

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

IN RE: J.H.

Case No. 2026CA00087

Opinion And Judgment Entry

Appeal from the Stark County Court of
Common Pleas, Juvenile Division, Case
No. 2023-JCV-1357

Judgment: Affirmed

Date of Judgment Entry: August 24, 2026

BEFORE: William B. Hoffman, Robert G. Montgomery, and Kevin W. Popham, Judges

APPEARANCES: Brandon J. Waltenbaugh, for SCJFS; Christopher Coleridge, for Father

OPINION

Popham, J.,

{¶1} Father appeals the March 26, 2026, judgment entry of the Stark County Court of Common Pleas, Juvenile Division, terminating his parental rights and granting permanent custody of minor J.H. to Stark County Job and Family Services (“SCJFS”). For the reasons below, we affirm.

Facts & Procedural History

{¶2} J.H. is the mother (“Mother”) of minor J.H., who was born on November 16, 2023. R.H. is the father (“Father”) of minor J.H.

{¶3} SCJFS initially became involved with Mother when it filed a complaint in Case Number 2020JCV01167 concerning J.H.’s sibling, J.J. In 2021, J.J. was adjudicated to be an

abused child after it was determined that her father, B.N., had sexually abused her. Mother took J.J. and fled to North Carolina with B.N., refusing to believe the allegations of sexual abuse. Mother failed to complete her case plan in J.J.'s case and continued to maintain B.N.'s innocence even after J.J.'s rape kit returned a DNA match to B.N. On November 16, 2022, J.J. was placed in the permanent custody of SCJFS.

{¶4} The present case began on November 17, 2023, when SCJFS filed a complaint concerning J.H. The complaint detailed the prior case history with Mother and alleged that Father had a concerning criminal history involving illegal substances dating back ten years, including multiple convictions for drug possession.

{¶5} Following a shelter-care hearing on November 21, 2023, J.H. was placed in the temporary custody of SCJFS. In a judgment entry following the hearing, the magistrate found that reasonable efforts had been made to prevent the need for placement and/or make it possible for J.H. to return home.

{¶6} On November 28, 2023, SCJFS filed an amended complaint - solely to indicate that Father had established paternity of J.H. The remaining allegations were unchanged.

{¶7} On February 9, 2024, the magistrate held an adjudicatory hearing, during which Mother and Father both stipulated to a finding of dependency, and SCJFS moved to delete the allegations of neglect. Accordingly, the magistrate found J.H. to be a dependent child. The matter proceeded immediately to disposition, and J.H. was placed in the temporary custody of SCJFS. In a judgment entry entered on February 12, 2024, the magistrate found that reasonable efforts had been made to prevent the need for placement and/or make it possible for J.H. to return home.

{¶8} On September 12, 2024, SCJFS filed a motion to extend its temporary custody of J.H. The trial court granted the motion.

{¶9} Additional review hearings were held on October 17, 2024, May 16, 2024, April 17, 2025, and October 14, 2025. In judgment entries issued after each hearing, the magistrate found that SCJFS had used reasonable efforts to eliminate the continued removal of J.H. from the home and/or had made reasonable efforts to finalize permanency planning.

{¶10} On February 6, 2025, SCJFS filed a motion for permanent custody of J.H. The permanent-custody hearing was originally scheduled for May 6, 2025. On April 28, 2025, Father requested a continuance of the permanent-custody trial; the trial court granted the motion and rescheduled the trial for July 16, 2025. On July 8, 2025, Mother filed a motion to continue; the trial court granted the motion and rescheduled the trial for October 16, 2025. The trial court heard testimony on October 16, 2025, and determined that a second day of trial was necessary. The second day of trial occurred on March 13, 2026.

{¶11} Caseworker Amy Craig (“Craig”) testified that the initial concerns that led to J.H.’s removal from the home were Father’s lengthy criminal and drug history and SCJFS’s prior involvement with J.J., who had been placed in the agency’s permanent custody.

{¶12} Craig testified that both Mother and Father largely completed their case plans. Mother engaged in mental-health services, maintained stable housing, and participated in programs including Wellness Grove, the Active Parenting Program at the Early Childhood Resource Center, and the Positive Parenting Program. Father also completed the less-intensive parenting programs, attending counseling, completed a drug-and-alcohol assessment, and, when tested, was negative for drug use.

{¶13} Craig testified, however, that despite largely completing their case plans, neither parent demonstrated an ability to safely parent J.H., protect her, or address the concerns that initially led to her removal. Craig confirmed that J.H. had been in agency custody for twelve of the last twenty-two months. She testified that although Mother completed the required assessments and less-intensive parenting programs, Mother was unable to retain the information presented to her.

{¶14} Both Mother and Father received only a “Certificate of Attendance” (rather than a Certificate of Completion) from Goodwill Parenting, the intensive parenting program recommended for both parents. Craig testified that this was considered unsuccessful. Goodwill Parenting recommended that neither parent have unsupervised visitation with J.H. or be reunified with her. The program further recommended that neither Mother nor Father serve as J.H.’s primary caregiver.

{¶15} Father completed a parenting assessment at Lighthouse. One of Lighthouse’s primary recommendations was that Father fully understand and acknowledge why SCJFS became involved with J.J. Craig described Father as a “nice guy” but believed he was incapable of protecting J.H.

{¶16} Craig testified that Mother and Father live together in a home that is safe and appropriate for J.H. However, Craig was concerned that the home contained a large room, larger than the room set up for J.H., devoted to J.J. Mother believes J.J. will return home, and Father supports Mother’s belief.

{¶17} Craig observed visits between Mother, Father, and J.H., during which both parents repeatedly changed J.H. into multiple outfits and engaged in “photo shoots,” which took up a significant portion of the visits. Agency workers stopped the photo shoots because

they upset J.H. and removed the clothing from the visitation room. Mother would also tell the workers about her medical history instead of engaging with J.H. Both parents had difficulty recognizing and responding to J.H.'s cues.

{¶18} Dr. Aimee Thomas ("Thomas") completed parenting evaluations of both Mother and Father. Thomas testified that Mother functions at approximately the level of an eleven-year-old with respect to verbal skills and an eight-year-old with respect to nonverbal skills. Thomas has ongoing concerns regarding Mother's judgment and reasoning. She also remains concerned that Mother continues to deny that J.J. was sexually abused by B.N. Thomas testified that Mother cannot make the changes necessary to protect J.H. in the future if Mother does not acknowledge and understand what happened to J.J., despite receiving counseling.

{¶19} Mother informed Thomas that her mother ("Maternal Grandmother") abused illicit drugs and forced Mother to have sex with drug dealers in exchange for drugs. Despite acknowledging that Maternal Grandmother inflicted significant trauma upon her, Mother continued to maintain a relationship with Maternal Grandmother. Father picked up Maternal Grandmother at the airport.

{¶20} Mother requested that Thomas not recommend that she complete Goodwill Parenting because Mother wanted to complete a less-intensive parenting program. Thomas did not believe that a less-intensive parenting program would be sufficient.

{¶21} Thomas testified that Father fully defended Mother and does not believe that J.J. had been sexually abused. Thomas also stated that Father demonstrated a lack of understanding of what is normal or abnormal behavior for a child. Thomas's concerns

regarding Father included his failure to recognize why Mother lost custody of J.J. and his inability to safely parent J.H.

{¶22} Thomas testified that both parents filed a grievance against her because they did not believe they should have to attend Goodwill Parenting based upon Thomas' recommendations. Father also believed Thomas was "using his past against him" while Mother accused Thomas of lying in her report.

{¶23} Jennifer Fire ("Fire") is the supervisor at Goodwill Parenting. When Mother attended the program in 2021, she received a "Certificate of Non-Compliance" because she did not believe J.J. had been sexually abused and attempted to contact a parenting instructor through Facebook to buy her things. Mother believed B.N. was a good father, and, even after B.N. was incarcerated for abusing J.J., Mother continued to maintain contact with B.N.'s family and, while B.N. was in jail, she sent B.N. pictures of J.J.

{¶24} In 2024, Mother received a Goodwill Parenting "Certificate of Attendance." Fire was particularly concerned about Mother's results because Mother performed worse on her post-test than on her pre-test. Fire also expressed concern about Mother's actions involving Maternal Grandmother. Mother told Fire that Maternal Grandmother was not an appropriate person to be around Mother or J.H. Nevertheless, on two occasions during the Goodwill program, Mother allowed Maternal Grandmother to live with her. Mother also allowed Maternal Grandmother to attend a supervised visit in the lobby, where Mother handed J.H. to Maternal Grandmother to hold and take a photograph with her. Fire testified that these actions demonstrated Mother's lack of boundaries and inability to protect J.H.

{¶25} Father also received a Goodwill Parenting "Certificate of Attendance." Fire described concerns regarding Father's visits. Father did not know what to do with J.H. during

visits and did not understand the basics of caring for J.H. Fire was also concerned because Father repeatedly told her that he was financially dependent on Mother because they lived on Mother's SSI (Supplemental Social Security) and that he was indebted to Mother for his sobriety.

{¶26} Fire testified that she told Father directly and repeatedly that he needed to demonstrate that he could protect J.H., given Mother's shortcomings. Fire stated that she was "clear and direct" with Father about this issue. She attended team meetings at which it was explained to Father that he would have to serve as J.H.'s primary parent. Father, however, failed to demonstrate that he could protect J.H. or serve as her primary caregiver. Fire did not believe Father could protect J.H.

{¶27} Fire testified that Mother and Father had a room set up for J.H. in their home with a crib and other supplies. However, the home also contained a larger room for J.J. that contained numerous unopened gifts.

{¶28} Fire acknowledged that both parents wanted to repeat Goodwill Parenting. She explained, however, that the program permits parents to repeat the program only when they are close to "getting it," and neither Mother nor Father was close to "getting it."

{¶29} Father testified that he believed SCJFS has been "pushing against him" throughout the case. He did not believe the agency had provided him services designed to reunify with J.H. When asked why he allowed Maternal Grandmother to stay in the home, Father testified that he did not see any harm in doing so because J.H. was not there. He also did not see any harm in allowing Maternal Grandmother to take a photograph with J.H.

{¶30} During the second portion of the hearing, Craig testified that J.H. is a normally developing two-year-old child. She is placed in a foster home with her sibling J.J., to whom

she is very attached. J.H. is also strongly bonded to her foster mother. Craig believes it is in the best interest of J.H. for permanent custody to be granted to SCJFS.

{¶31} The Guardian ad Litem (“GAL”) report filed prior to the hearing also described several concerns. First, the GAL was concerned that both parents were “forcing” J.J.’s interests on J.H. The GAL further stated a continuing concern that J.J. appeared to be Mother’s main focus, with Father supporting Mother in that endeavor. The GAL was concerned that, if J.H. were returned to the parents, they would continue to focus on the unattainable goal of having J.J. returned, causing J.H. to suffer as a result. The GAL noted that Mother had recently been using artificial intelligence to insert J.J. into family photographs, further reinforcing the GAL’s concern that J.H. was not the parents’ primary focus.

{¶32} On March 26, 2026, the trial court issued a judgment entry containing detailed findings of fact and conclusions of law. The trial court made the following findings: Mother previously had her parental rights involuntarily terminated with respect to a sibling of J.H. and failed to provide clear and convincing evidence that, notwithstanding the prior termination, she could provide a legally secure placement and adequate care for the health, welfare, and safety of the child in accordance with R.C. 2151.414(E)(11); the child had been in agency custody for a period of greater than twelve of the last twenty-two months; the child cannot be placed with either parent within a reasonable time or should not be placed with either parent within a reasonable time; and, considering all the factors contained in R.C. 2151.414, it was in the best interest for J.H. to be placed in the permanent custody of SCJFS.

{¶33} The court also found that any harm caused by terminating parental rights was outweighed by the benefits of permanency.

{¶34} Father appeals the March 26, 2026, judgment entry of the Stark County Court of Common Pleas, Juvenile Division, and assigns the following as error:

{¶35} “I. The trial court erred in finding that terminating Father’s parental rights was in J.H.’s best interest.”

{¶36} “II. The trial court erred in finding that the Department had made ‘reasonable efforts’ to reunite J.H. and Father.”

Permanent Custody

{¶37} “[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).

{¶38} Clear and convincing evidence is that evidence “which will produce in the mind of the trier of facts a firm belief or conviction as to the allegations 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).

{¶39} 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).

{¶40} 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.

{¶41} Following the hearing, R.C. 2151.414(B)(1) authorizes the 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 the children services agencies for twelve or more months of a consecutive twenty-two month period, and the child cannot be placed 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.

{¶42} 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 Father, the trial court made a finding pursuant to R.C. 2151.414(B)(1)(a) (reasonable time) and R.C. 2151.414(B)(1)(d) (temporary custody of the agency for twelve or more months of a consecutive twenty-two-month period).

Manifest Weight

{¶43} In his assignments of error, Father 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 the 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).

{¶44} 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.

{¶45} Father’s first argument is that the grant of permanent custody to SCJFS, as being in the best interest of J.H., was against the manifest weight of the evidence. Father contends that he has a bond with J.H., he has a strong support system, and he substantially completed all of the case plan requirements.

{¶46} 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 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.” *In re Mauzy Children*, 2000 WL 1700073, *3 (5th Dist. Nov. 13, 2000), citing *In re Awkal*, 95 Ohio App.3d 309, 316 (8th Dist. 1994).

{¶47} 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.

{¶48} The 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. The *Schaefer* Court 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 court to weigh that factor more heavily than others.”
Id. at ¶ 64.

{¶49} The focus on the “best interest” determination is upon the child, not the parent, as R.C. 2151.414(C) specifically prohibits the court from considering the effect a grant of permanent custody would have upon the parents. *In re Awkal*, 95 Ohio App.3d at 316.

{¶50} Here, competent and credible evidence supports the trial court’s best-interest determination. Craig testified that J.H. is placed in a foster home with her sibling, J.J., to whom she is very attached. J.H. is also bonded to her foster mother. Craig believes it is in the best interest of J.H. for permanent custody to be granted to SCJFS. Craig acknowledged that J.H. has a bond with both parents but testified that any bond severed by the termination of parental rights is outweighed by the permanency J.H. needs. Although the GAL did not make an express best-interest determination, he identified several concerns regarding J.H.’s potential return to her parents. Specifically, the GAL was concerned that Mother, with Father’s support, continued to focus on the unattainable goal of having J.J. returned, and J.H. will suffer because of it.

{¶51} The remainder of Father’s argument is essentially that, because he substantially completed her case plan, it was not in J.H.’s best interest for permanent custody to be granted to SCJFS. However, successful completion of a case plan is not dispositive on the issue of reunification. *In re O.S.*, 2021-Ohio-3729, ¶ 90 (5th Dist.). While it may be in Father’s best interest to complete the case plan, this is only one factor for a trial court to consider when determining what is in the best interest of the child. *Id.*; *In the Matter of D.P. and G.P.*, 2011-Ohio-1907 (5th Dist.).

{¶52} 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. *Id.*; *In the Matter of A.L. and J.L.*, 2012-Ohio-481 (5th Dist.). Here, although Father substantially completed his case plan, both Fire and Craig described how they did not believe that Father could safely parent J.H. despite his completion of many case plan elements.

{¶53} 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. Father's first assignment of error is overruled.

II.

{¶54} In his second assignment of error, Father argues the trial court erred in finding that SCJFS made reasonable efforts to reunify Father with J.H. Father's primary argument is that he substantially completed her case-plan requirements. Specifically, regarding reasonable efforts, Father contends that the agency's refusal to allow him to retake Goodwill Parenting, and its refusal to consider his completion of other parenting programs as "successful completion" of the recommendation made by Thomas, demonstrate that the agency failed to make reasonable efforts to reunify Father with J.H.

{¶55} First, the Supreme Court of Ohio has held the trial court is not obligated by R.C. 2151.419 to make a determination that the agency used reasonable efforts to reunify the family at the time of the permanent custody hearing unless the agency has not established that

reasonable efforts have been made prior to that hearing. *In re C.F.*, 2007-Ohio-1104; R.C. 2151.419. The trial court is only obligated to make a determination that the agency has made reasonable efforts to reunify the family at “adjudicatory, emergency, detention, and temporary-deposition hearings, and dispositional hearings for abused, neglected, or dependent children, all of which occur prior to a decision transferring permanent custody to the state.” *Id.* at ¶ 41; *In the Matter of L.J.*, 2019-Ohio-5231 (5th Dist.).

{¶56} In this case, the record reflects the magistrate made reasonable-efforts findings at various points throughout the case, as demonstrated in judgment entries after the hearings held on February 9, 2024, October 17, 2024, May 16, 2024, April 17, 2025, and October 14, 2025. Father did not object to any of these findings by the magistrate. Consequently, the agency did not need to prove at the permanent custody hearing that it made reasonable reunification efforts. *Id.*

{¶57} Notwithstanding the previous findings of reasonable efforts, SCJFS also established at the permanent custody hearing that its case planning and efforts were reasonable and diligent under the circumstances. A “reasonable effort” is “an honest, purposeful effort, free of malice and the design to defraud or to seek an unconscionable advantage.” *In re Weaver*, 79 Ohio App.3d 59, 63 (12th Dist. 1992). The child’s health and safety are paramount in determining whether reasonable efforts were made. *In re R.P.*, 2011-Ohio-5378, ¶ 47 (5th Dist.).

{¶58} With regard to Father’s required successful completion of Goodwill Parenting, Thomas testified that completion of an intensive parenting program was essential to any potential reunification between Father and J.H. Thomas further testified that she did not believe any of the less-intensive parenting programs were sufficient.

{¶59} Fire explained why she did not recommend that the agency permit Father to retake Goodwill Parenting. Fire explained that the program permits parents to repeat the course only when they are close to “getting it,” and Father was not close to “getting it.” Fire described how the agency held a meeting specifically to discuss and inform Father exactly what he needed to do, particularly given Mother’s issues. However, Father still could not safely parent J.H.

{¶60} The issue is not whether there was anything more the agency could have done, but whether the agency’s case planning and efforts were reasonable and diligent under the circumstances of the case. *In the Matter of J.H.*, 2019-Ohio-5184 (5th Dist.). We find there is competent and credible evidence to support the trial court’s determination that SCJFS’ efforts were reasonable and diligent under the circumstances of the case, and the trial court did not lose its way in its finding. Father’s second assignment of error is overruled.

{¶61} Based on the foregoing, Father’s assignments of error are overruled.

{¶62} For the reasons stated in our Opinion, the judgment of the Stark County Court of Common Pleas, Juvenile Division, is affirmed.

{¶63} Costs to Appellant/Father.

By: Popham, J.

Hoffman, P.J. and

Montgomery, J., concur