

COURT OF APPEALS
STARK COUNTY, OHIO
FIFTH APPELLATE DISTRICT

IN THE MATTER OF: H.D.	:	JUDGES:
	:	Hon. William B. Hoffman, P.J.
	:	Hon. Robert G. Montgomery, J.
	:	Hon. Kevin W. Popham, J.
	:	
	:	
	:	Case No. 2025CA00029
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	:	
	:	<u>OPINION</u>

CHARACTER OF PROCEEDING:	Appeal from the Stark County Court of Common Pleas, Family Court Division, Case No. 2024JCV00600
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JUDGMENT:	Affirmed
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DATE OF JUDGMENT ENTRY:	July 7, 2025
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APPEARANCES:

For Plaintiff-Appellee

BRANDON WALTENBAUGH
SCDJFS
402 2nd St. S.E.
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For Defendant-Appellant

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Popham, J.,

{¶1} Mother appeals the March 3, 2025, judgment entry of the Stark County Court of Common Pleas, Family Court Division, terminating her parental rights and granting permanent custody of H.D. to Stark County Job and Family Services (“SCJFS”). For the reasons that follow, we affirm.

Facts & Procedural History

{¶2} J.R. is the mother (“Mother”) of H.D., who was born on December 4, 2023. B.D. is the father (“Father”) of H.D. SCJFS received information that Mother tested positive for cocaine at three separate prenatal appointments and H.D. was born suffering from neonatal abstinence syndrome (drug withdrawal syndrome). SCJFS initially filed a complaint on December 7, 2023. However, the case was dismissed and refiled twice due to service issues. The current case was initiated upon the filing of an abuse, dependency, and neglect complaint by SCJFS on May 31, 2024.

{¶3} The complaint alleged, in part, as follows: Mother lost custody of two children in 2015 due to substance abuse and lack of ability to provide for their basic needs; Mother lost custody of her third child in 2022 after the child tested positive for cocaine and opiates when he was born; during the 2022 case, Mother tested positive for multiple substances including methamphetamines, cocaine, and fentanyl; Mother tested positive for cocaine on June 25, 2023, August 3, 2023, and September 27, 2023, while she was pregnant with H.D., and after H.D.’s birth on December 18, 2023; Mother reported to the caseworker that she had been sober for three years, however Mother refused to submit to a drug screen; H.D. was in the NICU due to low birth weight and possible drug withdrawal; H.D. was prescribed morphine and clonidine to address her

drug withdrawal symptoms; Mother has an extensive criminal history in Stark County (OVI, driving under suspension, petty theft, obstructing official business, criminal trespass, unauthorized use of a vehicle, theft, possession of criminal tools, possession of cocaine, possession of drug abuse instruments); On May 3, 2024, Mother was pulled over after a traffic stop in Carroll County, and the officers found cocaine, methamphetamines, a crack pipe, and syringes; Father's other children were placed in the legal custody of their paternal grandparent when Father did not complete any case plan services; Father has a criminal history; and, on April 30, 2024, a motion to revoke Father's bond was filed alleging Father tested positive for cocaine, fentanyl, methamphetamines, and amphetamines.

{¶4} On May 31, 2024, the trial court held a shelter care hearing and placed H.D. in the temporary custody of SCJFS. On June 6, 2024, the magistrate held a review hearing. The magistrate noted in her entry that neither Mother nor Father had completed a substance abuse assessment, Father tested positive for cocaine, neither parent started the parenting evaluation, visits with Mother had gone well, and Mother needed to sign releases, comply with CommQuest, and participate in color code random drug screening. The trial court also adopted and approved the case plan packet.

{¶5} On August 22, 2024, the magistrate held an adjudicatory hearing. Neither Mother nor Father appeared at the hearing. The magistrate heard evidence. In an August 26, 2024, judgment entry, the trial court found H.D. was a dependent child. Further, the trial court found SCJFS took reasonable efforts to prevent removal of the child.

{¶6} On November 4, 2024, SCJFS filed a motion for permanent custody of H.D. The motion outlined the issues remaining with Mother and Father, including: Mother lost

custody of three previous children; Father lost custody of prior children; neither parent completed a parenting assessment; Father did not engage in any substance abuse treatment and refused to submit to drug screens; Mother reported she was completing an online substance abuse program but refused to provide records to the caseworker; Mother refused to comply with the color code random drug testing system; Mother tested positive for oxycodone on January 2, 2024 and negative for drugs on April 16, 2024; the caseworker had no contact with Mother for approximately two months despite many attempts; neither parent had any contact with H.D. in over ninety days; and, on September 4, 2024, Mother was indicted in Carroll County on several drug-related charges.

{¶7} On February 26, 2025, the trial court conducted a trial on SCJFS' motion for permanent custody. The following testimony was adduced at the February 26th trial.

{¶8} Arwen John ("John") is the caseworker assigned to H.D. John testified the initial concerns that led to the filing of the complaint were Mother's previous history with SCJFS, Mother's losing custody of three children, Mother's frequent incarceration, Mother testing positive for cocaine when H.D. was born, and H.D. exhibiting symptoms of drug withdrawal at birth.

{¶9} John testified to Mother's case plan and her progress on the case plan. Mother's case plan objectives included completing a parenting assessment with Lighthouse, completing a substance abuse assessment with CommQuest, completing color code (random drug screening) and any other drug screening when asked, and substance abuse treatment. SCJFS went over Mother's case plan with her, and, at the last review hearing, John specifically went over the case plan requirements with Mother again. John testified that Mother did not complete a parenting assessment or a substance

abuse assessment. John obtained some old records for Mother from an online substance treatment center demonstrating Mother tested negative for drugs in April of 2024, but tested positive in December of 2023. However, Mother provided no recent records. Mother did not complete the random drug screens through the color code system. John asked Mother several times throughout the case either at visitation or during court hearings to submit to a drug screen and Mother refused every time.

{¶10} John testified that Mother showed up to visits when H.D. was placed with a foster family in Ohio. However, once H.D. was moved to a kinship provider in New York in August of 2024, Mother stopped all contact with H.D. John suggested Mother participate in video visits with H.D., but Mother did not take advantage of any video visits and would not return John's phone calls. At that point, John was unable to reach Mother by phone or at unannounced home visits. John recently discovered Mother is in prison until May of 2025 on drug-related charges. Mother last visited with H.D. in August of 2024. Thus, Mother has gone a period of over ninety (90) days without seeing or contacting H.D. John testified Mother is unable to provide care for H.D. and is unable to provide an adequate permanent home for H.D. Further, Mother has not remedied the conditions that caused H.D. to be placed outside the home. John testified that SCJFS has made reasonable efforts to finalize a permanency plan for H.D.

{¶11} John also testified to the following exhibits: a certified copy of a judgment entry from Stark County Family Court placing two of Mother's previous children in the legal custody of their grandparent; a certified copy of a judgment entry from Stark County Family Court placing one of Mother's previous children in the permanent custody of SCJFS; a certified copy of a judgment entry from Stark County Family Court placing

Father's previous four children in the legal custody of a family member in 2022; a certified copy showing Mother's current conviction for possession of cocaine; and a certified copy of a document showing Father's previous convictions. The exhibits were admitted into evidence without objection.

{¶12} On cross-examination, John testified that H.D. tested positive for amphetamines and methamphetamines at birth. Mother told SCJFS that H.D. tested positive because Mother was on suboxone. Mother did sign a records release for the online substance treatment program she was completing; however, the center did not send John any recent records. John explained this was why the case plan specifically required Mother to complete an assessment through CommQuest - because SCJFS was having a difficult time getting records from the online treatment center. John confirmed Mother tested positive for cocaine in December of 2023, tested positive for oxycodone in January of 2024, and had a negative drug screen in April of 2024. John was not able to view the inside of Mother's home because, when visitation was attempted, Mother was either not home or did not answer the door.

{¶13} John also testified during the best interest portion of the trial. H.D. is doing well and is developmentally on target. H.D. is currently placed in a kinship home in New York. H.D.'s biological brother was adopted by the family. John took H.D. to New York and observed the home. The home was clean and appropriate. Mother did visit H.D. regularly before H.D. was moved to New York. John noted that, at these visits, Mother was accompanied by her mother, who would instruct her what to do with the baby – H.D. However, Mother did not participate in any video visits that were offered after H.D.'s move to New York. John testified that while there is a bond between H.D. and Mother, any

damage that occurs, as a result of severing the bond, is outweighed by the benefits of permanency.

{¶14} John testified that it is in the best interest of H.D. for the trial court to grant permanent custody to the agency so H.D. can have permanency and stability. H.D. is in a loving home with her brother.

{¶15} The guardian ad litem (“GAL”) stated he filed his report, and there are no additional facts he learned at the trial that would change his opinion that it is in the best interest of H.D. for the agency’s motion for permanent custody to be granted.

{¶16} On March 3, 2025, the trial court issued a judgment entry containing findings of fact and conclusions of law. The trial court found both Mother and Father abandoned the child; 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 parents have failed continuously and repeatedly to substantially remedy the conditions causing the child to be placed outside the home; chronic chemical dependency of both Mother and Father is so severe they are unable to provide an adequate permanent home for the child; Mother and Father have demonstrated a lack of commitment toward the child by failing to regularly support, visit, or communicate with the child; and Mother has had parental rights involuntarily terminated with respect to a sibling of H.D. Accordingly, the trial court found, by clear and convincing evidence, that H.D. cannot be placed with either parent within a reasonable time and should not be placed with either parent. Further, pursuant to R.C. 2151.414(E)(11), Mother has failed to provide clear and convincing evidence to prove that, notwithstanding the prior termination, she can provide a legally secure placement and adequate care for the health, welfare,

and safety of the child. The trial court found it is in the best interest of H.D. for permanent custody to be granted to SCJFS and any harm caused by severing the bond with Mother is outweighed by the benefits of permanency.

{¶17} Mother appeals the March 3, 2025, judgment entry of the Stark County Court of Common Pleas, Family Court Division, and assigns the following as error:

{¶18} “I. THE TRIAL COURT ERRED IN GRANTING PERMANENT CUSTODY TO THE STARK COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES (SCJFS) AS SCJFS FAILED TO SHOW BY CLEAR AND CONVINCING EVIDENCE THAT GROUNDS EXISTED FOR PERMANENT CUSTODY AND SUCH DECISION WAS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE.”

{¶19} “II. THE TRIAL COURT ERRED IN GRANTING PERMANENT CUSTODY TO STARK COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES AS SCJFS FAILED TO SHOW BY CLEAR AND CONVINCING EVIDENCE THAT IT IS IN THE BEST INTERESTS OF THE MINOR CHILD TO GRANT PERMANENT CUSTODY AND SUCH DECISION WAS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE.”

Permanent Custody

{¶20} “[T]he right to raise a child is an ‘essential’ and ‘basic’ civil right.” *In re Murray*, 52 Ohio St.3d 155, 157 (1990), quoting *Stanley v. Illinois*, 405 U.S. 645 (1972). An award of permanent custody must be based on clear and convincing evidence. R.C. 2151.414(B)(1).

{¶21} Clear and convincing evidence is that evidence “which will provide 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, 477 (1954). “Where the degree of proof required to

sustain an issue must be clear and convincing, a reviewing court will examine the record to determine whether the trier of facts had sufficient evidence before it to satisfy the requisite degree of proof.” *Id.* If some competent and credible evidence going to all the essential elements of the case supports the trial court’s judgment, an appellate court must affirm the judgment and not substitute its judgment for that of the trial court. *C.E. Morris Co. v. Foley Constr. Co.*, 54 Ohio St.2d 279 (1978).

{¶22} Issues relating to the credibility of witnesses and the weight to be given to the evidence are primarily for the trier of fact. *Seasons Coal Co., Inc., v. Cleveland*, 10 Ohio St.3d 77 (1984). Deferring to the trial court on matters of credibility is “crucial in a child custody case, where there may be much evident in the parties’ demeanor and attitude that does not translate to the record well.” *Davis v. Flickinger*, 77 Ohio St.3d 415, 419 (1997).

{¶23} R.C. 2151.414 sets forth guidelines a trial court must follow when deciding a motion for permanent custody. R.C. 2151.414(A)(1) mandates the trial court schedule a hearing and provide notice of the filing of a motion for permanent custody of a child by a public children services agency.

{¶24} Following the hearing, R.C. 2151.414(B) authorizes the trial court to grant permanent custody of the child to the public or private agency if the court determines, by clear and convincing evidence, it is in the best interest of the child to grant permanent custody to the agency, 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 or private child placing 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; (b) the child is abandoned; (c) the child is orphaned and there are no relatives of the child who are able to take permanent custody; (d) the child has been in the temporary custody of one or more public children services agencies or private child placement agencies for twelve or more months of a consecutive twenty-two month period; or (e) the child or another child in the custody of the parent or parents from whose custody the child has been removed has been adjudicated an abused, neglected, or dependent child on three separate occasions by any court in this state or another state.

{¶25} Therefore, R.C. 2151.414(B) establishes a two-pronged analysis the trial court must apply when ruling on a motion for permanent custody. In practice, a trial court will usually determine whether one of the circumstances delineated in R.C. 2151.414(B)(1)(a) through (e) is present before proceeding to a determination regarding the best interest of the child. In this case, as to Mother, the trial court made a finding pursuant to R.C. 2151.414(B)(1)(a) (reasonable time).

Manifest Weight

{¶26} In both of her assignments of error, Mother argues the trial court's decision was against the manifest weight of the evidence. The standard of review for manifest weight in a civil case is identical to the standard in a criminal case: a reviewing court is to examine the entire record, weigh the evidence and all reasonable inferences, consider the credibility of witnesses and determine "whether in resolving conflicts in evidence, the jury [or finder of fact] clearly lost its way and created such a manifest miscarriage of justice that the conviction [or decision] must be reversed and a new trial ordered." *State v. Thompkins*, 78 Ohio St.3d 380, 387 (1997).

{¶27} Because the finder of fact is in the best position to weigh the credibility of the witnesses and observe their demeanor, a reviewing court will always be mindful of the presumption in favor of the trial court's factual findings. *Eastley v. Volkman*, 2012-Ohio-2179.

I.

{¶28} In her first assignment of error, Mother contends the trial court's determination that H.D. could not or should not be placed with Mother in a reasonable time to be against the manifest weight of the evidence.

{¶29} Pursuant to R.C. 2151.414(E), the trial court must consider all relevant evidence before determining the child cannot be placed with either parent within a reasonable time or should not be placed with either parent. The statute also specifically provides that if the trial court determines, by clear and convincing evidence, at a hearing that one or more of the factors listed in (1)-(15) exist, 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. The existence of one factor alone will support a finding that the child cannot be placed with the parent within a reasonable time. See *In re William S.*, 75 Ohio St.3d 95 (1996). The trial judge in this case relied on five of these factors: R.C. 2151.414(E)(1), (2), (4), (10), and (11).

{¶30} R.C. 2151.414(E)(1) applies when "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 making such a determination, "the court shall

consider parental utilization of medical, psychiatric, psychological, and other social 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.” *Id.* R.C. 2151.414(E)(2) applies when “[c]hronic ... chemical dependency of the parent that is so severe that it makes the parent unable to provide an adequate permanent home for the child.” R.C. 2151.414(E)(4) applies when “[t]he parent has demonstrated a lack of commitment toward the child by failing to regularly support, visit, or communicate with the child when able to do so, or by other actions showing an unwillingness to provide an adequate permanent home for the child.” R.C. 2151.414(E)(10) applies when “[t]he parent has abandoned the child.” R.C. 2151.414(E)(11) applies when “[t]he parent has had parental rights involuntarily terminated with respect to a sibling of the child ... and the parent failed to provide clear and convincing evidence to prove that, notwithstanding the prior termination, the parent can provide a legally secure placement and adequate care for the health, welfare, and safety of the child.

R.C. 2151.414(E)(1) and (E)(2)

{¶31} We find clear and convincing evidence in the record that R.C. 2151.414(E)(1) and (E)(2) apply. Mother failed to substantially remedy her drug addiction – the condition that caused H.D. to be removed from her care – and Mother, because of that chemical dependency, is unable to provide an adequate permanent home for H.D.

{¶32} SCJFS provided Mother with a case plan that outlined the steps she needed to complete to be reunited with H.D. and provided the means for Mother to complete the case plan, including the use of random drug screens, and the specific requirement that Mother complete an assessment at CommQuest so SCJFS could obtain the records

necessary to an evaluation of Mother's substance abuse status. Despite this, Mother did not make any significant progress. In fact, in September of 2024, Mother was indicted in Carroll County on various charges, including possession of cocaine, stemming from an incident that occurred on May 3, 2024. Mother fell out of contact with SCJFS for several months, despite John's efforts to contact her. At the time of the trial, Mother had not successfully completed any drug-treatment program or demonstrated any significant periods of sobriety.

{¶33} Though Mother argues she "substantially completed her case plan" via treatment and drug tests at the online treatment center Boulder Care, SCJFS was unable to verify such treatment or drug screens. John explained that this lack of access to records is why the case plan specifically required Mother to complete the substance abuse assessment through CommQuest so SCJFS would have access to the records. It is undisputed that Mother failed to complete the substance abuse assessment at CommQuest. Additionally, Mother had the opportunity to demonstrate to SCJFS that she was drug-free via the random drug screen color code system. However, the undisputed testimony is that Mother did not participate in any random drug screens through the color code program. Further, John specifically asked Mother to complete drug screens at review hearings and visits. Mother refused. It is also undisputed that Mother failed to complete the parenting assessment and failed to contact the caseworker to schedule a time for the caseworker to view her home. Mother's actions do not constitute "substantial compliance" with her case plan.

{¶34} Further, this Court has recognized that even where a parent has participated in his or her case plan and completed most, or all, of the plan requirements,

a trial court may still properly determine that such parent has not substantially remedied the problems leading to agency involvement. *In the Matter of L.D.*, 2018-Ohio-3380 (5th Dist.). A parent's successful completion of the terms of a case plan is not dispositive on the issue of reunification, as the ultimate question under R.C. 2151.414 is whether the parent has substantially remedied the conditions that caused the child's removal. *In re A.R.*, 2023-Ohio-1359 (5th Dist.). As detailed above, Mother has not substantially remedied the conditions that caused H.D.'s removal from the home.

{¶35} We find clear and convincing evidence was presented to the trial court that H.D. could not be placed with Mother within a reasonable period of time and should not be placed with Mother, because she did not remedy the conditions that caused H.D.'s initial removal, and Mother could not provide a permanent home for H.D.

R.C. 2151.414(E)(4) and (E)(10)

{¶36} We also find clear and convincing evidence in the record that Mother demonstrated a lack of commitment to H.D. by failing to regularly support or visit her. We further agree with the trial court's determination that Mother abandoned H.D.

{¶37} Mother asserts "the child has not been abandoned" by her and cites her visitation with H.D. prior to the move to New York as evidence that she did not abandon H.D. However, a child is presumed to be abandoned when the child's parent "ha[s] failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parent resumes contact with the child after that period of ninety days." R.C. 2151.011(C). John testified that, despite being offered video visits with H.D., Mother did not visit or have any contact with H.D. from August of 2024 to February of 2025. Mother presented no testimony or evidence to dispute John's testimony. John testified that

Mother was specifically informed about the video visits, and did not know why Mother would not participate in the video visits. The trial court had clear and convincing evidence that H.D. was presumptively abandoned and had no reason to conclude the presumption was rebutted. Incarceration does not rebut the presumption of abandonment. *In re Wright*, 2004-Ohio-1094, ¶ 18 (5th Dist.).

R.C. 2151.414(E)(11)

{¶38} The trial court determined Mother had parental rights involuntarily terminated with respect to a sibling of H.D. and Mother failed to provide clear and convincing evidence to prove that, notwithstanding the prior termination, Mother can provide a legally secure placement and adequate care for the health, welfare, and safety of H.D.

{¶39} SCJFS provided unrebutted evidence that a sibling of H.D. was placed in the permanent custody of SCJFS. Mother's parental rights involving an older sibling of H.D. were permanently terminated in 2022 because of similar circumstances and Mother's drug use, as the child in the 2022 case tested positive for cocaine at birth and spent time in the NICU for withdrawal. The facts in this case demonstrate Mother's continued inability to remedy her drug addiction after she lost permanent custody of her older child in 2022. Additionally, Mother's failure to start or complete the parenting assessment and complete, or even begin, the required substance abuse assessment at CommQuest demonstrates Mother's failure to provide clear and convincing evidence that she can provide a legally secure placement for H.D. We find no error in the trial court's determination.

{¶40} We find the trial court did not clearly lose its way or create a manifest miscarriage of justice such that the decision must be reversed and a new trial ordered when it determined H.D. cannot be placed with Mother within a reasonable time or should not be placed with Mother. Mother's first assignment of error is overruled.

II.

{¶41} In her second assignment of error, Mother contends the trial court's determination that the best interest of the child would be served by granting permanent custody to SCJFS was against the manifest weight of the evidence. Mother cites to the fact that she regularly visited with H.D. prior to the move to New York and the testimony by John that there is a bond between Mother and H.D.

{¶42} We have frequently noted, "[t]he discretion which the juvenile court enjoys in determining whether an order of permanent custody is in the best interest of the child should be accorded the utmost respect, given the nature of the proceeding and the impact that court's determination will have on the lives of the parties concerned." *In re Mauzy Children*, 2000 WL 1700073, * 3 (5th Dist. November 13, 2000), citing *In re Awkal*, 95 Ohio App.3d 309, 316 (8th Dist. 1994).

{¶43} In determining the best interest of the child at a permanent custody hearing, R.C. 2151.414(D) mandates the trial court must consider all relevant factors, including, but not limited to the following: (1) the interaction and interrelationship of the child with the child's parents, siblings, relatives, foster parents, and out-of-home providers, and any other person who may significantly affect the child; (2) 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; (3) the custodial history of the child; (4) the child's need for a

legally secure placement and whether that type of placement can be achieved without a grant of permanent custody; and (5) whether any of the factors in divisions (E)(7) to (11) of this section apply in relation to the parents and child.

{¶44} The trial court must consider all of the elements in R.C. 2151.414(D), as well as other relevant factors. There is not one element that is given greater weight than the others pursuant to the statute. *In re Schaefer*, 2006-Ohio-5513. *In re Schaefer* made it clear that a trial court's statutory duty, when determining whether it is in the best interest of a child to grant permanent custody to an agency, does not include finding by clear and convincing evidence that no suitable relative was available for placement. *Id.* R.C. 2151.414 "requires the court to find the best option for the child once a determination has been made pursuant to R.C. 2151.414(B)(1)(a) through (d). The statute does not make the availability of a placement that would not require a termination of parental rights an all-controlling factor. The statute does not even require the trial court to weigh that factor more heavily than others." *Id.* at ¶ 64.

{¶45} The focus on the "best interest" determination is upon the child, not the parent, as R.C. 2151.414(C) specifically prohibits the trial court from considering the effect a grant of permanent custody would have upon the parents. *In re Awkal*, 95 Ohio App.3d 309, 316 (8th Dist. 1994).

{¶46} We find the trial court did not commit error in finding that granting permanent custody to SCJFS is in the best interest of the child.

{¶47} John testified it is in the best interest of H.D. for permanent custody to be granted to SCJFS. H.D. is happy at her current foster home and is bonded to the family. H.D. is living with her biological sibling, and the family is interested in adoption. The GAL

also stated in his report that it is in the best interest of H.D. for permanent custody to be granted to SCJFS. While John testified there is a bond between Mother and H.D., John also testified that any damage that would occur from severing that bond between them would be outweighed by the benefits of permanency.

{¶48} We find the trial court properly considered and weighed the factors in R.C. 2151.414(D) and the trial court's conclusion that the granting of permanent custody to SCJFS is in the best interest of the child is supported by competent and credible evidence. Further, the trial court did not lose its way and create a manifest miscarriage of justice such that the decision must be reversed and a new trial ordered. Mother's second assignment of error is overruled.

{¶49} Based on the foregoing, Mother's assignments of error are overruled. The March 3, 2025, judgment entry of the Stark County Court of Common Pleas, Family Court Division, is affirmed.

By Popham, J.,

Hoffman, P.J., and

Montgomery, J., concur