[Cite as *In re J.L.*, 2026-Ohio-4267.]

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

IN RE: J.L.	Case No. 2026 CA 0007 Opinion And Judgment Entry Appeal from the Court of Common Pleas, Juvenile Division, Case No. 20243045 Judgment: Affirmed Date of Judgment Entry: October 28, 2026

BEFORE: Andrew J. King; Kevin W. Popham; David M. Gormley, Judges

APPEARANCES: AUSTIN WILLIAMS, for Appellant - Father; KATELYNN R. DAVIS, for Appellee - Coshocton County Job and Family Services; JEANETTE M. MOLL, Guardian Ad Litem; AARICA EBY, for Mother.

King, P.J.

.

{¶ 1} Appellant Father, J.L., appeals the May 5, 2026 decision of the Coshocton County Juvenile Court terminating his parental rights and granting permanent custody of the child to appellee, Coshocton County Job and Family Services ("CCJFS"). We affirm the trial court.

FACTS AND PROCEDURAL HISTORY

{¶ 2} On July 26, 2024, CCJFS filed a complaint for the temporary custody of J.L. born June 2021, alleging the child to be neglected and dependent.[1] Father of the child is J.L.,

[1]Two additional children were involved, but are not a part of this appeal; they have a different father.

appellant herein; Mother is S.T. Father was incarcerated in April 2024 on drug related convictions. The child was placed in emergency shelter care on July 31, 2024.

{¶ 3} A shelter care hearing was held on August 1, 2024. By judgment entry filed August 2, 2024, the trial court continued the emergency temporary custody of the child with CCJFS.

{¶ 4} An adjudicatory hearing was held on September 10, 2024. Father was represented by counsel and appeared remotely due to his incarceration. Both he and Mother admitted to a finding of dependency. By judgment entry filed September 12, 2024, the trial court found the child to be dependent; a dispositional hearing was continued for a later date. Also, by judgment entry filed September 12, 2024, the trial court ordered Father to have no contact with the child, as he was to abide by a protection order issued by the Coshocton County General Division Court in Case No. 2023DR0116, in effect from April 17, 2023 to April 17, 2028.

{¶ 5} A dispositional hearing was held on October 16, 2024; Father was still incarcerated. By judgment entry filed November 8, 2024, upon Father's agreement, the trial court continued the child's temporary custody with CCJFS.

{¶ 6} On October 29, 2024, Father was identified as the child's father through genetic testing.

{¶ 7} Numerous case plans were filed for all interested parties. Case reviews were filed on January 31, and July 16, 2025; CCJFS was found to be providing reasonable efforts for reunification.

{¶ 8} In March 2025, Father was released from prison, but was unable to establish a visitation schedule with the child due to the General Division protection order still in effect.

In October 2025, the General Division modified its order and removed the child as a protected person.

{¶ 9} On October 20, 2025, Father filed a motion for a hearing on visitation. On October 28, 2025, Mother filed an ex parte motion for a no-contact order between Father and the child. Also on October 28, 2025, the guardian ad litem filed a motion for permanent custody of the child. By judgment entry filed November 3, 2025, the trial court ordered the continuation of its prior no-contact order between Father and the child. On December 15, 2025, Father filed a motion to lift the no-contact order.

{¶ 10} Hearings on all pending motions were held on January 13 and 24, 2026; Mother acquiesced to the motion for permanent custody and did not contest it. By judgment entry filed May 5, 2026, the trial court terminated all parental rights for J.L. and mother, granted permanent custody of the child to CCJFS, and found all pending motions to be moot.

{¶ 11} Father filed an appeal with the following assignments of error:

I

{¶ 12} "THE TRIAL COURT'S FINDING THAT FATHER ABANDONED CHILD WAS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE."

II

{¶ 13} "THE TRIAL COURT ERRED IN FINDING THAT JFS MADE REASONABLE EFFORTS TOWARD REUNIFICATION."

III

{¶ 14} "THE TRIAL COURT'S DETERMINATION THAT PERMANENT CUSTODY WAS IN CHILD'S BEST INTEREST WAS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE."

IV

{¶ 15} "THE TRIAL COURT ABUSED ITS DISCRETION BY CONTINUING A BROAD NO-CONTACT ORDER THAT FORECLOSED FATHER'S ABILITY TO PURSUE CONTACT WITH THE CHILD."

I, II, III, IV

{¶ 16} Father claims the trial court erred in granting permanent custody of the child to CCJFS. We disagree.

{¶ 17} Father argues the trial court's decision was against the manifest weight of the evidence. On review for manifest weight, the standard 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 [decision] must be reversed and a new trial ordered." *State v. Martin*, 20 Ohio App.3d 172, 175 (1st Dist. 1983). In *State v. Thompkins*, 78 Ohio St.3d 380, 387 (1997), quoting Black's Law Dictionary (6th Ed. 1990), the Supreme Court of Ohio explained the following:

> Weight of the evidence concerns "the inclination of the *greater amount of credible evidence*, offered in a trial, to support one side of the issue rather than the other. It indicates clearly to the jury that the party having the burden of proof will be entitled to their verdict, if, on weighing the evidence in their minds, they shall find the *greater amount of credible evidence* sustains the issue which is to be

established before them. Weight is not a question of mathematics, but depends on its *effect in inducing belief*." (Emphasis in original.)

{¶ 18} In weighing the evidence, we are always mindful of the presumption in favor of the trial court's factual findings. *Eastley v. Volkman*, 2012-Ohio-2179.

{¶ 19} R.C. 2151.414(B)(1) states permanent custody may be granted if the trial court determines, by clear and convincing evidence, that it is in the best interest of the child and:

> (a) The child is not abandoned or orphaned . . . and the child cannot be placed with either of the child's parents within a reasonable time or should not be placed with the child's parents.
>
> (b) The child is abandoned.
>
> (c) The child is orphaned, and there are no relatives of the child who are able to take permanent custody.
>
> (d) The child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period . . . .
>
> (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.

{¶ 20} "For the purposes of division (B)(1) of this section, a child shall be considered to have entered the temporary custody of an agency on the earlier of the date the child is adjudicated pursuant to section 2151.28 of the Revised Code or the date that is sixty days after the removal of the child from home." *Id.*

{¶ 21} Therefore, R.C. 2151.414(B) establishes a two-pronged analysis the trial court must conduct when ruling on a motion for permanent custody.

{¶ 22} 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 facts sought to be established." *Cross v. Ledford,* 161 Ohio St. 469 (1954), paragraph three of the syllabus. *See In re Adoption of Holcomb,* 18 Ohio St.3d 361 (1985). "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." *Cross* at 477.

{¶ 23} The child was placed in CCJFS's temporary custody on July 31, 2024, and was adjudicated dependent on September 12, 2024; the motion for permanent custody was filed on October 28, 2025. Therefore, the trial court correctly determined the child was in the temporary custody of a public children services agency for twelve or more months of a consecutive twenty-two-month period under R.C. 2151.414(B)(1)(d). *See* Judgment Entry filed May 5, 2026 at 11.

{¶ 24} Because R.C. 2151.414(B)(1)(d) applied in this case, the trial court could have stopped its analysis and continued to a best interest analysis. "As long as one of these factors is present, then the first prong of the test is satisfied." *Matter of A.S.*, 2024-Ohio-2099, ¶ 36 (5th Dist.); *accord Matter of A.S.,* 2025-Ohio-2663, ¶ 17. A finding under R.C.

2151.414(B)(1)(d), coupled with a best interest finding, is sufficient to support the grant of permanent custody. *In re Calhoun*, 2008-Ohio-5458, ¶ 45 (5th Dist.); *accord In re K.B.*, 2025-Ohio-2997, ¶ 45 (5th Dist.).

{¶ 25} Notwithstanding the R.C. 2151.414(B)(1)(d) finding, the trial court went on to find that Father had abandoned the child under R.C. 2151.414(B)(1)(b). *See* Judgment Entry filed May 5, 2026 at 11. Under R.C. 2151.011(C), "a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days." The trial court found Father was incarcerated for more than ninety days during the pendency of the case and further, he did not have any contact with the child for a period of thirty-three months, more than half the child's life. Incarceration "does not rebut the presumption of abandonment." *In re M.A.,* 2024-Ohio-3432, ¶ 26 (5th Dist.), citing *Matter of M.G.,* 2023-Ohio-696, ¶ 48 (5th Dist.).

{¶ 26} The child was born in June 2021 and placed in CCJFS's temporary custody on July 31, 2024. Father was incarcerated in April 2024, prior to the placement, and was released in March 2025. T. at 394, 407, 420-421. Father was incarcerated for over ninety days during the pendency of the case. T. at 421. In addition, due to incidents of domestic violence, a no-contact order from the General Division was in effect to protect Mother and the child as against Father from April 2023 through April 2028; the order was modified in October 2025 to remove the child as a protected person so the Juvenile Court could make any visitation orders relative to the child. T. at 48-49, 299, 385, 390; GAL's Exhibit 18; General Division Judgment Entry filed October 15, 2025. The no-contact order issued by the Juvenile Court in September 2024 was still in effect after the October 2025 modification. T. at 303, 387.

{¶ 27} Father argues the agency failed to make reasonable efforts toward reunification and he was precluded from visiting his child because of his incarceration and the no-contact orders in effect. He also argues the Juvenile Court's no-contact order was too broad, as he was prevented from contacting the child including "in-person contact and contact through other persons, phone, computer, in writing, cell phone, or any other type of electronic or social media platform." *See* Judgment Entries filed September 12, 2024 and November 3, 2025.

{¶ 28} R.C. 2151.419 requires a children services agency to make reasonable efforts to reunite parents with their child(ren) where the agency has removed the child(ren) from the home. "Case plans are the tools that child protective service agencies use to facilitate the reunification of families who * * * have been temporarily separated." (Citation omitted.) *In re Z.G.A.A.,* 2024-Ohio-326, ¶ 48 (5th Dist.).

{¶ 29} The trial court found CCJFS made reasonable efforts to prevent the child's removal from the home, to eliminate the child's continued removal from the home, or to make it possible for the child to return safely home. *See* Judgment Entry filed May 5, 2026 at 12. The record reflects the trial court made a reasonable-efforts finding during the July 16, 2025 review hearing and father did not challenge that finding at the time. *See* Judgment Entry filed August 15, 2025. Father was appointed counsel on August 9, 2024, and was represented throughout the proceedings. T. at 319. Father was included on case plans which were sent to him in prison, but he was unable to participate in services due to his incarceration; he did not meet any of the case plan objectives. T. at 249-250, 261-264, 292-295, 298, 386. He claimed to have taken classes while in prison on parenting, anger management, money

management, and thinking errors, but claimed he could not access any certificates or anything to present to confirm his participation; again, he was represented by counsel. T. at 393.

{¶ 30} As for the Juvenile Court's "broad" no-contact order, it did not negate the fact that Father was in prison for over ninety days during the pendency of the case; by the time he was released from prison, he had already abandoned the child. While in prison, he could not contact or visit with the child because he was subject to the protection order issued by the General Division. That order was put in place because Father committed an act of domestic violence against Mother with the child present; Mother "lost consciousness and had to be resuscitated." T. at 385; GAL's Exhibit 18. As found by the General Division, Father also caused Mother to suffer multiple black eyes, a ruptured eardrum requiring surgery, and broken ribs. T. at 385-386; *Id.*

{¶ 31} After his release from prison, Father submitted a drug screening in March 2025 and tested positive for THC. T. at 302. He currently works in different states and is unable to participate in any case plan services and is not willing to switch jobs to do so. T. at 388-391. The caseworker explained although the Juvenile Court's no-contact order would hinder Father's ability to have visitation with his child, it did not hinder his ability to complete other case plan services that he failed to do. T. at 308, 313-319. Other than Father informing the caseworker that he wanted "to see his child, he wants his child," he took no actions to pursue reunification after his release from prison. T. at 319. Father's efforts were too little, too late.

{¶ 32} Father did not have contact with his child because of "his own conduct and his own imprisonment." T. at 447, 476. Father was imprisoned because of his own actions; he was under no-contact orders because of his own actions; he caused his own troubles.

{¶ 33} Given the cited testimony, we find the trial court's findings under R.C. 2151.414(B)(1)(b) and (d) to be supported by clear and convincing evidence in the record.

{¶ 34} R.C. 2151.414(D)(1) sets forth the factors a trial court shall consider in determining the best interest of a child:

> (D)(1) In determining the best interest of a child at a hearing held pursuant to division (A) of this section or for the purposes of division (A)(4) or (5) of section 2151.353 or division (C) of section 2151.415 of the Revised Code, the court shall consider all relevant factors, including, but not limited to, the following:
>
> (a) The interaction and interrelationship of the child with the child's parents, siblings, relatives, foster caregivers and out-of-home providers, and any other person who may significantly affect the child;
>
> (b) 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;
>
> (c) The custodial history of the child, including whether the child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period . . . ;
>
> (d) 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;

(e) Whether any of the factors in divisions (E)(7) to (11) of this section apply in relation to the parents and child.

{¶ 35} The child's foster mother testified the child is thriving in her home and at preschool. T. at 188-189, 212-213. The child is current with vision, dental, and medical appointments. T. at 191. The foster parents are interested in adopting the child as well as a half-sibling. T. at 191-192, 213. The child is bonded to the foster parents and the home; the foster parents are committed to the child and are able to meet the child's needs. T. at 212, 219. The foster parents love the child and the child loves them. T. at 220. The caseworker testified it was in the child's best interest to remain in the foster home with the half-sibling and achieve permanency. T. at 290-291. The guardian ad litem corroborated foster mother's testimony and opined the child's best interest was with permanency in the current placement. T. at 449, 464, 470, 472. The trial court found best interest under R.C. 2151.414(D)(1)(a) (child's relationship to the foster parents), (c) (twelve of twenty-two months) and (d) (need for a legally secure permanent placement and that placement cannot be achieved without a grant of permanent custody to the agency).

{¶ 36} Given the cited testimony, we find the trial court's findings under R.C. 2151.414(D)(1)(a), (c), and (d) to be supported by clear and convincing evidence in the record.

{¶ 37} Upon review, based upon the testimony and evidence presented, we find the trial court did not err in terminating Father's parental rights and granting permanent custody of the child to CCJFS; we find the trial court did not lose its way. The trial court was presented with sufficient clear and convincing evidence to support its decision.

{¶ 38} Assignments of Error I, II, III, and IV are denied.

{¶ 39} For the reasons stated in our accompanying Opinion, the judgment of the Coshocton County Juvenile Court is AFFIRMED.

{¶ 40} Costs to Appellant.

By: King, P.J.

Popham, J. and

Gormley, J. concur.