*, 6 Ohio St.3d 330, 332, 453 N.E.2d 632 (1983), fn. 2; *accord Mark v. Mellott Mfg. Co., Inc.*, 106 Ohio App.3d 571, 589, 666 N.E.2d 631 (4th Dist.1995) ("Litigants must not be permitted to hold their arguments in reserve for appeal, thus evading the trial court process."). Additionally, "[t]he plain error doctrine should never be applied to reverse a civil judgment * * * to allow litigation of issues which could easily have been raised and determined in the initial trial." *Goldfuss*, 79 Ohio St.3d at 122, 679 N.E.2d 1099. Furthermore, we "ordinarily will not craft a plain-error argument for an appellant who fails to do so." *Eichenlaub v.*

Eichenlaub, 2018-Ohio-4060, 120 N.E.3d 380, ¶ 24 (4th Dist.); *accord Redmond v. Wade*, 4th Dist. Lawrence No. 16CA16, 2017-Ohio-2877, 2017 WL 2257731, ¶ 34, citing *State v. Quarterman*, 140 Ohio St.3d 464, 2014-Ohio-4034, 19 N.E.3d 900, ¶ 19, quoting *State v. Bodyke,* 126 Ohio St.3d 266, 2010-Ohio-2424, 933 N.E.2d 753, ¶ 78 (O'Donnell, J., concurring in part and dissenting in part), quoting *Carducci v. Regan,* 714 F.2d 171, 177 (D.C.Cir.1983) (stating that appellate courts "are not obligated to search the record or formulate legal arguments on behalf of the parties, because ' "appellate courts do not sit as self-directed boards of legal inquiry and research, but [preside] essentially as arbiters of legal questions presented and argued by the parties before them" ' ") *Coleman v. Coleman,* 9th Dist. Summit No. 27592, 2015-Ohio-2500, ¶ 9 (explaining that reviewing court will not craft plain error argument for an appellant who fails to raise one).

{¶29} In the case sub judice, Appellant has not argued that the trial court plainly erred by allowing the adoption to proceed without the use of an attorney to arrange the adoption. We therefore would be well within our discretion to overrule her first assignment of error on this basis alone. Regardless, after our review, we do not believe that any error the trial court may have made by allowing the adoption to proceed without an attorney

arranging the adoption affected the outcome of the proceeding or seriously affected the legitimacy of the underlying judicial process.

{¶30} R.C. 3107.011(A) states:

> A person seeking to adopt a minor shall utilize an agency or attorney to arrange the adoption. Only an agency or attorney may arrange an adoption. An attorney may not represent with regard to the adoption both the person seeking to adopt and the parent placing a child for adoption.

{¶31} One Ohio court considered this statute and concluded that the intent of the statute is "to prohibit individuals seeking to adopt from unduly influencing a person who is considering placing a child for adoption." *In re Adoption of Baby Doe*, 9th Dist. Summit No. 19279, 1999 WL 241379, *1. This court further noted that the statute "fails to specify what sanctions a court may impose upon a finding of a violation of the statute." *Id.*

{¶32} In the case sub judice, even if we agreed that the trial court obviously erred by allowing the adoption to proceed without Stepfather using an agency or attorney to arrange the adoption, Appellant has not established that any error affected the outcome of the proceeding. Appellant has not, for example, asserted that the absence of an agency or attorney allowed Stepfather to unduly influence Mother's decision to allow Stepfather to adopt the child or Father's decision to consent to the adoption.

Moreover, nothing in the record suggests that the absence of an agency or attorney to arrange the adoption seriously affected the integrity of the judicial proceedings. Consequently, Appellant cannot establish that the trial court plainly erred by allowing the adoption to proceed without arranging the adoption through an agency or attorney.

{¶33} Accordingly, based upon the foregoing reasons, we overrule Appellant's first assignment of error.

II

{¶34} In her second assignment of error, Appellant contends that the trial court erred by granting the adoption when Father's consent was based upon terminating his child support obligation. She asserts that Father's motivation for consenting to the adoption shows that the adoption is not in the child's best interest.

{¶35} We initially observe that Appellant did not cite any authority within her second assignment of error to support the argument that a parent who consents to an adoption on the basis of terminating the parent's child support obligation means that the consent is invalid or that the adoption is not in the child's best interest. The Ohio Rules of Appellate Procedure require an appellant's brief to include "[a]n argument containing the contentions of the appellant with respect to each assignment of error

presented for review and the reasons in support of the contentions, with citations to the authorities, statutes, and parts of the record on which appellant relies." App.R. 16(A)(7).

{¶36} Appellate courts possess discretion to disregard any assignment of error that fails to include citations to the authorities in support. *Robinette v. Bryant*, 4th Dist. Lawrence No. 14CA28, 2015–Ohio–119, 2015 WL 223007, ¶ 33; *State v. Adkins*, 4th Dist. Lawrence No. 13CA17, 2014-Ohio-3389, ¶ 34, citing *Frye v. Holzer Clinic, Inc.*, 4th Dist. Gallia No. 07CA4, 2008-Ohio-2194, ¶ 12; App.R. 12(A)(2). App.R. 12(A)(2) specifically allows appellate courts to disregard an assignment of error if an appellant fails to cite to any legal authority in support of an argument. *Hall v. Tucker*, 161 Ohio App.3d 245, 2005-Ohio-2674, 829 N.E.2d 1259, ¶ 49 (4th Dist.); *accord In re Application of Columbus S. Power Co.*, 129 Ohio St.3d 271, 2011-Ohio-2638, 951 N.E.2d 751, ¶ 14 (stating that failure to cite legal authority "is grounds alone to reject" argument).

{¶37} In the case at bar, Appellant has not cited any legal authority that would allow us to conclude that a parent's consent to adoption is invalid if the parent's motivation in consenting to the adoption is based upon terminating the parent's child support obligation. Moreover, we point out that R.C. 3107.081 specifies the procedure that a trial court should follow

when evaluating a parent's consent to an adoption. Appellant has not argued that the trial court failed to comply with any of the statutory procedures.

{¶38} Furthermore, even though Appellant believes that Father's consent was based upon an improper motive, the trial court made no such finding. Father never stated that he consented to the adoption solely to terminate his child support obligation. Instead, the record reflects that Appellant's attorney asked Father whether he understood that granting the adoption would terminate his support obligation. Father stated that he understood. Appellant's contrary interpretation of the record is based upon innuendo.

{¶39} Accordingly, based upon the foregoing reasons, we overrule Appellant's second assignment of error.

III

{¶40} In her third assignment of error, Appellant argues that the trial court erred by determining that adoption is in the child's best interest. She alleges that the court erred by concluding that Appellant failed to establish that the child's current placement is not the least detrimental alternative available. Appellant asserts that granting the adoption "effectively terminates [the child]'s relationship with half of his family without

substantially changing his relationship with his stepfather, which will remain regardless of whether the adoption is granted."

STANDARD OF REVIEW

{¶41} "[A]doption matters must be decided on a case-by-case basis through the able exercise of discretion by the trial court giving due consideration to all known factors in determining what is in the best interest of the person to be adopted." *In re Adoption of Charles B.*, 50 Ohio St.3d 88, 90, 552 N.E.2d 884 (1990). Consequently, a trial court enjoys considerable discretion in determining whether an adoption is in a child's best interest. *Id.* at 94. Thus, absent an abuse of discretion, a reviewing court may not reverse a trial court's decision concerning an adoption petition. An abuse of discretion implies more than an error of law or of judgment. Rather, an abuse of discretion suggests that the trial court acted in an unreasonable, arbitrary, or unconscionable manner. *In re Jane Doe I.*, 57 Ohio St.3d 135, 566 N.E.2d 1181 (1991); *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 450 N.E.2d 1140 (1983). As the court stated in *Huffman v. Hair Surgeon, Inc.,* 19 Ohio St. 3d 83, 87, 482 N.E.2d 1248 (1985):

> The term discretion itself involves the idea of choice, of an exercise of the will, of a determination made between competing considerations. In order to have an "abuse" in reaching such determination, the result must be so palpably and grossly violative of fact and logic that it evidences not the exercise of will but perversity of will,

> not the exercise of judgment but defiance thereof, not the exercise of reason but rather of passion or bias.

{¶42} Thus, an abuse of discretion will not be found when a reviewing court simply could maintain a different opinion were it deciding the issue de novo. Rather, to find an abuse of discretion, a reviewing court must determine that the trial court acted in an unreasonable, arbitrary, or unconscionable manner. *AAAA Enterprises, Inc. v. River Place Community Redevelopment Corp.*, 50 Ohio St.3d 157, 161, 553 N.E.2d 597, 601 (1990). Generally, "[a] decision is unreasonable if there is no sound reasoning process that would support that decision." *Id.*

LEGAL STANDARD FOR GRANTING AN ADOPTION

{¶43} R.C. 3107.14(C) allows a trial court to issue an adoption decree if the court finds that all required consents have been obtained or excused and that adoption is in the child's best interest. *See Charles B.,* 50 Ohio St.3d at 90, 552 N.E.2d 884 (stating that "[t]he polestar by which courts in Ohio * * * have been guided is the best interest of the child to be adopted").

{¶44} R.C. 3107.161(B) sets forth the factors a trial court must consider when determining whether an adoption is in a child's best interest. The statute provides:

(B) When a court makes a determination in a contested adoption concerning the best interest of a child, the court shall consider all relevant factors including, but not limited to, all of the following:

> (1) The least detrimental available alternative for safeguarding the child's growth and development;
> (2) The age and health of the child at the time the best interest determination is made and, if applicable, at the time the child was removed from the home;
> (3) The wishes of the child in any case in which the child's age and maturity makes this feasible;
> (4) The duration of the separation of the child from a parent;
> (5) Whether the child will be able to enter into a more stable and permanent family relationship, taking into account the conditions of the child's current placement, the likelihood of future placements, and the results of prior placements;
> (6) The likelihood of safe reunification with a parent within a reasonable period of time;
> (7) The importance of providing permanency, stability, and continuity of relationships for the child;
> (8) The child's interaction and interrelationship with the child's parents, siblings, and any other person who may significantly affect the child's best interest;
> (9) The child's adjustment to the child's current home, school, and community;
> (10) The mental and physical health of all persons involved in the situation;
> (11) Whether any person involved in the situation has been convicted of, pleaded guilty to, or accused of any criminal offense involving any act that resulted in a child being abused or neglected; whether the person, in a case in which a child has been adjudicated to be an abused or neglected child, has been determined to be the perpetrator of the abusive or neglectful act that is the basis of the

> adjudication; whether the person has been convicted of, pleaded guilty to, or accused of a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the person's family or household; and whether the person has been convicted of, pleaded guilty to, or accused of any offense involving a victim who at the time of the commission of the offense was a member of the person's family or household and caused physical harm to the victim in the commission of the offense.

{¶45} Under R.C. 3107.161(C), "[a] person who contests an adoption has the burden of providing the court material evidence needed to determine what is in the best interest of the child and must establish that the child's current placement is not the least detrimental available alternative." "[T]he least detrimental available alternative means the alternative that would have the least long-term negative impact on the child." R.C. 3107.161(A).

ANALYSIS

{¶46} In the case at bar, we are unable to conclude that the trial court abused its discretion by determining that granting the adoption is in the child's best interest. Appellant contends that severing the child's relationship with her and Father's extended family would not be the least detrimental alternative and that the trial court failed to consider the impact that granting the adoption would have on the child's relationship with her and Father's extended family. Appellant points out that she testified that the

child shares close relationships with many extended family members and that the child sees cousins when visiting her home. We note, however, that the trial court appeared to have some concern that Appellant's testimony primarily focused upon how granting the adoption would affect Appellant and her extended family and not upon whether granting the adoption would be in the child's best interest.

{¶48} Furthermore, after considering the totality of the best-interest factors, the trial court could have rationally determined that granting the adoption is in the child's best interest, even though it meant terminating the legal relationship between Appellant and the child.

{¶49} The evidence supports the court's finding that maintaining the child in his current placement with Mother, Stepfather, and siblings is the least detrimental alternative for safeguarding the child's growth and development. Father does not have a relationship with the child and consented to the adoption. The trial court had concerns that if it did not grant the adoption, then Father might be able to someday regain custody. The court recognized that granting the adoption would likely end the child's relationship with Appellant, but the court apparently believed that the child needed the permanency of a stable home with a legally-recognized father-

child relationship more than the child needed to maintain a relationship with Appellant.

{¶50} We further note that R.C. 3107.161(C) required Appellant to "establish that the child's current placement is not the least detrimental available alternative." Appellant failed to present any evidence to show that the child's current placement is not the least detrimental available alternative. Instead, Appellant's evidence focused upon the effect that granting the adoption would have on the child's relationship with Appellant and her extended family.

{¶51} The trial court found that several of the remaining best-interest factors were relatively neutral. For instance, none of the parties presented evidence that addressed the child's age or health, the child's wishes, or the parties' mental and physical health. Additionally, no evidence was presented that any of the parties had been convicted of a crime.

{¶52} The court determined that the remaining factors either favored or strongly favored granting the adoption. The court noted that the child had been separated from Father "for several years" and that this factor favored granting the adoption. The court also found that granting the adoption will recognize Stepfather as the child's legal father and will thus give the child a permanent family relationship with Stepfather. The court determined that

the child has "virtually no chance at reunification with the father." The court found that the child shares "a good relationship" with Stepfather and siblings.

{¶53} The court recognized that granting the adoption would likely discontinue the child's relationship with Appellant and her extended family. However, the court did not believe that the interest in maintaining the relationship with Appellant and her extended family was strong enough to establish that granting the adoption would run counter to the child's best interest.

{¶54} The court noted that the child is well-adjusted to his current environment and that not granting the adoption would continue the child in Mother's custody. The court expressed "great concern," however, that father could regain custody of the child in the event of Mother's death.

{¶55} After our review, we believe that the trial court appropriately exercised its discretion and formed its decision to grant the adoption petition based upon reasoned judgment and not upon capricious or arbitrary whim. Therefore, we disagree with Appellant that the trial court abused its discretion by granting the adoption petition.

{¶56} Though we sympathize with Appellant and other grandparents similarly situated, this Court must follow Ohio law and Supreme Court precedent.

{¶57} Accordingly, based upon the foregoing reasons we overrule Appellant's third assignment of error and affirm the trial court's judgment.

JUDGMENT AFFIRMED.

JUDGMENT ENTRY

It is ordered that the JUDGMENT BE AFFIRMED and costs be assessed to Appellant.

The Court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this Court directing the Athens County Common Pleas Court Probate Division to carry this judgment into execution.

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

Abele, J. and Wilkin, J., concur in Judgment and Opinion.

For the Court,

_____
Jason P. Smith
Presiding Judge

NOTICE TO COUNSEL

Pursuant to Local Rule No. 14, this document constitutes a final judgment entry and the time period for further appeal commences from the date of filing with the clerk.