

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

IN THE MATTER OF:
D.M. AND Z.B.

Case Nos. CT2026-0042
CT2026-0043

Opinion And Judgment Entry

Appeal from the Muskingum County Court
of Common Pleas, Juvenile Division, Case
Nos. 22330142 & 22330143

Judgment: Affirmed

Date of Judgment Entry: September 4, 2026

BEFORE: Craig R. Baldwin, Kevin W. Popham, and David M. Gormley, Judges

APPEARANCES: Ronald Welch, Prosecuting Attorney, Jacob J. Winslow, Assistant
Prosecutor, for MCACPS, Tony A. Clymer, for-Appellant

OPINION

Popham, J.,

{¶1} Appellant S.H. ("Mother") appeals the April 3, 2026, Judgment Entry of the Muskingum County Court of Common Pleas, Juvenile Division, granting appellee Muskingum County Adult and Child Protective Services' ("the Agency") motion for permanent custody of her minor children, Z.B.¹ and D.M.² The judgment terminated Mother's parental rights pursuant to R.C. 2151.414. For the reasons below, we affirm.

¹ Fifth District Court of Appeals, Case No. CT2026-0042

² Fifth District Court of Appeals, Case No. CT2026-0043

Facts and Procedural History

Initiation of the Case

{¶2} S.H. is the biological mother of Z.B., born February 3, 2013, and D.M., born March 18, 2014.

{¶3} On May 10, 2023, the Agency became involved with Mother, following a truancy hearing concerning Z.B. The juvenile court ordered Z.B. to attend summer school. The Agency assisted Mother in registering Z.B. for summer school and arranged transportation. Despite the Agency's repeated efforts to assist, Mother, stating that Z.B. was ill, refused to allow the Agency to transport Z.B. to school. Mother reported that Nationwide Children's Hospital had recommended that Z.B. participate in a homeschooling program. Although the Agency assisted Mother with the registration process, Mother did not complete the necessary steps to implement homeschooling.

{¶4} On October 24, 2023, the Agency discovered that Mother's home lacked running water. The Agency also identified other concerns with the condition of the home, including the odor of animal urine, and flies throughout the home.

{¶5} On November 3, 2023, the Agency filed a complaint alleging that Z.B. and D.M. were dependent children pursuant to R.C. 2151.04(C). Based on concerns regarding school attendance, housing instability, and Mother's substance abuse, the children were removed from Mother's care.

{¶6} On December 6, 2023, the Agency filed an updated Comprehensive Assessment and Case Plan, which identified Mother and the children's fathers as having significant mental-health, substance-abuse, housing, income, and parenting issues that

adversely affected their ability to properly parent and protect the children and provide them with a safe and sober home.

{¶7} On January 17, 2024, the juvenile court adjudicated Z.B. and D.M. dependent children pursuant to R.C. 2151.04(C). The Guardian ad Litem (“GAL”) report was filed with the court. No party objected to the case plan, and the juvenile court approved and adopted it.

Case Plan and Review Proceedings

{¶8} Mother's case plan required her to address her mental health, substance abuse, parenting skills, and housing.

{¶9} 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

{¶10} On September 15, 2025, the Agency moved for permanent custody of the children.

{¶11} The juvenile court conducted a hearing on the motion. The following evidence was presented.

Testimony of Kaylee McCauley

{¶12} Kaylee McCauley testified that the Agency initially became involved with Mother because of Z.B.'s truancy. The Agency's involvement initially was voluntary and continued on that basis for approximately four to six months. The Agency thereafter sought temporary custody after Z.B. was removed from school.

{¶13} McCauley testified that, because of a neurological condition, Z.B. had been recommended for homeschooling. Despite the Agency's efforts to assist Mother, homeschooling was never established.

{¶14} McCauley further testified that Mother's home was unclean, animal feces were scattered throughout the residence, and, at one point, the home lacked running water. According to McCauley, Mother's case plan required her to address the housing concerns, meet the children's basic needs, complete mental-health and substance-abuse assessments, and complete parenting classes. McCauley testified that she left the Agency shortly after Mother was referred for a mental-health assessment.

Testimony of Jennifer Hulboy

{¶15} Caseworker Jennifer Hulboy testified that she became involved with Mother's case in May 2024. Hulboy testified that Mother's case plan required her to address her housing concerns, demonstrate an ability to meet her own and the children's basic needs, obtain mental-health and substance-abuse assessments, and complete parenting classes.

{¶16} Because of Mother's significant cognitive deficits, the case plan also required a more comprehensive psychological evaluation. Hulboy testified that she accompanied Mother to an in-depth mental-health assessment.³ According to Hulboy, the assessment indicated that Mother met the qualifications for mild intellectual disability, which affected her judgment, decision-making, communication, and daily living skills.

{¶17} Hulboy testified that Mother would require additional support and hands-on parenting training to safely parent the children. According to Hulboy, the assessment recommended that Mother complete intensive, hands-on parenting training tailored to her

³ Mother's mental-health assessment was not admitted into evidence at the permanent-custody hearing.

level of learning and obtain services through the local Board of Developmental Disabilities. Hulboy testified that Mother did not cooperate with those recommendations.

{¶18} Hulboy further testified that Mother had been diagnosed with Stimulant Use Disorder. On May 29, 2024, Mother tested positive for cocaine and THC. Although Mother initially engaged in services, Hulboy testified that Mother stopped contacting the Agency and stopped visiting the children in July 2024. Mother did not reestablish contact with the Agency until March 2025.

{¶19} Hulboy testified that Mother was prescribed Suboxone, or buprenorphine, through Spero in 2025. From May 2025 through February 2026, Mother regularly underwent drug testing requested by the Agency. According to Hulboy, Mother's test results demonstrated inconsistent use of the prescribed buprenorphine, which Mother was instructed to take daily. Mother tested positive for buprenorphine on ten of twenty-eight tests. She also tested positive for THC on or about October 10, 2025, and tested positive for gabapentin on February 24, 2026, despite not having a prescription for that medication.

{¶20} Hulboy testified that Mother completed a parenting course through Muskingum Behavioral Health in May 2024. The Agency subsequently requested that Mother participate in more intensive parenting classes. However, Mother did not sign and submit the necessary paperwork to enroll in services through the local Board of Developmental Disabilities, despite Hulboy having completed the paperwork.

{¶21} Hulboy testified that Mother initially was permitted weekly supervised visitation with the children for two hours, with one hour allotted to each child separately. From March 6, 2024, through June 24, 2024, Mother attended only seven visits. Thereafter,

Mother stopped attending visits and did not see the children again until approximately March 5, 2025, when she requested that visitation resume.

{¶22} Visitation resumed in approximately March 2025 on an every-other-week basis for one hour. In October 2025, Mother's visitation with Z.B. was terminated at Z.B.'s request. Hulboy testified that Mother's last contact with Z.B. occurred on December 4, 2025.

{¶23} Hulboy testified that Mother's visitation with D.M. was "okay," but that Mother continued to have difficulty appropriately interacting with and parenting D.M. during visits. During a visit, D.M. attempted to leave the visitation room. Mother blocked the door, causing D.M. to become frightened and upset, and the visit was terminated early.

{¶24} Hulboy also testified that she had concerns regarding Mother's housing, as Mother shared her home with her paramour, who had an open case with the Agency and had previously lost custody of his own child. Hulboy testified that Mother misrepresented her relationship with the paramour to prevent him from being added to her case plan.

Best Interest of the Children

{¶25} Hulboy testified that the children were placed in separate foster homes where their needs were being met.

{¶26} Z.B. had remained in the same foster home since being placed in the Agency's temporary custody. Z.B. attended a brick-and-mortar school and was earning all A's and B's. Z.B. also participated in dance, swimming, and school band.

{¶27} D.M. had experienced several placement changes because of behavioral issues but was doing well in the most recent placement - performing well in school. The current caregiver was working to reengage D.M. in counseling and treatment for ADHD.

Trial Court's Decision

{¶28} On April 3, 2026, the juvenile court granted the Agency's motion for permanent custody and terminated Mother's parental rights.

Assignments of Error

{¶29} Mother raises three assignments of error for our consideration:

{¶30} “I. THE JUVENILE COURT DECISION GRANTING PERMANENT CUSTODY WAS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE BECAUSE MUSKINGUM COUNTY CHILDREN SERVICES FAILED TO PROVE BY CLEAR AND CONVINCING EVIDENCE THAT THE CHILDREN COULD NOT BE PLACED WITH MOTHER WITHIN A REASONABLE TIME OR THAT PERMANENT CUSTODY WAS IN THE BEST INTEREST OF THE CHILDREN.”

{¶31} “II. THE TRIAL COURT ERRED IN FINDING THAT MUSKINGUM COUNTY CHILDREN SERVICES MADE REASONABLE REUNIFICATION EFFORTS WHERE THE AGENCY FAILED TO PROVIDE OR IMPLEMENT THE SPECIALIZED PARENTING SERVICES RECOMMENDED BY ITS OWN PSYCHOLOGICAL EXAMINATION.”

{¶32} “III. THE TRIAL COURT DEPRIVED MOTHER OF DUE PROCESS OF LAW IN VIOLATION OF THE UNITED STATES AND OHIO CONSTITUTIONS AND THE JUDGE ABUSED ITS DISCRETION BY CONDUCTING A PERMANENT CUSTODY HEARING IN A MANNER THAT PRIORITIZED THE COURTS SCHEDULING CONSTRAINTS OVER MOTHER'S CONSTITUTIONAL RIGHT TO A FULL AND FAIR HEARING INCLUDING LIMITING THE PRESENTATION OF EVIDENCE.”

Fundamental Rights and Governing Standards

{¶33} 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 permanent termination of parental rights has been described as "the family law equivalent of the death penalty," parents must be afforded the procedural and substantive protections provided by law. *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.

Standard of Review

{¶34} 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 assignment of error implicates both standards.

Sufficiency

{¶35} Whether sufficient evidence exists presents a question of law that we review de novo. *State v. Walker*, 2016-Ohio-8295, ¶ 30. We consider whether the evidence, if believed, is legally sufficient 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

{¶36} 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).

{¶37} However, our review is tempered by the recognition that the juvenile court personally observed the witnesses and was therefore in the best position to evaluate their credibility. *Eastley* at ¶ 21; *Seasons Coal Co. v. Cleveland*, 10 Ohio St.3d 77, 80 (1984). An appellate court acts as the "thirteenth juror" only when the evidence weighs against the factfinder's resolution of conflicting testimony. *See State v. Martin*, 2022-Ohio-4175, ¶ 26. Reversal is warranted only when testimony is so internally inconsistent, so thoroughly impeached, or so inherently unbelievable that the factfinder clearly lost its way. *State v. Reillo*, 2026-Ohio-2701, ¶ 3. Thus, reversal on manifest-weight grounds remains reserved for the exceptional case in which the evidence weighs heavily against the judgment.

Statutory Framework

{¶38} Against this standard of review, we turn to the statutory framework governing the juvenile court's decision. 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).

{¶39} Here, the juvenile court found two independent grounds for permanent custody. First, it found that the children could not or should not be placed with Mother within

a reasonable time under R.C. 2151.414(B)(1)(a). Second, the court found 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

{¶40} The "12 of 22" provisions in R.C. 2151.413(D)(1) and R.C. 2151.414(B)(1)(d) balance the importance of reunifying a child with the child's parents against the need for a prompt resolution of the child's custody. *In re C.W.*, 2004-Ohio-6411, ¶ 22. The provisions give parents twelve months to work toward reunification before an agency may seek permanent custody under R.C. 2151.414(B)(1)(d). *Id.*

{¶41} When calculating this period, the Supreme Court of Ohio cautioned that "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)." *Id.* at ¶ 26; *accord In re N.C.*, 2011-Ohio-6113, ¶ 32 (5th Dist.).

{¶42} A child is considered to have entered an agency's temporary custody on the earlier of 1) the adjudication date, or 2) sixty days after removal. R.C. 2151.414(B)(1)(e).

{¶43} Here, the children were removed from Mother's home on November 3, 2023 – sixty days following this removal was January 2, 2024. The juvenile court adjudicated the children dependent on January 17, 2024. Thus, for purposes of R.C. 2151.414(B)(1)(d), "12 of 22" provision, the earlier date controls, and Z.B. and D.M. are deemed to have entered the Agency's temporary custody on January 2, 2024.

{¶44} The Agency filed its motion for permanent custody on September 15, 2025, by which time the children had been in the Agency's temporary custody for substantially more

than twelve months of a consecutive twenty-two-month period. The statutory time requirement was therefore satisfied.

{¶45} 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.); *In re: K.C.*, 2024-Ohio-2081, ¶45 (10th Dist.).

{¶46} Mother does not challenge the juvenile court's finding under R.C. 2151.414(B)(1)(d). Accordingly, that finding satisfies the first prong of the statutory analysis. The remaining question is whether clear and convincing evidence establishes that permanent custody is in the children's best interest.

{¶47} Nevertheless, because Mother separately challenges the juvenile court's determination under R.C. 2151.414(B)(1)(a), we address that issue before turning to best interest.

Placement Within a Reasonable Time

{¶48} R.C. 2151.414(E) requires the juvenile court to determine that a child cannot or should not be placed with a parent within a reasonable time when the court finds, by clear and convincing evidence, that one or more of the statutory factors exist. *In re William S.*, 75 Ohio St.3d 95 (1996).

{¶49} The record contains substantial evidence supporting the juvenile court's determination.

{¶50} Most significantly, Mother did not demonstrate sustained progress toward addressing the conditions that led to the children's removal. Mother continued to use drugs, did not consistently take her prescribed Suboxone, and did not successfully complete

substance-abuse treatment. These were not isolated deficiencies. Rather, they persisted throughout the proceedings and remained unresolved when the juvenile court considered permanent custody.

{¶51} Mother also failed to obtain the additional parenting services recommended in light of her cognitive limitations. Although she completed a parenting course through Muskingum Behavioral Health, the Agency sought more intensive, hands-on parenting instruction through the Board of Developmental Disabilities. Mother did not complete the necessary steps to obtain those services.

{¶52} Mother's visitation history further supports the juvenile court's determination. From March 6 through June 24, 2024, Mother attended only seven visits with the children, at which time she then stopped visiting the children altogether. Mother did not see the children again until March 5, 2025. After visitation resumed, Mother's visits with Z.B. were terminated at Z.B.'s request. During visitation with D.M., Mother continued to struggle with appropriate parenting and interaction. During one visit, D.M. attempted to leave the visitation room, and Mother blocked the door, causing D.M. to become frightened and upset.

{¶53} Mother's housing circumstances also remained unresolved. She shared her home with a paramour who had an open case with the Agency and had previously lost custody of his own child. The evidence further established that Mother misrepresented her relationship with the paramour to prevent him from being added to her case plan. The paramour was not added to Mother's case plan and had not completed his own case plan.

{¶54} The GAL written report likewise recommended that the Agency be granted permanent custody.

{¶55} When viewed in totality, this evidence demonstrates more than incomplete case-plan compliance. It demonstrates that the central conditions underlying the children's removal remained unresolved despite the passage of substantial time and the Agency's efforts to facilitate reunification.

{¶56} 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.). The relevant inquiry is whether the parent has substantially remedied the conditions that caused the child's removal.

{¶57} Here, Mother did not substantially remedy those conditions. Her unresolved substance-abuse issues, failure to obtain recommended parenting services, inconsistent visitation, and continued housing concerns provided competent and credible evidence supporting the juvenile court's determination that the children could not or should not be placed with Mother within a reasonable time.

{¶58} Accordingly, even apart from the unchallenged 12-of-22-month finding, the record supports the juvenile court's determination under R.C. 2151.414(B)(1)(a).

Best Interest

{¶59} Having concluded that the first prong of the permanent-custody analysis is satisfied, we turn to the second. An agency seeking permanent custody bears the burden of proving by clear and convincing evidence that permanent custody is in the child's best interest. *In re B.C.*, 2014-Ohio-4558, ¶ 26.

{¶60} R.C. 2151.414(D) requires the juvenile court to consider all relevant factors in determining whether permanent custody is in the child's best interest. These factors include, but are not limited to: (1) the child's interaction and interrelationship with the child's parents,

siblings, relatives, foster caregivers, and other persons who may significantly affect the child; (2) the child's wishes; (3) the child's custodial history; (4) the child's need for a legally secure permanent placement and whether that placement can be achieved without a grant of permanent custody; and (5) whether any of the factors in R.C. 2151.414(E)(7) through (11) apply.

{¶61} The statute does not require the juvenile court to make a specific finding regarding each factor or to discuss each factor individually in its judgment entry. *In re A.M.*, 2020-Ohio-5102, ¶ 33. Rather, the record must demonstrate that the court considered the relevant statutory factors.

{¶62} Here, the record supports the juvenile court's best-interest determination.

Interaction and Interrelationship

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

{¶63} The evidence concerning Mother's relationship with the children weighs in favor of permanent custody. Mother's interaction with the children was inconsistent and, at times, nonexistent. Mother stopped visiting the children for an extended period. When visitation resumed, concerns remained regarding her ability to appropriately interact with and parent D.M. Most significantly, Z.B. requested that visitation with Mother be terminated.

{¶64} These circumstances demonstrate that Mother's relationship with the children did not provide the stability and security necessary to support reunification.

Wishes of the Children and Custodial History

{¶65} The GAL report details the children's wishes. Z.B. expressed that she was doing better than when she was in Mother's custody and had refused visits with Mother. Z.B.

consistently expressed a desire to be adopted. D.M. likewise expressed that he did not want to return to Mother's custody.

{¶66} The children's wishes are consistent with the evidence concerning their relationship with Mother and their circumstances in foster care.

{¶67} Their custodial history also supports permanent custody. The children entered the Agency's temporary custody on January 2, 2024, and remained in Agency custody through the permanent-custody proceedings. Thus, this was not a case in which the Agency sought permanent custody shortly after the children's removal. The children had spent a substantial period of their lives outside Mother's care while the Agency attempted to facilitate reunification.

Need for a Legally Secure Permanent Placement

{¶68} The evidence also supports the juvenile court's finding that the children need a legally secure permanent placement that cannot be achieved without permanent custody.

{¶69} Mother did not demonstrate that she could provide a safe, stable, and drug-free home; in short, Mother's housing situation remained uncertain. Her substance-abuse issues remained unresolved. She failed to obtain the additional parenting services recommended in light of her cognitive limitations. Her visitation with the children was inconsistent, and concerns remained regarding her ability to safely and appropriately parent them.

{¶70} These concerns were not speculative. They were demonstrated through Mother's conduct throughout the case and remained unresolved by the time of the permanent-custody hearing.

{¶71} By contrast, the children were receiving care in their foster placements. Z.B. remained in the same foster home and was doing well in school and extracurricular activities.

D.M., although he had experienced placement changes because of behavioral issues, was doing well in his current placement, and his caregiver was working to reengage him in counseling and treatment.

{¶72} Therefore, the record supports the juvenile court's conclusion that additional time would not provide the children with the permanence and stability they require. Rather, the evidence supports the conclusion that permanent custody was necessary to achieve a legally secure placement.

Additional Factors

{¶73} The juvenile court also considered the remaining statutory factors, including the GAL recommendation that permanent custody be granted.

{¶74} Nothing in the record demonstrates that the juvenile court failed to consider any relevant factor. Nor does the record demonstrate that the court clearly lost its way in weighing those factors. Instead, the evidence supports the court's conclusion that the children's need for permanence, stability, and safety outweighed Mother's request for additional time to pursue reunification.

Conclusion

{¶75} The juvenile court's decision is supported by both the statutory framework and the evidence presented at the permanent-custody hearing. Mother does not challenge the 12-of-22-month finding, which independently satisfies the first prong of the permanent-custody analysis. In addition, competent, credible evidence supports the alternative determination that the children could not or should not be placed with Mother within a reasonable time.

{¶76} The evidence likewise supports the juvenile court's best-interest determination. Mother did not substantially remedy the conditions that led to the children's removal. Her

substance-abuse issues, parenting deficiencies, inconsistent visitation, and housing concerns remained unresolved. Meanwhile, the children had spent a substantial period in Agency custody, expressed a desire not to return to Mother's care, and were receiving stability and appropriate care in their foster placements.

{¶77} Upon review of the entire record, we cannot conclude that the juvenile court clearly lost its way or that its decision resulted in a manifest miscarriage of justice. The evidence does not weigh heavily against the judgment. Accordingly, the juvenile court did not err in granting the Agency permanent custody of Z.B. and D.M.

{¶78} Mother's first assignment of error is overruled.

II.

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

{¶80} 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, ¶¶ 41-42; 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." *In re C.F.*, ¶ 41; *In re L.J.*, 2019-Ohio-5231, ¶ 44 (5th Dist.); *In re A.M.*, 2026-Ohio-1986, ¶ 50 (5th Dist.).

{¶81} 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.

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

III.

{¶83} In her third assignment of error, Mother argues that the juvenile court severely limited her ability to challenge the evidence against her. Specifically, Mother relies on the following statement made by the juvenile court at the beginning of the permanent-custody hearing:

We are here today on a permanent custody motion filed by the State as of September 15. I noticed it was continued one time. And I do believe, due to time constraints, we are here for the full hearing on today's date.

Tr. at 6.

{¶84} Mother contends that this statement demonstrates that the juvenile court prioritized its scheduling constraints over her constitutional right to a full and fair hearing and limited her ability to present evidence.

{¶85} The record does not support Mother's characterization⁴. Mother did not testify or present evidence at the permanent custody hearing. She did not object to the juvenile court's statement, assert that she needed additional time to present evidence, or request a continuance of the hearing.

⁴ While not clarified by the juvenile court, an equally plausible explanation is that the juvenile court case was running up against statutory time constraints. R.C. 2151.35(B)(1)

{¶86} Because Mother did not object to the juvenile court's statement or request additional time to present evidence, she did not afford the juvenile court an opportunity to address the alleged error. We therefore review this assignment of error for plain error.

Plain Error Doctrine

{¶87} As explained by the Supreme Court of Ohio in *Goldfuss v. Davidson*, 79 Ohio St.3d 116, syllabus:

In appeals of civil cases, the plain error doctrine is not favored and may be applied only in the extremely rare case involving exceptional circumstances where error, to which no objection was made at the trial court, seriously affects the basic fairness, integrity, or public reputation of the judicial process, thereby challenging the legitimacy of the underlying judicial process itself.

In re Robert J. Pond Living Trust, 2022-Ohio-4301, ¶17 (5th Dist.). *See also*, *In re W.W.*, 2023-Ohio-4112, ¶25 (5th Dist.); *In re S.S.*, 2023-Ohio-2916, ¶14 (12th Dist.).

{¶88} The record contains no indication that the juvenile court prevented Mother from presenting evidence, imposed an arbitrary time limitation, or otherwise restricted her ability to defend against the Agency's motion. To the contrary, Mother had the opportunity to present evidence but elected not to testify or offer evidence. At the conclusion of the Agency's case, the following exchange took place between Mother's counsel and the juvenile court,

[The Court]: So with that in mind, any other evidence or witnesses you want to put on?

Mr. Johnson: Thank you, Your Honor. No, we have no evidence or witnesses. We rest.

Tr. at 73.

{¶89} The juvenile court's reference to "time constraints" does not establish that the court limited Mother's presentation of evidence. The juvenile court stated that the matter would proceed as a full hearing on that date.

{¶90} Upon review, we find Mother has failed to establish that an obvious error occurred in the trial court proceedings which seriously affected the basic fairness, integrity, or public reputation of the judicial process, or which affected her substantial rights.

{¶91} Accordingly, Mother's third assignment of error is overruled.

Conclusion

{¶92} 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 Z.B. and D.M. 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.

{¶93} In addition, we find that the juvenile court was not required to make an additional reasonable, reunification-effort determination at the permanent custody hearing.

{¶94} We also find Mother has failed to establish that an obvious error occurred in the trial court proceedings which seriously affected the basic fairness, integrity, or public reputation of the judicial process, or which affected her substantial rights.

{¶95} Therefore, Mother's first, second and third assignments of error are overruled.

{¶96} For the reasons stated in our Opinion, the judgments rendered by the Court of Common Pleas for Muskingum County, Ohio, Juvenile Division, in Case Nos. CT2026-0042, and CT2026-0043 are affirmed.

{¶97} Costs are to be paid by Appellant-Mother, S.H.

By: Popham, J.

Baldwin, P.J. and

Gormley, J., concur