

IN THE OHIO COURT OF APPEALS
FIFTH APPELLATE DISTRICT
STARK COUNTY, OHIO

IN THE MATTER OF: K.S.
(DOB 12-19-24)

(Alyissa B., Appellant)

Case No. 2026CA00052

Opinion & Judgment Entry

Appeal from the Court of Common Pleas
of Stark County, Juvenile Division,
Case No. 2024JCV01469

Judgment: Affirmed

Date of Judgment: August 17, 2026

BEFORE: William B. Hoffman, Kevin W. Popham, and David M. Gormley, Judges

APPEARANCES: Richard D. Hixson (Micheli, Baldwin, Mortimer, McLendon, & Whitacre LLP), Zanesville, Ohio, for Appellant Alyissa B. (the child’s mother); Brandon J. Waltenbaugh, Canton, Ohio, for Appellee Stark County Job and Family Services

Gormley, J.

{¶1} Appellant Alyissa B. challenges a trial-court judgment awarding permanent custody of her son, K.S., to Stark County Job and Family Services (the “Agency”). Alyissa contests the trial court’s finding that K.S. cannot be returned to her within a reasonable time or should not be returned to her, and she argues, too, that the trial court erred by concluding that an award of permanent custody to the Agency is in K.S.’s best interest. Because we see no error in the trial court’s ruling, we affirm the judgment.

The Key Facts

K.S.’s Birth and Removal

{¶2} Alyissa in December 2024 gave birth to K.S. at home, having received no prenatal care and — according to what she told the Agency’s investigator — having learned

that she was pregnant just two weeks earlier. A drug test administered to the baby soon after he was born showed the presence of amphetamines, fentanyl, and cocaine.

{¶3} The Agency immediately put an at-home safety plan in place under which a maternal aunt — who lived in the other half of the duplex where Alyissa lived — would supervise all contact between the child and his parents. That plan collapsed within days when a caseworker from the Agency made a home visit and found the baby with Alyissa and the child’s purported father while the aunt was nowhere to be seen.

{¶4} Next, the Agency — when baby K.S. was just four days old — filed a complaint with the trial court, alleging that K.S. was a dependent, neglected, or abused child. The trial court promptly granted emergency temporary custody of K.S. to the Agency, and in that temporary-custody order, the trial court directed Alyissa to not only complete a parenting assessment but also follow any resulting recommendations. That same order also imposed drug-treatment and drug-testing obligations on Alyissa, and she was directed as well to initiate proceedings to establish the child’s paternity. At a shelter-care hearing on Christmas Eve 2024, Alyissa appeared with counsel and agreed that the Agency’s complaint for temporary custody was properly supported by probable cause.

Temporary Custody and the Case Plan

{¶5} The following month, the trial court adjudicated K.S. an abused child and placed him in the Agency’s temporary custody. That court also approved and adopted the Agency’s case plan, which called for Alyissa to complete a parenting assessment and follow all recommendations from it, complete a substance-use assessment and follow any recommendations from that one too, and submit to random drug testing. The child was then

placed in a licensed foster home, where he remained throughout the time when the custody issue remained unresolved in the trial court.

{¶6} At a six-month review hearing in July 2025, the trial court found that the child's paternity had been established, but Alyissa had completed neither of her two assessments and was continually testing positive for illegal-drug usage.

Alyissa's Criminal Charges and Her Belated Engagement with Services

{¶7} Alyissa stopped appearing for drug tests in August 2025, and her final test that month pointed to recent usage of numerous drugs. She was arrested weeks later for suspected drug possession, and she was subsequently indicted on multiple drug-related charges. Alyissa remained in the county jail in Stark County from late-September 2025 until November 20, 2025.

{¶8} The Agency filed a request for permanent custody of K.S. in that latter month. That month, too, Alyissa was accepted into a drug-court diversion program for persons facing criminal charges in Stark County, and she also completed the kind of substance-use assessment that she had been ordered to complete several months earlier.

{¶9} At a November 2025 hearing, the trial court found that Alyissa still had not completed a parenting assessment, that she was still not cooperating with drug testing, and that she had appeared at a few child visits while under the influence of a drug.

{¶10} In December 2025, Alyissa pled guilty to four felony drug-related charges. Sentencing in the criminal case was stayed, and Alyissa was then ordered to complete a drug-court treatment program. In the weeks that followed, Alyissa attended three appointments at her treatment provider, but she also tested positive for the use of fentanyl and a potent veterinary sedative later that month.

{¶11} Alyissa attended her final parenting-assessment appointment in January 2026, nearly 13 months after she had first been ordered to participate in that kind of evaluation. No assessment report had been produced by the time of the permanent-custody hearing in February 2026, so no one could say at that point what parenting-related services might have been warranted for her.

{¶12} Alyissa was arrested in mid-January 2026 for an alleged violation of her supervision conditions in her criminal case when her supervising officer found drug-seeking text messages on Alyissa's phone as well as evidence that she had been communicating with persons whom she had been barred by the court from contacting. After a brief stay in the county jail, Alyissa was released into a residential-treatment program.

The Permanent-Custody Hearing

{¶13} Three witnesses testified at the February 2026 permanent-custody hearing: Jasmine Rey (the Agency caseworker tasked with ensuring K.S.'s wellbeing) testified for the Agency, while Douglas Brown (a supervisor for the criminal-case diversion program) and Angela Pritchard (a peer-recovery specialist at the residential-treatment facility where Alyissa was then receiving services) both testified at Alyissa's request. Alyissa herself did not testify, and she presented no evidence during the best-interest phase of the hearing.

{¶14} Rey testified that drug tests taken by Alyissa at various times since K.S.'s birth 14 months earlier pointed to excessively high usage levels by Alyissa of methamphetamine, cocaine, fentanyl, alcohol, and the animal tranquilizers xylazine and medetomidine. Rey also testified that Alyissa's visits with K.S. had been appropriate but that several of those visits had been halted because Alyissa appeared to be under the influence of psychoactive drugs at the time. Rey's testimony also indicated that Alyissa has developed appropriate bonds with K.S.

and suffers from no known cognitive limitations that might impair her ability to parent a child. Even so, Rey testified at the permanent-custody hearing that Alyissa's ongoing drug usage, her limited progress in accessing and pursuing available social services, and some special medical needs of K.S. had led Rey to conclude that Alyissa would not be able to complete the case plan or achieve reunification goals within the succeeding six-month period.

{¶15} Brown — the diversion-program supervisor — testified that the program is, in the best case, a roughly 12-month (and sometimes a nearly 24-month) endeavor marked by several weeks of intensive outpatient treatment, several months of standard outpatient treatment, and then six to seven months of aftercare. Brown noted that positive drug tests are not uncommon for participants new to the program, and he testified that Alyissa had been sanctioned with 20 hours of community service after testing positive for fentanyl usage. Alyissa was still in the earliest stages of the program when Brown provided testimony for her at the permanent-custody hearing.

{¶16} Pritchard — the treatment-facility peer-recovery specialist — testified that Alyissa had attended all scheduled programming at the facility, though Alyissa had at that point been a resident of the facility for just one week.

{¶17} The guardian ad litem for K.S. provided input as well, presenting the trial court with a written report recommending that permanent custody be granted to the Agency.

{¶18} Just days after the permanent-custody hearing in February 2026, the trial court issued its factual findings and legal conclusions. The judge, applying standards found in R.C. 2151.414(E)(1), determined that Alyissa had failed continuously and repeatedly to substantially remedy the conditions that had led to the temporary placement of K.S. with the Agency. Then turning to the provisions addressed by R.C. 2151.414(B)(1)(a), the trial judge

wrote that K.S. could not be placed with his mother within a reasonable time or should not be placed with her and that a grant of permanent custody to the Agency would be in K.S.'s best interest. (The judge also found that the child's father, who was then in prison, had abandoned K.S. and had taken no steps to remedy the conditions that had led to the child's removal.) The father has not challenged the trial court's award of permanent custody, but Alyissa now appeals.

The Trial Court Did Not Err When It Terminated Alyissa's Parental Rights

{¶19} In her first assignment of error, Alyissa argues that the trial court erred by finding that K.S. could not be placed with her within a reasonable time or should not be placed with her. In a second assignment of error, Alyissa challenges the trial court's best-interest determination.

{¶20} A permanent termination of parental rights has been described as the family-law equivalent of the death penalty, and we have expressed the view that parents facing such a termination must be afforded every available legal protection. *In re L.A.*, 2024-Ohio-3436, ¶ 42 (5th Dist.).

{¶21} The Supreme Court has explained that the appropriate appellate standard of review of a trial court's permanent-custody decision is the manifest-weight standard or a sufficiency-of-the-evidence standard (or both), depending on the nature of the arguments presented by the parties. *In re Z.C.*, 2023-Ohio-4703, ¶ 11. Though the two are often lumped together in a single argument, as they are here, those concepts are different. *Id.* at ¶ 13.

{¶22} For manifest-weight review, an appellate court must "weigh the evidence and all reasonable inferences, consider the credibility of the witnesses, and determine whether, in resolving conflicts in the evidence, the finder of fact clearly lost its way and created such a

manifest miscarriage of justice that the judgment must be reversed and a new trial ordered.”
Id. at ¶ 14.

{¶23} Our review of a sufficiency-of-the-evidence challenge, on the other hand, “is generally limited to considering whether sufficient credible evidence exists to support the juvenile court’s determination.” *In re D.P.*, 2020-Ohio-6663, ¶ 13 (12th Dist.).

{¶24} A trial court may grant permanent custody of a child to a movant if the court determines by what R.C. 2151.414(B)(1) calls “clear and convincing evidence” that (1) the best interest of the child will be furthered by a grant of permanent custody and (2) any one of the five factors enumerated in R.C. 2151.414(B)(1)(a) through (e) applies. As we have said, then, R.C. 2151.414(B) “establishes a two-pronged analysis.” *In re K.H.*, 2025-Ohio-21, ¶ 30 (5th Dist.). “In practice, the 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.” *Id.*

{¶25} Clear and convincing evidence is evidence that “‘will produce in the mind of the trier of facts a firm belief or conviction as to the facts sought to be established.’” *In re Z.C.*, 2023-Ohio-4703, at ¶ 7, quoting *Cross v. Ledford*, 161 Ohio St. 469 (1954), paragraph three of the syllabus. “‘Where the proof required 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.’” *In re Z.C.* at ¶ 8, quoting *State v. Schiebel*, 55 Ohio St.3d 71, 74 (1990).

A. The Record Supports the Trial Court’s R.C. 2151.414(B)(1)(a) Finding

{¶26} R.C. 2151.414(B)(1) lists five scenarios, any one of which can support a trial court’s first-step finding that a permanent-custody request should be granted. “As long as one

of these factors is present, then the first prong of the test is satisfied.” *In re A.S.*, 2024-Ohio-2099, ¶ 36 (5th Dist.). The trial court here relied on the first of those five factors: the one that applies when the “child is not abandoned . . . 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.” R.C. 2151.414(B)(1)(a).

{¶27} To determine, under R.C. 2151.414(B)(1)(a), whether a child cannot or should not be placed with a parent, a court must look to R.C. 2151.414(E). That latter provision in turn lists 16 possible scenarios, any one of which can support a trial court’s finding that a child cannot 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.” *In re A.W.*, 2024-Ohio-5791, ¶ 19 (5th Dist.).

{¶28} The trial court in this case found that R.C. 2151.414(E)(1) is the factor supporting a finding that K.S. cannot (within a reasonable time) or should not be placed with his mother, and Alyissa now challenges that determination. That statutory provision tells us that a child cannot be returned to a parent within a reasonable time when “[f]ollowing the placement of the child outside the child’s home and notwithstanding reasonable case planning and diligent efforts by the agency to assist the parents to remedy the problems that initially caused the child to be placed outside the home, the parent has failed continuously and repeatedly to substantially remedy the conditions causing the child to be placed outside the child’s home.” R.C. 2151.414(E)(1).

{¶29} A court must consider “all relevant evidence” when determining whether a child cannot, within a reasonable time period, be placed with a parent (or should not be placed with that parent). R.C. 2151.414(E); *In re J.G.S.*, 2019-Ohio-802, ¶ 27 (1st Dist.) (“Under

R.C. 2151.414, the court is required to look at all relevant evidence, including a parent's pattern of conduct"); *In re Stephens*, 2002-Ohio-3057, ¶ 27 (7th Dist.) ("To further the interests of the children, the court must consider any evidence available to it, including a parent's pattern of conduct. Some of the most reliable evidence for the court to consider is the past history of the children and the parents").

{¶30} The condition that caused K.S. to be placed outside his mother's home was Alyissa's struggle with addiction. Her case plan was designed to address that condition, and it asked three things of her: complete a substance-use assessment and follow the resulting recommendations, complete a parenting assessment and follow its recommendations, and submit to random drug tests. The trial court found that the Agency made reasonable efforts by developing and seeking to implement that plan, and Alyissa does not argue otherwise.

{¶31} We find clear and convincing evidence to support the trial court's view that Alyissa failed continuously and repeatedly to substantially remedy the condition that led to the Agency's involvement. She did not complete the substance-use assessment — a step that she had first been directed in January 2025 to complete — until one day after the Agency requested permanent custody in November of that year. And she did not finish her parenting-assessment appointments until January 2026, which again was a year or more after the trial court had first called for that kind of assessment to be done. That delay foreclosed the initiation of any parenting-related services for Alyissa before the permanent-custody hearing in February 2026.

{¶32} As for drug usage, Alyissa stopped participating in court-ordered drug tests in August 2025. The testing that was completed indicated that she was using excessively high levels of methamphetamine, cocaine, fentanyl, alcohol, and the veterinary sedatives xylazine

and medetomidine. Just two months before the February 2026 permanent-custody hearing, Alyissa pled guilty to four drug-related charges (all of which involved conduct occurring in 2025 after K.S.’s birth), and she also tested positive for fentanyl five weeks before that hearing. Less than a month before that hearing, too, Alyissa’s supervising officer found drug-seeking messages on her phone as well as evidence that she had violated a court order directing her to steer clear of certain persons.

{¶33} Alyissa’s argument on appeal rests almost entirely on the progress she made in the 11 weeks between the filing of the permanent-custody motion and the hearing. She points to her November 2025 completion of a substance-use assessment and to the three treatment-focused appointments that followed, and she does the same with her enrollment in a criminal-court diversion program and her participation in a residential substance-use treatment program during the seven days immediately preceding the February 2026 permanent-custody hearing.

{¶34} We do not discount those steps, and we recognize, as did the trial court, that they represent some movement in the right direction. Yet belated and sporadic efforts undertaken after an agency has moved for permanent custody do not on their own establish that a parent has substantially remedied the conditions that caused a child’s removal. *See In re N.K.*, 2026-Ohio-1087, ¶ 64 (5th Dist.). Nor would the completion of case-plan objectives necessarily have entitled Alyissa to reunification. *See In re A.F.*, 2022-Ohio-3753, ¶ 46 (5th Dist.) (“A parent’s successful completion of the terms of a case plan is not dispositive on the issue of reunification . . . the case plan is simply a means to a goal, but not the goal itself”); *In re E.B.*, 2010-Ohio-1122, ¶ 30 (12th Dist.) (“it is well-settled that the completion of case plan

services alone does not equate to, or necessitate a finding that the parents have substantially remedied the conditions that caused the removal of the child from the home”).

{¶35} Alyissa also argues that the trial court misunderstood Douglas Brown’s testimony about the months-long drug-court diversion program for which he is a supervisor. Alyissa reads the trial court’s statement that “Mother has at least one year of working with the . . . [drug-court] program to address just the drug addiction issues” as a finding that her case-plan objectives could not be pursued as long as she was participating in that program, which she says is a proposition that no witness supported.

{¶36} We do not read the trial court’s decision that way. The court did not find that the two tracks were mutually exclusive. Instead, the judge was simply noting that Alyissa’s journey toward recovery from her addictions would take time, and of course Brown’s testimony supports that view. Brown testified that one year is the best case, that the clock would effectively restart with a phase-one intensive-outpatient program once Alyissa completed the residential-treatment program in which she was participating at the time of the permanent-custody hearing, and that recovery is a lifelong process.

{¶37} In any event, R.C. 2151.414(E)(1) asks what a parent has done, not what a parent might yet manage to do. The trial court’s finding under that (E)(1) failure-to-remedy provision rests on Alyissa’s demonstrated failure over 13 months to make any substantial progress in overcoming her addiction, and that finding does not turn on how the drug-court diversion program’s phases might have overlapped with her case plan.

{¶38} Alyissa next complains that the trial court’s entry states that she “would be required to be drug free for four months before she could even be referred to Goodwill parenting classes,” a requirement she says appears nowhere in the record, and she notes that

no evidence showed that she had been referred to Goodwill at all. Yet the statement appears in a single sentence of the trial court's best-interest discussion of why a six-month extension would be futile, and the court's R.C. 2151.414(E)(1) failure-to-remedy finding does not rest on it. We note as well that the reason no parenting classes had been added to Alyissa's case plan is that her slow completion of the parenting assessment left too little time for the development of an appropriate parenting-focused plan for her before the date of the permanent-custody hearing.

{¶39} Finally, Alyissa leans heavily on Rey's acknowledgment on cross-examination that Alyissa might be able to make sufficient progress if temporary custody were extended for six more months. Yet that concession does not carry the weight that Alyissa suggests. A witness's acknowledgment that a favorable outcome is conceivable does not negate clear and convincing evidence that a child cannot be placed with a parent within a reasonable time. The same witness testified that she did not believe Alyissa could reunify with K.S. within six months, said that Alyissa appeared unlikely to be able to complete her case plan or make substantial progress on it in that period, and noted that Alyissa's substance-use treatment would take "quite a while" and might include relapses. And of course the trial court, as the trier of fact, was entitled to "believe all, part[,] or none" of that and the other testimony presented at the hearing. *State v. Vogelsong*, 2025-Ohio-5107, ¶ 33 (5th Dist.).

{¶40} After weighing the information that was available to the trial court, we find clear and convincing evidence in the record to support the trial court's view that Alyissa — despite the Agency's reasonable case planning and diligent efforts — had, in the words of R.C. 2151.414(E)(1), "failed continuously and repeatedly to substantially remedy" the conditions that led to the initial removal of K.S. from Alyissa's care.

{¶41} We conclude, too, that the trial court’s finding was not against the manifest weight of the evidence. Alyissa identifies no conflict in the evidence that the trial court resolved in an unreasonable way, and the testimony of her own two witnesses was largely consistent with the Agency’s evidence about the length of the road ahead of her.

{¶42} Alyissa’s first assignment of error is overruled.

B. A Grant of Permanent Custody to the Agency Is in K.S.’s Best Interest

{¶43} In determining whether an award of permanent custody of a child to an agency is in that child’s best interest, a trial court must consider all relevant factors, including, but not limited to, the ones listed in R.C. 2151.414(D)(1). Those statutory factors include the child’s interactions and relationships with the child’s family members and other persons who may significantly affect the child, the wishes of the child (with due regard to the maturity of the child), the custodial history of the child, and 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. R.C. 2151.414(D)(1)(e) also directs a court to consider whether any of the factors delineated in R.C. 2151.414(E)(7) through (11) are applicable.

{¶44} While a trial court must consider all of the factors in R.C. 2151.414(D)(1), the court is required to consider, too, any other evidence available to it when deciding whether permanent custody is in a child’s best interest. *In re Schaefer*, 2006-Ohio-5513, ¶ 56 (“The court must consider all of the elements in R.C. 2151.414(D) as well as other relevant factors”); *In re Stephens*, 2002-Ohio-3057, at ¶ 27 (7th Dist.). A trial court is not required under R.C. 2151.414(D)(1) to make findings on each factor in that provision, and the law likewise does not require a court to include in its judgment entry a written discussion of each factor. *In re A.M.*, 2020-Ohio-5102, ¶ 31 (“Consideration [of the factors] is all the statute requires”).

{¶45} Further, “[a] child’s best interests are served” when the child is placed in a permanent situation that “fosters growth, stability, and security.” *In re M.K.*, 2023-Ohio-3786, ¶ 36 (5th Dist.). ““The discretion”” that a juvenile court enjoys in determining whether an order of permanent custody is in the best interest of a child ““should be accorded the utmost respect, given the nature of the proceeding and the impact the court’s determination will have on the lives of the parties concerned.”” *Id.*, quoting *In re E.H.*, 2022-Ohio-1682, ¶ 101 (5th Dist.).

{¶46} Clear and convincing evidence supports the trial court’s conclusion that K.S.’s best interests are served by a grant of permanent custody to the Agency.

{¶47} Concerning K.S.’s relationships, Rey testified that a bond does exist between Alyissa and K.S., that their visits had gone well, that Alyissa appropriately brings a diaper bag and toys when visiting K.S., and that she stayed focused on K.S. during their visits. The trial court credited that testimony, and so do we. But the trial court also heard that several visits had to be ended because Alyissa arrived under the influence. The child has lived with the same foster family since he was days old, he is well bonded to his foster parents, he shows a positive attachment to them, and he is excited to come home to them. He has no relationship at all with his father.

{¶48} As to K.S.’s own wishes, he was just 13 months old at the time of the February 2026 hearing and could not speak to the issue himself, but his guardian ad litem — who had served since December 2024 — recommended in her report and at the hearing that permanent custody be granted to the Agency.

{¶49} An examination of the child’s custodial history shows that he was removed at five days old and was in the Agency’s temporary custody continuously from December 24, 2024 until the February 2026 permanent-custody hearing.

{¶50} The next factor — K.S.’s need for a legally secure permanent placement and whether that kind of placement could be achieved without a grant of permanent custody — is a key one in the case, and Alyissa focuses most of her argument on it. A “legally secure permanent placement” has generally been understood by courts to mean “a safe, stable, [and] consistent environment where a child’s needs will be met.” *In re M.B.*, 2016-Ohio-793, ¶ 56 (4th Dist.). K.S.’s needs are substantial. He was born with several illegal drugs in his system, required a feeding tube, and went through withdrawal while in his foster parents’ care. The caseworker Rey testified that the foster parents handled that challenge well, taking K.S. to all of his medical appointments and ensuring that he received needed care. They hope to adopt him.

{¶51} Alyissa argues that a secure placement could have been achieved without terminating her parental rights, first because the trial court could have granted a six-month extension of temporary custody, and second because relatives had come forward.

{¶52} On the first point, R.C. 2151.415(D)(1) permits — but does not require — a trial court to extend temporary custody for up to six months, and such an extension is warranted only where the court determines by clear and convincing evidence that the extension is in the child’s best interest, that there has been significant progress on the case plan, and that there is reasonable cause to believe that the child will be reunified with a parent or otherwise permanently placed within the period of the extension. We have held, moreover,

that a parent has no independent statutory right to request such an extension. *See In re A.R.*, 2023-Ohio-1359, ¶ 57 (5th Dist.).

{¶53} The trial court here expressly considered and rejected an extension, finding that Alyissa could not achieve substantial compliance within six months. That finding is well supported. At the time of the hearing, Alyissa had been in residential treatment for one week of a 30-to-60-day stay, and still ahead of her was an intensive-outpatient phase, as well as less intensive treatment thereafter. And with a parenting assessment so recently completed, no one could say at that point what additional parenting-related expectations might be added to the case plan. Alyissa's view that K.S. would suffer no harm from an extension because his foster placement was stable inverts the analysis. The focus under R.C. 2151.414(D)(1)(d) was whether K.S. could obtain a legally secure permanent placement. The stability of a temporary placement is not a substitute for permanency.

{¶54} On Alyissa's argument that relatives had come forward to assist the family, R.C. 2151.414(D) does not make "an all-controlling factor" the availability of some alternative to a permanent-custody placement, just as the statute does not "require the trial court to weigh that factor more heavily than others." *In re H.D.*, 2025-Ohio-2440, ¶ 44 (5th Dist.), quoting *In re Schaefer*, 2006-Ohio-5513, ¶ 64. The record shows, in any event, that the Agency did thoroughly explore the possibility of a placement with relatives. The child's maternal grandmother was ruled out because of positive drug screens. Drug testing and a home study of the paternal grandmother showed promise, but she ultimately told the Agency that she could not provide the care that K.S. needs.

{¶55} When a paternal grandfather and paternal cousin came forward shortly before the February 2026 hearing, Rey testified that they would be investigated as possible adoptive

placements. That those relatives were scheduled to be assessed after — rather than before — the grant of permanent custody does not make the trial court’s decision erroneous. A grant of permanent custody does not foreclose a relative placement but instead simply shifts the authority for any consent to such a placement.

{¶56} Alyissa also emphasizes that she has no cognitive limitation preventing her from parenting. That appears to be true, and Rey said as much in her testimony. The trial court’s concern, however, was not Alyissa’s capacity to learn but rather her availability and her sobriety. Alyissa faces a long road in her own recovery on top of any case-plan obligations for her child, and K.S. needs stability and care now.

{¶57} The best-interest factors weigh in favor of the trial court’s decision to grant permanent custody of K.S. to the Agency. That decision is supported by clear and convincing evidence and is not against the manifest weight of the evidence. Because both prongs of the permanent-custody test have been shown in this case, we find that the trial court properly terminated Alyissa’s parental rights and appropriately placed K.S. in the permanent custody of the Agency. Alyissa’s second assignment of error is overruled.

{¶58} For these reasons, the judgment of the Juvenile Division of the Court of Common Pleas of Stark County is affirmed. Costs are to be paid by Appellant Alyissa B.

By: Gormley, J.;

Hoffman, P.J. and

Popham, J. concur.