

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

IN RE: A.M., K.L., & N.D.

Case Nos. CT2026-0019  
CT2026-0020  
CT2026-0021

Opinion And Judgment Entry

Appeal from the Muskingum County Court  
of Common Pleas, Juvenile Division Case  
Nos. 22330057,  
22330058, & 22430021

Judgment: Affirmed

Date of Judgment Entry: September 1, 2026

BEFORE: Andrew J. King, William B. Hoffman, and Kevin W. Popham, Judges

APPEARANCES: Ronald L. Welch, Prosecuting Attorney, By Jacob J. Winslow, Assistant  
Prosecutor, for MSACPS; April F. Campbell, for Defendant-Appellant

OPINION

*Popham, J.,*

{¶1} Appellant C.M. ("Mother") appeals the February 5, 2026 Judgment Entry of the Court of Common Pleas for Muskingum County, Ohio, Juvenile Division, terminating her parental rights and awarding permanent custody of her minor children, A.M.<sup>1</sup>, K.L.<sup>2</sup> and N.D.<sup>3</sup>, to appellee, Muskingum County Adult and Child Protective Services ("the Agency"), pursuant

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<sup>1</sup> Fifth District, Case Number CT2026-0019

<sup>2</sup> Fifth District, Case Number CT2026-0020

<sup>3</sup> Fifth District, Case Number CT2026-0021

to R.C. 2151.414. For the reasons that follow, we affirm the juvenile court's award of permanent custody to the Agency.

### **Facts and Procedural History**

#### **Initiation of the Case**

{¶2} C.M. is the biological mother of A.M., born September 20, 2017, K.L., born April 25, 2021, and N.D., born January 27, 2024.

{¶3} On May 2, 2023, the Agency received a report alleging Mother's residence was filthy, that A.M. and K.L. were consistently unclean, and that there were concerns regarding Mother's substance abuse. On or about May 3, 2023, Mother submitted to a drug screen that tested positive for methamphetamine and amphetamine.

{¶4} On May 10, 2023, the Agency filed complaints alleging that A.M. and K.L. were dependent children pursuant to R.C. 2151.04(C). The children were placed in the Agency's temporary custody on May 11, 2023. (1Tr. at 48). On August 30, 2023, the juvenile court adjudicated A.M. and K.L. dependent children pursuant to R.C. 2151.04(C).

{¶5} N.D. was born on January 27, 2024, with neonatal abstinence syndrome. (1Tr. at 49). On January 30, 2024, the Agency filed a complaint alleging that N.D. was a dependent child pursuant to R.C. 2151.04(C). On January 31, 2024, N.D. was placed in the Agency's temporary custody. On April 18, 2024, the juvenile court adjudicated N.D. a dependent child.

#### **Case Plan and Review Proceedings**

{¶6} Mother's case plan required her to address her mental health, substance abuse, parenting skills, and housing. (1Tr. at 51).

{¶7} Throughout the proceedings, the juvenile court repeatedly found that the Agency had made reasonable efforts to prevent the children's continued removal and to reunify the family.

### **Permanent Custody Proceedings**

{¶8} On April 28, 2025, the Agency moved for permanent custody of the children.

{¶9} On May 7, 2025, Mother filed a motion requesting legal custody of the children.

{¶10} The juvenile court conducted a hearing on the motions at which the following evidence was presented.

### **Testimony of Brianna Hickenbottom**

{¶11} Brianna Hickenbottom, the ongoing caseworker, testified that A.M. was removed from Mother's care in 2018 because of domestic violence and was returned to Mother in 2019. (1Tr. at 49). Hickenbottom further testified that A.M. and K.L. were removed in August 2021 after K.L.'s father overdosed in the children's presence. (1Tr. at 50). The children were returned to Mother under protective supervision from March through July 2022. (*Id.*).

{¶12} Hickenbottom testified that A.M. and K.L. have remained in the Agency's temporary custody since May 11, 2023. (1Tr. at 48). Hickenbottom testified that N.D. has remained in the Agency's temporary custody since January 30, 2024. (1Tr. at 49).

{¶13} According to Hickenbottom, Mother's case plan required her to complete mental health and substance abuse assessments and follow all recommendations, complete parenting classes, demonstrate an ability to provide for the children's basic needs, and maintain appropriate housing. (1Tr. at 51).

{¶14} In June 2023, Mother completed a mental health assessment at Cedar Ridge. (1Tr. at 52). Cedar Ridge recommended therapy and completion of an intensive outpatient program ("IOP"). Mother discontinued treatment at Cedar Ridge without completing the recommended IOP. (*Id.*). In October 2024, Mother enrolled in an IOP through Spero Health and completed that program. As part of her treatment at Spero, Mother was prescribed Suboxone. (1Tr. at 123).

{¶15} After completing the Spero IOP, Mother transferred to Boulder, where she participated in a peer support program but did not receive counseling from a licensed therapist. (1Tr. at 54).

{¶16} Following completion of the Spero IOP, the Agency required Mother to participate in random drug testing through Forensic Fluids Laboratories. (1Tr. at 54). Hickenbottom testified that the laboratory contacted her because Mother's drug screens repeatedly tested negative for Suboxone despite Mother's reports that she was taking the medication daily. During a home visit, Hickenbottom observed that Mother's Suboxone prescription bottle was empty nearly one week before it could be refilled. (1Tr. at 55). Hickenbottom testified that Mother had twenty-four negative drug screens for Suboxone during the period she reported taking the medication each day. (1Tr. at 106).

{¶17} Hickenbottom further testified that Mother tested positive for methamphetamine and Suboxone in August 2025, after which the Agency requested that Mother complete another substance abuse assessment. (1Tr. at 57-58). Mother thereafter returned to Spero Health for additional group treatment. (*Id.*).

{¶18} Hickenbottom testified that Mother completed two parenting classes, consistently attended weekly visitation, and that there were no reported concerns during

visits. (1Tr. at 59-60). She further testified that Mother's housing was appropriate for the children. (1Tr. at 60-61).

{¶19} Although Hickenbottom acknowledged Mother had completed many components of her case plan and expressed no concerns regarding housing or parenting, she testified that Mother was not ready for reunification because of her unresolved substance abuse issues. (1Tr. at 62).

### **Testimony of Jill Hittle**

{¶20} Jill Hittle, a nurse practitioner with Spero Health, testified that she prescribed Suboxone for Mother as part of her substance abuse treatment. (1Tr. at 117, 123, 126, 128). Hittle was aware Mother also received a prescription for Adipex from another provider. (1Tr. at 123, 128). She explained that Adipex is prescribed as a weight-loss medication. (1Tr. at 130).

{¶21} Hittle discussed Mother's two confirmatory urine tests. An October 3, 2025, test was positive for buprenorphine, norbuprenorphine, and naloxone, findings consistent with Suboxone use. (1Tr. at 120-121; State's Exh. D). The sample also tested positive for phentermine, the active ingredient in Adipex. (1Tr. at 122).

{¶22} A November 13, 2025, urine sample tested positive for methadone in addition to Suboxone. (1Tr. at 122-123). Hittle testified she was unaware of any methadone prescription and explained that methadone treatment facilities do not report to OARRS<sup>4</sup>. (1Tr. at 124, 126, 128-129). She testified that some patients seek methadone treatment when Suboxone is ineffective. Mother did not provide an explanation to Hittle for the presence of methadone in her system. (*Id.*).

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<sup>4</sup> The Ohio Automated Rx Reporting System

{¶23} Hittle also testified that Mother tested negative for Suboxone on June 24, July 2, July 9, July 10, July 24, July 25, August 7, August 8, and August 26, 2024. (1Tr. at 144).

#### **Testimony of Matthew Levatis**

{¶24} Matthew Levatis, an expert from Forensic Fluids Laboratories, testified regarding fifty-four oral drug tests administered to Mother between June 2024 and August 2025. (1 Tr. at 31, 44; State's Exh. B).

{¶25} Levatis testified that Mother tested positive for Suboxone on June 6 and June 13, 2025. He further testified that Mother tested positive for methamphetamine and Suboxone on August 14 and August 20, 2025. (1Tr. at 19-21).

#### **Testimony of Mother**

{¶26} Mother testified that she completed two parenting programs and completed the Spero IOP. (2Tr. at 162-165; Mother's Exhs. 1 and 2). She testified that she transferred to Boulder because her primary provider left Spero and because she was dissatisfied with treatment at Spero. (2Tr. at 165-167). Mother further testified that she began counseling at Allwell in September or October 2025 and returned to Spero at the Agency's request on September 5, 2025. (2Tr. at 166-169; Mother's Exh. 5).

{¶27} Mother testified that she has epilepsy and seizure disorders for which she receives treatment from a neurologist in Columbus and that she is unable to drive because of those conditions. (2Tr. at 169-170, 241). She testified that she took Klonopin as a rescue medication for her epilepsy and was also prescribed Adipex by her family physician. (2Tr. at 170-171).

{¶28} Mother denied using methadone and testified she had no explanation for the positive methadone test. (2Tr. at 172, 185-186, 202-203).

{¶29} Mother testified that she was unaware the Agency had attempted to contact her at her apartment. (2Tr. at 177-178, 196). She further testified that she had appropriate three-bedroom housing. (2Tr. at 179).

{¶30} Mother testified that she suggested Teena Brown as a potential placement for the children and provided Brown with the caseworker's contact information after Brown received a letter from the Agency. (2Tr. at 180-183).

{¶31} Mother denied using illegal drugs and denied using drugs in 2018 or 2019. (2Tr. at 183, 187, 201, 203, 208-211). She testified that the Agency had confused her with someone else. Mother also testified that she had been instructed to administer Suboxone rectally during her pregnancy; therefore, it would not appear on a saliva drug screen. (2 Tr. at 188-189; Mother's Exh. 3). Mother submitted her provider's instructions that she take Suboxone rectally. (Mother's Exh. 3). Finally, Mother explained that she stored her medications in a pill organizer, which she asserted explained why her prescription bottle was empty during the caseworker's home visit. (2Tr. at 237-238, 247).

### **Testimony of Teena Brown**

{¶32} Teena Brown testified that she attempted to contact the Agency by telephone and text message after Mother identified her as a potential placement for the children. (2Tr. at 268). Brown testified that she later received a letter stating that the Agency was closing its consideration of her because it had been unable to contact her. (2Tr. at 268).

{¶33} Brown acknowledged that her text messages repeatedly "kicked back," suggesting they were never received by the Agency. (2Tr. at 272). She further acknowledged that after receiving the Agency's letter, she made no additional efforts to contact the Agency. (2Tr. at 269-270).

### **Trial Court Decision**

{¶34} On February 5, 2026, the juvenile court granted the Agency's motion for permanent custody, denied Mother's motion for legal custody and terminated Mother's parental rights.

### **Assignments of Error**

{¶35} Mother raises four assignments of error,

{¶36} "I. THE TRIAL COURT'S DECISION TO GRANT PERMANENT CUSTODY OF [MOTHER'S] CHILDREN TO MUSKINGUM COUNTY CHILDREN SERVICES SHOULD BE REVERSED."

{¶37} "II. THE TRIAL COURT'S DECISION TO GRANT PERMANENT CUSTODY OF [MOTHER'S] CHILDREN TO MUSKINGUM COUNTY CHILDREN SERVICES SHOULD BE REVERSED, BECAUSE IT WAS NOT IN THEIR BEST INTEREST TO DO SO."

{¶38} III. THE TRIAL COURT'S DECISION SHOULD BE REVERSED BECAUSE THE FINDING THAT THE AGENCY MADE REASONABLE EFFORTS TOWARD REUNIFICATION IN [MOTHER'S] CASE WAS NOT SUPPORTED BY CLEAR AND CONVINCING EVIDENCE.

{¶39} "IV. THE TRIAL COURT'S DECISION SHOULD BE REVERSED BECAUSE THE EVIDENCE WEIGHED MANIFESTLY AGAINST GRANTING PERMANENT CUSTODY OF [MOTHER'S] CHILDREN TO THE AGENCY."

### **Fundamental Rights and Governing Standards**

{¶40} A parent's right to raise his or her child is an essential and fundamental liberty interest protected by the United States and Ohio Constitutions. *In re Murray*, 52 Ohio St.3d

155, 157 (1990), quoting *Stanley v. Illinois*, 405 U.S. 645 (1972); *Santosky v. Kramer*, 455 U.S. 745, 753 (1982). Because the permanent termination of parental rights has been described as "the family law equivalent of the death penalty," parents must be afforded every procedural and substantive protection the law allows. *In re Smith*, 77 Ohio App.3d 1, 16 (6th Dist.1991). Accordingly, a juvenile court may grant permanent custody only upon clear and convincing evidence. R.C. 2151.414(B)(1).

## **I. & IV.**

### **Standard of Review**

{¶41} The Supreme Court of Ohio has explained that appellate review of permanent custody decisions proceeds under the sufficiency-of-the-evidence and manifest-weight-of-the-evidence standards, depending upon the arguments presented. *In re Z.C.*, 2023-Ohio-4703, ¶ 18. Mother's first and fourth assignments of error implicate both standards.

### **Sufficiency**

{¶42} Whether sufficient evidence exists presents a question of law reviewed de novo. *State v. Walker*, 2016-Ohio-8295, ¶ 30. We consider whether the evidence, if believed, is legally adequate to permit the juvenile court to form a firm belief or conviction that the statutory requirements have been established by clear and convincing evidence. *In re Z.C.* at ¶ 13; *In re Estate of Haynes*, 25 Ohio St.3d 101, 103-104 (1986).

### **Manifest Weight**

{¶43} Manifest-weight review concerns the persuasiveness of the evidence. *Eastley v. Volkman*, 2012-Ohio-2179, ¶ 19. We review the entire record, weigh the evidence and all reasonable inferences, consider witness credibility, and determine whether the juvenile court

clearly lost its way, creating a manifest miscarriage of justice. *State v. Thompkins*, 78 Ohio St.3d 380, 387 (1997).

{¶44} Because the juvenile court personally observes the witnesses, however, we afford substantial deference to its credibility determinations. *Eastley* at ¶ 21; *Seasons Coal Co. v. Cleveland*, 10 Ohio St.3d 77, 80 (1984). An appellate court acts as the "thirteenth juror" only where the evidence weighs against the factfinder's resolution of conflicting testimony. *See State v. Martin*, 2022-Ohio-4175, ¶ 26. Likewise, reversal is warranted only where testimony is so internally inconsistent, so thoroughly impeached, or so inherently unbelievable that the factfinder clearly lost its way. *State v. Reillio*, 2026-Ohio-2701, ¶ 3. Reversal on manifest-weight grounds remains reserved for the exceptional case in which the evidence weighs heavily against the judgment.

### **Statutory Framework**

{¶45} Before granting permanent custody, the juvenile court must find by clear and convincing evidence that one of the circumstances listed in R.C. 2151.414(B)(1)(a) through (e) exists and that permanent custody is in the child's best interest under R.C. 2151.414(D).

{¶46} Here, the juvenile court found both that the children could not or should not be placed with Mother within a reasonable time under R.C. 2151.414(B)(1)(a) and that the children had been in the Agency's temporary custody for at least twelve months of a consecutive twenty-two-month period under R.C. 2151.414(B)(1)(d).

### **Twelve of Twenty-Two Months**

{¶47} The "12 of 22" provisions set forth in R.C. 2151.413(D)(1) and R.C. 2151.414(B)(1)(d) balance the importance of reuniting a child with the child's parents against the importance of a speedy resolution of the custody of a child. *In re C.W.*, 2004-Ohio-6411,

¶22. Through the “12 of 22” provisions in the permanent-custody statutes, the legislature provides parents with 12 months to work toward reunification before an agency can institute a permanent-custody action asserting R.C. 2151.414(B)(1)(d) grounds. *Id.*

{¶48} When calculating this period, the court in *C.W.* cautioned, “the time that passes between the filing of a motion for permanent custody and the permanent-custody hearing does not count toward the 12-month period set forth in R.C. 2151.414(B)(1)(d).” 2004-Ohio-6411 at ¶ 26. *Accord, In re: N.C.*, 2011-Ohio-6113, ¶32 (5th Dist.).

{¶49} A child is considered to have entered an agency's temporary custody on the earlier of the adjudication date or sixty days after removal. R.C. 2151.414(B)(1)(e).

{¶50} We note that the trial court found that A.M. and N.D. had been in the custody of the Agency for twelve of a consecutive twenty-two-month period. (*Judgment Entry*, ¶42.) The trial court did not mention K.L. (*Id.*) We find this to be a scrivener's error.

{¶51} Testimony established that A.M. and K.L. were removed from Mother's home on May 11, 2023. Sixty days after this removal was July 10, 2023. The juvenile court adjudicated A.M. and K.L. dependent children on August 30, 2023. Accordingly, for purposes of R.C. 2151.414(B)(1)(d), the children are deemed to have entered the Agency's temporary custody on July 10, 2023 – the earlier of the two dates pursuant to R.C. 2151.414(B)(1)(e). The Agency filed its motion for permanent custody on April 28, 2025, well after A.M. and K.L. had remained in temporary custody for more than twelve months of a consecutive twenty-two-month period.

{¶52} N.D. was placed in the Agency's temporary custody on January 31, 2024. Sixty days after this removal was April 1, 2024. On April 18, 2024, the juvenile court adjudicated N.D. a dependent child. Accordingly, for purposes of R.C. 2151.414(B)(1)(d), N.D. was

deemed to have entered the Agency's temporary custody on April 1, 2024 – again, the earlier of the two dates. The Agency filed its motion for permanent custody on April 28, 2025. Therefore, N.D. had remained in temporary custody for more than twelve months, specifically 12 months and 27 days.

{¶53} Because the findings under R.C. 2151.414(B)(1)(a) and (d) constitute alternative grounds for permanent custody, either finding independently satisfies the first prong of the permanent custody analysis. *In re Dalton*, 2007-Ohio-5805 (5th Dist.); *In re Calhoun*, 2008-Ohio-5458 (5th Dist.).

{¶54} Mother does not challenge the juvenile court's finding under R.C. 2151.414(B)(1)(d). Accordingly, that finding alone, together with a proper best-interest determination, supports the award of permanent custody of A.M., K.L, and N.D. Nevertheless, in the interest of completeness, we address Mother's arguments concerning R.C. 2151.414(B)(1)(a) as to all three children.

### **Placement Within a Reasonable Time**

{¶55} Under R.C. 2151.414(E), if the juvenile court finds by clear and convincing evidence that one of the enumerated factors exists, it must determine that the child cannot or should not be placed with the parent within a reasonable time. *In re William S.*, 75 Ohio St.3d 95 (1996).

{¶56} In this case, we find that competent, credible evidence supports the juvenile court's findings under R.C. 2151.414(E).

{¶57} N.D. was born with neonatal abstinence syndrome. Matthew Levatis of Forensic Fluids Laboratories testified that Mother tested positive for methamphetamine on August 14, 2025, and again on August 20, 2025. Jill Hittle, a nurse practitioner with Spero

Health, testified that Mother also tested positive for methadone on November 13, 2025. Mother denied taking methadone, testified that the results were incorrect, and asserted that the Agency had confused her with someone else.

{¶58} Although Mother reported taking Suboxone daily, repeated drug screens were negative for Suboxone during portions of her treatment, raising concerns regarding her compliance with prescribed medication. The testimony of Hittle established that the negative Suboxone test results occurred from June through August 2024, well after the birth of N.D. (1Tr. at 144). The evidence also showed Mother tested positive for methamphetamine during the pendency of the case. Mother's history with the Agency dates back to 2018. By the time of these proceedings, Mother's substance abuse had become a significant and continuing concern.

{¶59} In addition, the Guardian ad Litem ("GAL") recommended that permanent custody be granted.

{¶60} Although the record reflects Mother made meaningful progress in several respects, including obtaining appropriate housing, completing parenting classes, participating in substance abuse treatment and counseling, and maintaining a positive relationship with the children during visitation, the juvenile court reasonably concluded that significant concerns remained regarding Mother's substance abuse and her ability to safely reunify with the children.

{¶61} Completion of portions of a case plan does not, standing alone, preclude an award of permanent custody. A case plan is a means to achieve reunification, not an end in itself. *In re J.L.*, 2004-Ohio-6024, ¶ 20 (8th Dist.). Rather, the relevant inquiry is whether the parent has substantially remedied the conditions that caused the children's removal.

{¶62} Upon our review of the record, we conclude competent, credible evidence supports the juvenile court's determination that the children could not or should not be placed with Mother within a reasonable time.

{¶63} Accordingly, for the reasons outlined above, Mother's first and fourth assignments of error are overruled.

## II.

{¶64} In her second assignment of error, Mother contends that the trial court's finding that it is in the best interests of the children that permanent custody be granted to the Agency is not supported by the record. We disagree.

### **Best Interest**

{¶65} An agency that seeks permanent custody of a child bears the burden of proving by clear and convincing evidence that the grant of permanent custody is in the child's best interest. *In re B.C.*, 2014-Ohio-4558, ¶ 26.

{¶66} R.C. 2151.414(D) requires the trial court to consider all relevant factors in determining whether the child's best interests would be served by granting the permanent custody motion. These factors include but are not limited to: (1) the interrelationship of the child with others; (2) the wishes of the child; (3) the custodial history of the child; (4) the child's need for a legally secure placement and whether such a placement can be achieved without permanent custody; and (5) whether any of the factors in divisions (E)(7) to (11) apply.

{¶67} R.C. 2151.414(D)(1) does not require a juvenile court to make specific findings regarding each of the best-interest factors listed in R.C. 2151.414(D)(1) or to include in its

decision or judgment entry a written discussion of each of those factors. *In re: A.M.*, 2020-Ohio-5102, ¶33.

{¶68} A child's best interests are served by the child being placed in a permanent situation that fosters growth, stability, and security. 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*, 2000 Ohio App. LEXIS 5261, (5th Dist. Nov. 13, 2000), citing *in re Awkal*, 95 Ohio App.3d 309, 316 (8th Dist. 1994).

### **Interaction and Interrelationship**

#### **R.C. 2151.414(D)(1)(a)**

{¶69} The evidence demonstrated that the children's interactions with Mother were generally good.

### **Wishes of the Children and Custodial History**

{¶70} Mother argues that the trial court failed to consider the children's wishes in determining their best interest. She contends that the failure to ascertain the children's wishes is fatal to the Agency's motion for permanent custody, citing *In re Lopez*, 2006-Ohio-2251 (3d Dist.). We disagree.

{¶71} A child's wishes do not require a trial court to deny an agency's motion for permanent custody. *In re K.M.*, 2018-Ohio-3711, ¶ 27, citing *In re S.M.*, 2014-Ohio-2961, ¶ 36 (4th Dist.). Rather, a child's wishes are "a factor for the trial court to weigh along with others outlined in R.C. 2151.414(D)(1)." *Id.*, quoting *In re S.M.*, ¶ 36, citing *In re C.F.*, 2007-Ohio-1104, ¶ 57. A child's wishes are not entitled to heightened importance. *Id.*; see also *In re M.W.*,

2020-Ohio-5199, ¶ 26 (10th Dist.) (concluding that a trial court cannot give a child's wishes under R.C. 2151.414(D)(1)(b) greater weight than the other best-interest factors); *accord In re W.J.*, 2022-Ohio-2449, ¶ 65 (3d Dist.); *In re D.B.*, 2006-Ohio-479, ¶ 42 (2d Dist.); *In re J.H.*, 2025-Ohio-5218, ¶ 66 (5th Dist.).

{¶72} Thus, even assuming the children expressed a desire to return to Mother, the trial court was not required to give that preference controlling weight or to disregard the other statutory best-interest factors.

{¶73} Here, the record reflects that the juvenile court considered the evidence presented at the permanent custody hearing, Mother's testimony, the records before the court, and the recommendation of the GAL, whose first report was filed in October 2018 - subsequent reports were filed throughout the years that followed. The GAL ultimately recommended that permanent custody of the children be granted to the Agency.

{¶74} The children's custodial history also supported the juvenile court's determination. Mother first became involved with the Agency in 2018. By the time of the permanent custody hearing, substance abuse remained a significant and continuing concern. Although Mother had made progress in several areas, the evidence demonstrated that she had not consistently addressed the substance-abuse concerns that had been a recurring component of the Agency's involvement. The juvenile court could reasonably conclude that Mother's progress remained insufficient to establish that the children could safely and consistently be returned to her care.

{¶75} The juvenile court also found that the children had remained together in foster care throughout the proceedings. The court found that A.M. had been diagnosed with attention deficit hyperactivity disorder and adjustment disorder with mixed disturbance of

emotions and conduct, was receiving counseling through school, and was prescribed medication for those conditions. K.L. was attending Head Start and doing well in the program. N.D. was meeting appropriate developmental milestones. These findings support the conclusion that the children were receiving appropriate care and stability in their current placement.

### **Need for a Legally Secure Permanent Placement**

{¶76} The record supports the juvenile court's conclusion that the children required a legally secure permanent placement.

{¶77} Although Mother demonstrated progress in several areas, the juvenile court reasonably determined that unresolved concerns regarding substance abuse prevented reunification within a reasonable time. The court could further conclude that the children's need for permanence and stability outweighed Mother's request for additional time to complete reunification.

### **Additional Factors**

{¶78} The juvenile court also considered the remaining statutory factors, including the Guardian ad Litem's recommendation that permanent custody be granted.

{¶79} The court concluded that the children's need for a legally secure permanent placement could not be achieved without awarding permanent custody to the Agency. Upon review of the entire record, we conclude that competent, credible evidence supports that determination.

{¶80} In short, the juvenile court's judgment entry demonstrates that it considered the relevant best-interest factors set forth in R.C. 2151.414(D)(1)(a) through (e). The court was not required to assign the children's wishes greater weight than the other statutory factors, nor

was it required to reach a different result simply because the children may have expressed a preference regarding their placement. The juvenile court did not err in determining that permanent custody was in the children's best interest.

{¶81} Mother's second assignment of error is overruled.

### III.

{¶82} In her third assignment of error, Mother argues the trial court erred in finding the Agency made reasonable efforts to reunify Mother with her children. We disagree.

{¶83} 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-disposition hearings, and dispositional hearings for abused, neglected, or dependent children, all of which occur prior to a decision transferring permanent custody to the state." *Id.* at ¶ 41; *In re L.J.*, 2019-Ohio-5231, ¶44 (5th Dist.); *In re A.M.*, 2026-Ohio-1986, ¶50 (5th Dist.).

{¶84} The record reflects that the juvenile court made reasonable-efforts findings at multiple hearings throughout these proceedings, and Mother did not challenge those findings at the time they were made. Consequently, the juvenile court was not required to make an additional reasonable effort determination at the permanent custody hearing.

{¶85} Mother's third assignment of error is overruled.

## **Conclusion**

{¶86} Upon our independent review of the record, we conclude that clear and convincing evidence supports the juvenile court's findings. The finding under R.C. 2151.414(B)(1)(d) independently supports the award of permanent custody of the children. Competent, credible evidence also supports the juvenile court's determination under R.C. 2151.414(B)(1)(a) that A.M., K.L., and N.D. could not or should not be placed with Mother within a reasonable time. Finally, after considering the factors set forth in R.C. 2151.414(D)(1), we conclude the juvenile court did not err in determining that permanent custody was in the children's best interests.

{¶87} Accordingly, Mother's first, second, third, and fourth assignments of error are overruled.

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

{¶89} Costs are to be paid by Appellant-Mother, C.M.

By: Popham, J.

King, P.J. and

Hoffman, J., concur