[Cite as *In re T.W.*, 2026-Ohio-4409.]

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

IN THE MATTER OF: T.W. (D.O.B. 04-30-2013) Q.W. (D.O.B. 08-05-2011)	Case No. 26CA0008 26CA0009 Opinion And Judgment Entry Appeal from the Coshocton County Court of Common Pleas, Juvenile Division, Case Nos. 20243043, 20243044 Judgment: Affirmed Date of Judgment Entry: November 6, 2026

BEFORE: Craig R. Baldwin; Robert G. Montgomery; Kevin W. Popham, Judges

APPEARANCES: RICHARD D. HIXON, for Appellant Father; BENJAMIN HALL, for Coshocton County JFS; JEANETTE MOLL, Guardian ad Litem.

Baldwin, P.J.

{¶1} The appellant, B.W., appeals the judgments of the Coshocton County Court of Common Pleas, Juvenile Division, awarding permanent custody of Q.W. and T.W. ("the children") to the Coshocton County Department of Job and Family Services ("the Agency"). The appellee is the Agency. The guardian ad litem ("GAL") also filed a brief.

STATEMENT OF FACTS AND THE CASE

{¶2} On July 26, 2024, the Agency filed a complaint regarding Q.W. and T.W. alleging both neglect and dependency of the children. The appellant is the biological father of the children. S.T. is the mother of the children.

{¶3} On July 30, 2024, the trial court appointed a GAL for the children. On July 31, 2024, the GAL filed a motion for a shelter care hearing, and the trial court issued an ex parte order placing the children in the emergency temporary custody of the Agency.

{¶4} On August 1, 2024, the trial court held a shelter care hearing. The trial court found probable cause for the children to remain in the temporary custody of the Agency and found that the Agency had made reasonable efforts to prevent removal, having provided case management services since May 22, 2024, including investigative services, drug screens, referrals for services, food assistance, and home visits. The trial court further found that the allegations of substance abuse and the parents' failure to meet the basic needs of the children, including food, clothing, shelter, medical and mental health treatment, and supervision, placed the children at imminent risk of harm if they remained in the appellant's care.

{¶5} On August 19, 2024, the GAL filed a report recommending that the Agency retain temporary custody of the minor children, with protective supervision, and that the parents engage in case plan services and maintain sobriety. The GAL noted in her report that the appellant was living in a homeless shelter and had reported that his approximately one month there was the most stable housing he had experienced, despite Q.W. having lived with him for the prior seven years. The GAL further reported that the appellant and Q.W. had lived in multiple garages, trailers, and campers during that time. The GAL noted various injuries and untreated bug bites and rashes on the children at the time of removal, including injuries that required T.W. to be hospitalized. The GAL noted reports of the children being left alone or unsupervised for extended periods of time and also being present for drug deals.

{¶6} On September 3, 2024, the Agency filed a case plan.

{¶7} Also on September 3, 2024, the GAL filed a report regarding T.W.'s placement at Redemption House, his behavior, his need for evaluations and therapies, his medication,

and his treatment for juvenile arthritis. The GAL recommended that the Agency retain temporary custody and protective supervision of the children.

{¶8} On September 8, 2024, the Agency filed a motion for an order of no contact.

{¶9} On September 10, 2024, having heard evidence at trial on adjudication, the trial court found Q.W. and T.W. to be neglected and dependent children with respect to the appellant. Based upon the record and the motion, and in the children's best interest, the trial court ordered that any contact between the appellant and the children be at the direction and discretion of the Agency and the GAL.

{¶10} On September 17, 2024, the Agency filed an updated case plan.

{¶11} Also on September 17, 2024, the trial court held a dispositional hearing. At the conclusion of the hearing, with the appellant's agreement and upon the GAL's recommendation, the trial court found that it was in the children's best interest to remain in the temporary custody and protective supervision of the Agency, ordered the parties to comply with the case plan, and again found that the Agency had made reasonable efforts by providing case management services since May 22, 2024.

{¶12} On January 21, 2025, the GAL filed a report that Q.W. continued to reside in foster placement where his needs were being met and he was being provided structure, routine, and safety. Further, the GAL reported that T.W. remained placed at Redemption House, where he was now enrolled in school, was regularly taking his arthritis medication, and was receiving speech therapy. T.W.'s psychological evaluation showed T.W. was functionally operating at a six-year-old level, despite being eleven years old. T.W. was doing well in school and was beginning to use verbal, rather than physical, expressions of frustration. The GAL noted that the appellant had purchased a home that he was renovating, but that it did not yet have electricity, and that the appellant reported he was still employed

full time. However, he had not started services on his case plan, having denied knowledge of the services needed. The Agency provided the appellant with another copy of the case plan. The appellant's visits with T.W. were sporadic, with the appellant failing to show at times and sometimes coming hours later.

{¶13} On January 31, 2025, the trial court held a review hearing. The appellant failed to appear. At the hearing, the trial court heard testimony that the appellant had not yet completed the mental health assessment mandated by the case plan, nor had he completed the mandatory drug and alcohol assessment. However, the appellant was noted to be exercising supervised visitation and had continued employment. Testimony also noted ongoing concerns with the appellant's housing and that the appellant was not regularly participating in drug testing, although he had tested positive for THC, for which he had a medical marijuana card.

{¶14} On July 14, 2025, the appellant moved for in camera interviews of Q.W. and T.W. and to modify the dispositional order.

{¶15} On July 16, 2025, the trial court held an annual review hearing. At the hearing, testimony noted that Q.W. was doing well in foster placement and T.W. continued to reside at Redemption House. T.W. was receiving health and academic services as needed. The appellant had obtained housing, but the Agency had concerns regarding the home's physical condition and working utilities. The testimony further noted that the appellant had completed the mandatory drug and alcohol assessment with no noted concerns beyond the already noted THC usage, and that the appellant was still employed. However, new concerns were noted that the appellant engaged in inappropriate conversations with Q.W. about the pending case during visits. The trial court found that continued removal was in the children's best interest.

{¶16} On July 17, 2025, the appellant filed an amended motion to modify the dispositional order on a temporary basis to allow unsupervised, overnight visits.

{¶17} On August 13, 2025, the GAL filed a report regarding a home visit with the appellant. The GAL observed that the outside of the home still appeared unmaintained and in need of repair. The GAL reported that the house smelled of THC and that the appellant's smoking device was lying on the coffee table. The appellant stated that his THC use was necessary due to the stress of the case. The GAL noted that she found it concerning that despite the appellant insisting that he would quit for the children, he had used just prior to the GAL's scheduled visit. However, the GAL also noted that the appellant's home did now appear to have electricity, and was furnished, but that there were no ceilings, only gaping plywood boards. The GAL noted the kitchen was partially functioning with a hose, but no faucet, and a microwave and air fryer, but no working stove. The GAL further noted structural support concerns within the home, including the roof and ceiling, the plumbing, and the electrical service, noting that the home was still substantially unsafe for children. The GAL also reported the appellant and S.T. attempted an unscheduled visit with T.W. that had not been approved by the GAL or the Agency. The GAL noted concerns that the appellant was using parenting time with Q.W. to have Q.W. talk to an older sibling in jail, and that the appellant's phone calls with Q.W. had been restricted because the appellant focused on this case and his own feelings and thoughts, without consideration of Q.W.'s.

{¶18} On August 19, 2025, the GAL filed a report and motion for no contact.

{¶19} On August 20, 2025, the trial court heard the appellant's motion to modify the dispositional order and the GAL's motion for no contact. Pending an in camera interview of Q.W., the trial court issued interim orders restricting the appellant's contact with Q.W. and Q.W.'s foster parents.

{¶20} On August 25, 2025, the trial court conducted an in camera interview with Q.W. Without objection, the trial court declined to interview T.W. because of his developmental delays and the distance of his placement.

{¶21} On August 28, 2025, the GAL filed a report updating T.W.'s health. T.W. had recently been diagnosed with Coffin-Siris syndrome. At a team meeting, T.W.'s rheumatologist disclosed that, had T.W. not begun treatment when he did, medical neglect would have left him crippled by arthritis within a few years. The report also addressed T.W.'s school, mental health, and behavioral progress and needs. T.W.'s placement recommended that the appellant's visits remain on-site and scheduled in advance because of his inconsistent attendance, and the appellant had not visited in at least two weeks. The GAL reported that THC had been used in the vehicle just before the attempted unscheduled visit with T.W. on July 20, 2025, but that she could not determine which parent used it because they gave conflicting statements. The GAL expressed concern about continued THC use, given the parents' history and each parent's willingness to allow the other to use THC in the vehicle on the way to parenting time.

{¶22} On September 16, 2025, the GAL filed a supplemental motion for a no-contact order as to the appellant.

{¶23} On September 22, 2025, the trial court ordered that the appellant could have supervised visits with Q.W. but could not mention any aspect of the ongoing litigation or inquire about the habits or whereabouts of Q.W.'s foster parents. The trial court also ordered that the appellant not contact Q.W.'s foster parents or come within 1,000 feet of their residence without their express permission, and that he could attend Q.W.'s sporting events so long as he had no direct or indirect contact with Q.W. without further order. The trial court denied the appellant's request for unsupervised visitation.

{¶24} On October 14, 2025, the GAL filed a motion to revise the parenting orders to prohibit the appellant from calling Q.W. and his foster parents, citing the appellant's continuing patterns of disregard of Q.W.'s emotional and mental well-being in calls, in public, and during supervised visits. The GAL further cited the appellant's consistent berating of and threats to the foster parents, as well as his directing Q.W. to have the foster parents contact the appellant.

{¶25} On October 15, 2025, the appellant filed a memorandum contra the GAL's motion regarding parenting time. On October 16, 2025, the GAL filed a reply, and the appellant filed a motion to appoint a new GAL, asserting that the children had made multiple statements that conflicted with the GAL's recommendations regarding their wishes for placement and reunification. The trial court scheduled a hearing on the pending motions for December 8, 2025.

{¶26} On October 17, 2025, the appellant filed a motion to continue the December 8, 2025, hearing.

{¶27} On October 22, 2025, the trial court granted the motion and rescheduled all pending motions for hearing on January 13, 2026.

{¶28} On October 28, 2025, the GAL filed a motion for permanent custody of the children. The motion alleged that R.C. 2151.414(B)(1)(a) and (d) applied, that the children had been in the temporary custody of the Agency for more than twelve months of the last twenty-two months, that the children could not be placed with the parents, that the parents' parenting time remained supervised because of continuing substance abuse and parenting issues, and that the trial court had denied the parents' motions for unsupervised parenting time. The motion also incorporated by reference the GAL's reports and motions filed to that

point. The appellant was personally served with the motion on October 30, 2025, and he filed a memorandum contra on November 12, 2025.

{¶29} On November 4, 2025, the Agency filed another case plan.

{¶30} On December 11, 2025, the GAL filed a report recommending permanent custody. The GAL cited ongoing safety concerns at the appellant's home, his inconsistent visits with T.W., his failure to acknowledge T.W.'s medical needs and his past neglect of those needs, his ongoing issues with parenting time, and his angry telephone call to Q.W.'s foster mother after she reported that he had come to the foster home unannounced and uninvited. The GAL also noted the safety and stability of each child's placement, Q.W.'s bond with his foster family, and her concern that the appellant could not consistently meet the children's needs.

{¶31} On December 18, 2025, the GAL moved for an in camera interview of Q.W., which the trial court conducted on December 29, 2025.

{¶32} On January 5, 2026, the Agency filed an updated case plan recommending a permanency goal of adoption.

{¶33} On January 9, 2026, the appellant moved to continue the permanent custody hearing scheduled for January 13, 2026. The trial court denied the motion that day. On January 12, 2026, the appellant filed a renewed motion to continue, which the trial court denied on the record on January 13, 2026.

{¶34} On January 13, 2026, the trial court held an evidentiary hearing on the GAL's motion for permanent custody. S.T. acquiesced to the motion on the record.

{¶35} The trial court next heard the appellant's motion to appoint a new GAL. The GAL reported that Q.W.'s expressed wishes had been consistent and did not conflict with her recommendation. The appellant testified that, as recently as a week before the hearing, Q.W.

had said he could not wait to come home, and that Q.W. said so every week when he hugged the appellant goodbye. The appellant testified that T.W. had also consistently said he wanted to come home and had recently gotten into the appellant's car. On cross-examination, the appellant testified that, consistent with the trial court's order, he did not discuss the case with Q.W. other than Q.W.'s coming home, and that Q.W. was lying if he said otherwise. The appellant denied that his visits with T.W. were infrequent and maintained that the Redemption House visitation logs reflected T.W.'s wish to come home. The trial court denied the motion, finding that T.W. was unable to express his wishes and that Q.W.'s expressed wishes did not conflict with the GAL's recommendation.

{¶36} The appellant then orally moved to dismiss the GAL's motion for permanent custody, arguing that it did not state the essential facts necessary to put him on notice. The trial court denied the motion as untimely under its local rule and, alternatively, held that the motion complied with Juv.R. 10 and stated sufficient grounds.

{¶37} The Agency then requested that the trial court take judicial notice of the prior record in the instant case, including all testimony and evidence presented throughout the history of the case. The trial court took notice without objection.

{¶38} Later in the hearing, the appellant objected to the trial court's taking notice of anything beyond the filings. The trial court overruled the objection, and in its judgment entry stated that it had not considered any facts not already included in its own prior entries.

{¶39} The GAL then called S.T., who testified that Q.W. would not want to hurt anyone and would therefore tell each person he was with that he wanted to be with that person. In her view, the children's current placements were best for them at that time, but the children loved the appellant, had mixed feelings about the motion for permanent custody, and should be able to have continued contact with him. S.T. also described her history with

the appellant, including instances of domestic violence, prior Agency investigations, and the appellant's various living situations.

{¶40} As to the children's medical care, S.T. testified that she obtained treatment for Q.W. after he was struck in the eye with a BB while in the appellant's care, that T.W. needed stitches for a chin injury, and that the appellant was not involved in T.W.'s care for his special needs.

{¶41} S.W., a licensed independent social worker and T.W.'s primary therapist at Redemption House, testified that psychological assessments and NMT brain mapping showed that T.W. has a moderate intellectual disability and PTSD. She testified that T.W.'s IQ score was approximately forty-seven, well below the average range, that testing showed deficits in multiple areas, and that T.W. will need continued assistance and support. She also testified that T.W. reported that his visits with the appellant went well.

{¶42} M.A., the director of Redemption House, testified that shortly after arriving at the facility, T.W. was hospitalized for two days for cellulitis in his leg, received IV antibiotics, and continued antibiotics for approximately fourteen days after his return. T.W. arrived without his arthritis medication, and the facility began his treatment for juvenile arthritis. When he arrived, T.W. was sore, struggled to remain seated, and did not ask for medication until he felt comfortable doing so. By the time of the hearing, T.W. was stable, no longer complained of pain, ran and played basketball, and his arthritis was in remission.

{¶43} M.A. testified that the visitation logs showed the appellant's visits with T.W. were inconsistent and sporadic, that he sometimes failed to appear or attempted unscheduled visits, and that T.W. became upset as a result. The facility stopped telling T.W. when visits were scheduled in case the appellant did not appear. M.A. testified that the appellant could visit as often as he wished, for up to two hours, so long as he scheduled in advance, but that

he visited T.W. only ten times in 2025, including only twice between January and August 2025. His last visit was scheduled for an hour, but he left after thirty minutes. On cross-examination, M.A. acknowledged that the appellant had attended all of his scheduled visits from August 14, 2025, onward.

{¶44} D.G. testified that Q.W. had been in her home for approximately a year and a half at the time of the hearing. During that time, Q.W.'s grades improved from mostly "D's" and "F's" to the merit roll. Q.W. was engaged in sports and Future Farmers of America. D.G. testified to having a great relationship with Q.W. and that they communicated openly about everything from friends to his girlfriend to his grades. Q.W. was involved in weekly counseling at school. Q.W. had a good relationship with D.G.'s husband, with whom he hunted and fished. D.G. testified that, upon arrival, Q.W. would often parent his younger sibling, prompting her to tell him to just be a kid and let her do the parenting, and that he was a people pleaser, often telling people what they want to hear. D.G. testified that the appellant came to her home uninvited and left packages, and a surveillance video of the incident was played for the trial court. She described a telephone call in which the appellant was angry that she had reported the incident and said that "someone was going to pay," and she testified that the call made her feel uncomfortable and threatened. D.G. testified that, during a period when the appellant's contact with Q.W. was restricted, the appellant came to Q.W.'s sporting event and made contact with Q.W. despite the trial court's order, and that Q.W. was upset by the appellant's refusal to follow the rules. D.G. testified that she and her husband intend to adopt Q.W. if the Agency is granted permanent custody and that they can provide him with safe, stable housing and a loving and financially secure environment. On cross-examination, D.G. acknowledged that the appellant visited Q.W. weekly and had regular phone contact with him, and that she observed no danger in their contact.

{¶45} K.B., the Agency caseworker, testified that there were five case plans over the life of the case. The appellant's case plan required him to complete a mental health and substance use assessment at CBHC and follow all recommendations; submit to announced, unannounced, and random drug screens; complete a psychological assessment with Forum; engage in Parent-Child Interaction Therapy through CBHC; obtain and maintain employment sufficient to meet the children's basic needs; obtain and maintain appropriate, safe, and stable housing that meets all basic needs; attend scheduled supervised visits and provide for the children's basic needs during them; and attend the children's medical and mental health appointments.

{¶46} K.B. testified that the appellant completed a drug and alcohol assessment but did not complete a mental health assessment. The appellant was placed on the Agency's randomizer for twice-weekly drug screens on October 14, 2025, but attended only one screen, on October 27, 2025. He was scheduled for a psychological assessment with Forum on September 17, 2025, but did not appear and never rescheduled. He completed an online parenting program but not the in-person classes required by the case plan. He lost his job in October 2025, and K.B. had received no verification of new employment. Despite repeated letters requesting home visits, K.B. had not seen the appellant since October 2025.

{¶47} K.B. testified that, because the appellant had not maintained contact, she had been unable to assess his housing since her last visit on July 15, 2025. The appellant's visits with Q.W. were reported to have gone well. The Agency permitted the appellant one visit per week with T.W., or up to fifty-two visits per year, but he completed only about eleven. Apart from his inconsistent attendance and missed visits, there were no reported concerns about his visits with T.W. K.B. also testified that the appellant and S.T. acknowledged that one of them used THC in the car on the way to or from an attempted unscheduled visit with T.W. Apart

from T.W.'s initial appointments, K.B. was unaware of the appellant attending any of T.W.'s medical appointments.

{¶48} K.B. testified that, at the time of removal, the appellant was living in a garage without running water, and T.W. was not receiving medical treatment for his injuries or proper medication for his arthritis. Since entering the Agency's temporary custody, T.W.'s health, behavior, and academic performance had improved, without any involvement from the appellant. The appellant repeatedly said T.W. did not need all of his services, which caused the Agency to doubt that he could understand and meet T.W.'s needs. Over the appellant's objection, K.B. testified about the Agency's records of the appellant's history with the Agency, including that he had lived in at least four places in the preceding eighteen months, none suitable for the children. K.B. also described ongoing concerns with the appellant's current home, including its utilities, plastic sheeting where the ceiling should be, a tarp over a section of roof that had caved in above the kitchen, a single board supporting the ceiling, holes in the porch, and a one-bedroom layout with bunk beds in the hallway.

{¶49} On cross-examination, K.B. acknowledged that the appellant disclosed his medical marijuana card at the outset of the case, that the case was not filed because of his THC use, and that the mental health component was added to the case plan because of the stress of the case, not because mental health caused the removal. She acknowledged that the appellant completed an assessment at Coshocton Recovery that recommended no treatment, despite his reporting daily THC use. She reiterated that she could not say whether the housing concerns had been remedied because she had not had contact with the appellant for months, and that she had not verified any new employment. K.B. testified that the Agency treats a missed drug screen as a positive screen, that the Agency recommended permanent custody,

that Q.W. is bonded with his foster family, and that T.W. needs continued care at Redemption House until an appropriate medical foster placement becomes available.

{¶50} The trial court then adjourned with an order to reconvene on January 24, 2026, to finish the presentation of evidence.

{¶51} On January 20, 2026, the GAL moved in limine to exclude the appellant's exhibits as untimely disclosed. The appellant filed a memorandum contra, and the trial court denied the GAL's motion on January 24, 2026.

{¶52} When the hearing resumed on January 24, 2026, the GAL testified about her continuing concerns with the safety and structural integrity of the appellant's home and its suitability for the children. She testified that the appellant discussed the case with Q.W., telling him not to "get comfortable in the foster home." She also testified about the appellant's disregard of the trial court's no-contact orders by making contact with Q.W. at a sporting event and appearing at the foster home, and about the effect of that conduct on Q.W.'s sense of safety there.

{¶53} The GAL testified that Q.W. felt pressured by the appellant's attempts to influence him during visits, and that Q.W. had expressed his wishes to the GAL, the caseworker, and the trial court. She remained concerned about the appellant's continued THC use, including a strong odor of THC in his home immediately before a scheduled visit, use by the appellant or S.T. in the car on the way to visit T.W., and the appellant's failure to comply with random drug screening. She also testified that the appellant does not understand T.W.'s medical needs, noting a long history of neglect concerns in the Agency's records. The GAL described the progress both children had made in their placements and the stability and safety of those placements, and she expressed concern that the appellant could not provide a safe and stable home.

{¶54} Finally, the GAL testified that the appellant had not complied with his case plan, that the children had been in the Agency's temporary custody for twelve or more months of a consecutive twenty-two-month period, and that permanent custody was in the children's best interest and consistent with the wishes of the child who was able to express them.

{¶55} On cross-examination, the GAL conceded that the Agency's case file contained a certificate of completion of IOP by the appellant, but she had no information or basis to confirm it. Additionally, she had not been able to verify that the appellant corrected the living conditions in his house, nor had she received any recent verification of employment.

{¶56} The GAL then rested. The Agency called no witnesses and offered no exhibits.

{¶57} The appellant testified that, at the time of removal, the Agency knew he was living in the garage or basement of his then-paramour's home and had approved it, and that the Agency had placed T.W. with him a month earlier under a safety plan with S.T. after an incident between T.W. and his younger sister. He testified that neither the Agency nor the GAL had visited his home since August 12, 2025, that he had remedied all of the safety and structural concerns, and he introduced photographs of the repairs. He testified that he could provide a safe and stable home for Q.W., and that T.W. should remain at his current placement until his providers determined it was appropriate for him to leave.

{¶58} The appellant denied any drug use other than THC and testified that he had shampooed his carpets to remove the odor. He testified that he was employed at Sperry & Rice in Killbuck, Ohio, and that he had completed IOP at Coshocton Recovery Center. He explained that a call from his incarcerated son happened to come in during a visit with Q.W., and that he thought it would be all right for the brothers to talk. He denied discussing the case with Q.W. and disputed Redemption House's count of his visits, testifying that the facility did not always have him sign in, including when he brought T.W. supper. He testified that he

usually visited every Sunday, his day off, and missed visits only after he wrecked his car. He testified he believed his visits were limited to one hour, although M.A. testified that he could stay for up to two hours. He denied being agitated during his last two visits, explaining that on the next-to-last visit he was upset because T.W. could not go outside without gloves, even though the appellant had recently provided gloves that he believed someone at the facility had taken.

{¶59} The appellant testified that he went to the foster parents' home only to leave school shoes he had bought for Q.W. on the porch, that he did not try to contact the foster parents or leave a note, and that he did not try to intimidate or threaten them. He also testified that the foster parents had previously come to his home to pick up a go-cart he had bought for Q.W.

{¶60} As to the telephone call that the foster mother found threatening, the appellant testified that both he and the foster mother were upset and raised their voices, that he was emotional because it was the first time in eight years he had gone without contact with his son, and that there had been no further calls. He denied having contact with Q.W. at the sporting event, testifying that a female friend who attended with him gave Q.W. a drink. He testified that he made T.W.'s appointment at Akron Children's Hospital after removal and that, before then, he and S.T. had done everything they could for T.W. He testified that the children should be returned to him, that he could meet their needs, and that there was no reason for concern about his mental health, housing, or employment.

{¶61} On cross-examination, the appellant acknowledged that he was on probation for felony possession of psilocybin mushrooms, that he completed IOP as a result of that charge and not as part of his case plan, and that he had two prior drug-related charges, including a trafficking charge. He testified that he had held his new job for three months but

had not told the Agency, because the caseworker did not return his calls. He acknowledged that he had also let T.W. speak with his incarcerated brother by phone during a visit at Redemption House. He denied a four-month gap in his visits with T.W. He acknowledged that the children were removed from his care because he violated a safety plan and his residence lacked electricity.

{¶62} The trial court admitted the appellant's exhibits, overruling the Agency's objection to one of them, and ordered the parties to submit written closing arguments.

{¶63} On February 23, 2026, the GAL filed a written closing argument.

{¶64} On February 24, 2026, the appellant filed a reply to the GAL's closing argument.

{¶65} On May 5, 2026, the trial court granted permanent custody of the children to the Agency. The trial court found that the children had been in the Agency's temporary custody for twelve or more months of a consecutive twenty-two-month period and that permanent custody was in the children's best interest after considering the factors in R.C. 2151.414(D)(1). The trial court also found that the Agency had made reasonable efforts to prevent the removal of the children, to eliminate their continued removal, or to make it possible for them to return home. The entry recited the history of the case, noted that the trial court had denied the appellant's oral motion to dismiss, and stated that the trial court had not considered any facts beyond those in its prior entries.

{¶66} The appellant filed a timely notice of appeal and raised the following three assignments of error:

{¶67} "I. THE TRIAL COURT ERRED WHEN IT FOUND THAT PERMANENT CUSTODY WAS IN THE BEST INTERESTS OF THE MINOR CHILDREN."

{¶68} "II. THE TRIAL COURT ERRED WHEN IT FOUND THAT REASONABLE EFFORTS HAD BEEN MADE BY THE AGENCY."

{¶69} "III. THE PERMANENT CUSTODY MOTION WAS INSUFFICIENT TO APPRISE FATHER OF THE FACTUAL BASIS FOR THE MOTION AND PROCEEDING ON THE MOTION VIOLATED FATHER'S RIGHT TO DUE PROCESS."

I.

{¶70} In his first assignment of error, the appellant argues the trial court erred in finding that granting the Agency permanent custody of the children was in their best interest. We disagree.

STANDARD OF REVIEW

{¶71} "[T]he right to raise one's children is an 'essential' and 'basic civil right.' " *In re Murray*, 52 Ohio St.3d 155, 157 (1990), citing *Stanley v. Illinois*, 405 U.S. 645, 651 (1972). A parent's interest in the care, custody, and management of his or her child is "fundamental." *Id*., citing *Santosky v. Kramer*, 455 U.S. 745, 753 (1982). The permanent termination of a parent's rights has been described as "the family law equivalent of the death penalty in a criminal case." *In re Smith*, 77 Ohio App.3d 1, 16 (6th Dist. 1991). Therefore, parents "must be afforded every procedural and substantive protection the law allows." *Id*.

{¶72} The Supreme Court of Ohio addressed the standard of review in permanent custody cases in *In re Z.C.*, 2023-Ohio-4703:

> Under R.C. 2151.414(B)(1), a juvenile court may grant permanent custody of a child to the agency that moved for permanent custody if the court determines, "by clear and convincing evidence, that it is in the best interest of the child" to do so and that one of five factors enumerated in R.C.

2151.414(B)(1)(a) through (e) applies. "Clear and convincing evidence is that measure or degree of proof which is more than a mere 'preponderance of the evidence,' but not to the extent of such certainty as is required 'beyond a reasonable doubt' in criminal cases, and 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, 120 N.E.2d 118 (1954), paragraph three of the syllabus.

We have described an appellate court's task when reviewing a trial court's application of the clear-and-convincing-evidence burden of proof as follows: "Where the proof required must be clear and convincing, a reviewing court will examine the record to determine whether the trier of facts had sufficient evidence before it to satisfy the requisite degree of proof." *State v. Schiebel*, 55 Ohio St.3d 71, 74, 564 N.E.2d 54 (1990), citing *Ford v. Osborne*, 45 Ohio St. 1, 12 N.E. 526 (1887), paragraph two of the syllabus; *accord Cross* at 477.

. . .

[T]he sufficiency-of-the-evidence and/or manifest-weight-of-the-evidence standards of review are the proper appellate standards of review of a juvenile court's permanent-custody determination, as appropriate depending on the nature of the arguments that are presented by the parties.

Z.C. at ¶ 7-8, 11.

{¶73} The appellant asserts that the evidence was insufficient, but his arguments also ask us to resolve conflicting testimony. We therefore address both standards.

{¶74} " 'Whether the evidence is legally sufficient to sustain a verdict is a question of law.' " *Z.C.* at ¶ 13, quoting *State v. Thompkins*, 78 Ohio St.3d 380, 386 (1997). A court of appeals applying the sufficiency standard should affirm when "the evidence is legally sufficient to support the [fact finder's] verdict as a matter of law." *Bryan-Wollman v. Domonko*, 2007-Ohio-4918, ¶ 3, quoting *Thompkins* at 386.

{¶75} When reviewing for manifest weight, the appellate court must weigh the evidence and all reasonable inferences, consider the credibility of the witnesses, and determine whether, in resolving conflicts in the evidence, the finder of fact clearly lost its way and created such a manifest miscarriage of justice that the judgment must be reversed and a new trial ordered. *In re Z.C.*, 2023-Ohio-4703, ¶ 14, citing *Eastley v. Volkman*, 2012-Ohio-2179, ¶ 20. "In weighing the evidence, the court of appeals must always be mindful of the presumption in favor of the finder of fact." *Z.C.* at ¶ 14, quoting *Eastley* at ¶ 21.

ANALYSIS

{¶76} R.C. 2151.414(B)(1) authorizes the juvenile court to grant permanent custody of the child to the public or private agency if the court determines, by clear and convincing evidence, that (1) it is in the best interest of the child to grant permanent custody to the agency; and (2) one of five circumstances outlined in R.C. 2151.414(B)(1)(a) through (e) applies. The appellant concedes R.C. 2151.414(B)(1)(d) applies to the present case.

{¶77} The statutory best interest test is set forth in R.C. 2151.414(D)(1):

> (1) In determining the best interest of the 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, or 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 and, as described in division (D)(1) of section 2151.413 of the Revised Code, the child was previously in the temporary custody of an equivalent agency in another state;

(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.

{¶78} The trial court must consider each relevant factor under R.C. 2151.414(D)(1) when determining whether permanent custody is in the child's best interest. *In re M.K.*, 2023-Ohio-3786, ¶ 33 (5th Dist.). No one factor is given greater weight than another. *Id.*, citing *In re Schaefer*, 2006-Ohio-5513, ¶ 56. "A child's best interests are served when the child is placed in a permanent situation which fosters growth, stability, and security." *M.K.* at ¶ 36. However,

R.C. 2151.414(D)(1) does not require a trial court to expressly discuss each best-interest factor; consideration is all the statute requires. *In re A.M.*, 2020-Ohio-5102, ¶ 31.

{¶79} The appellant contends that the trial court failed to consider his relationship with the children, gave insufficient weight to evidence that Q.W. wanted to return home, and overlooked his case-plan progress and his ability to provide a legally secure placement. We disagree.

{¶80}The trial court stated that it considered all relevant factors. Although the trial court's entry does not discuss the appellant's relationship with the children, the statute does not require it to. *A.M.* at ¶ 31. The record reflects that the appellant loves the children and that his supervised visits with Q.W. generally went well. But the record also shows that Q.W. has lived with his foster parents for approximately eighteen months, that his grades and well-being have improved there, that he is bonded with his foster family, and that his foster parents intend to adopt him. As to T.W., the appellant visited only about ten or eleven times in 2025, although he was permitted to visit at least weekly, and T.W.'s placement stopped telling T.W. about scheduled visits because the appellant's failures to appear upset him.

{¶81} The trial court considered Q.W.'s wishes through two in camera interviews and found Q.W. to be mature for his age and able to express his wishes articulately. The GAL reported that Q.W.'s expressed wishes did not conflict with her recommendation, and the trial court so found. The appellant testified that Q.W. told him he wanted to come home, and S.T. testified that the children had mixed feelings about the motion. But both S.T. and Q.W.'s foster mother described Q.W. as a child who tells people what they want to hear. Resolving that conflict was for the trial court. The trial court found that T.W. was unable to express his wishes.

{¶82} The trial court also relied on T.W.'s special needs and the appellant's inability to meet them. The appellant responds that he was willing and able to meet those needs and that the Agency placed T.W. with him at the outset of the case. But T.W. had been in the appellant's care for about a month when he was removed, and the appellant acknowledged that the removal resulted from his violation of a safety plan. At removal, T.W. had untreated injuries and was not receiving proper medication for his juvenile arthritis. Shortly after his placement at Redemption House, T.W. was hospitalized for cellulitis, and his rheumatologist reported that, had he not begun treatment when he did, medical neglect would have left him crippled by arthritis within a few years. T.W. has a moderate intellectual disability and PTSD and requires ongoing medical, therapeutic, and educational services. The appellant repeatedly said T.W. did not need all of those services. Although the appellant testified that he made T.W.'s appointment at Akron Children's Hospital after removal, the caseworker was unaware of his attending any of T.W.'s medical appointments beyond the initial ones.

{¶83} Finally, the record does not support the appellant's claim that he could provide a legally secure placement. He did not complete the psychological assessment or the in-person parenting classes required by the case plan, and after being placed on twice-weekly random screening in October 2025, he attended one screen. Although he holds a medical marijuana card, the record shows THC use in the car on the way to a visit with T.W. and immediately before a scheduled home visit. The intensive outpatient program he completed arose from his criminal case, not his case plan. He lost his job in October 2025 and did not inform the Agency of his new employment. When the GAL last saw his home, it lacked ceilings, a working stove, and a kitchen faucet, and the caseworker had been unable to see him since October 2025 despite repeated letters requesting home visits. The appellant testified that he had since remedied the home's deficiencies and introduced photographs, but the trial court was not

required to credit that evidence, particularly when neither the caseworker nor the GAL had been able to verify the repairs. The appellant himself testified that T.W. should remain in his current placement until his providers recommend otherwise. That T.W. remains in residential treatment pending an appropriate medical foster placement does not help the appellant; the question under R.C. 2151.414(D)(1)(d) is whether a legally secure permanent placement can be achieved without a grant of permanent custody, and nothing in the record shows that it could be achieved with the appellant. And even assuming the appellant made the repairs to his residence, the remaining evidence amply supports the trial court's determination.

{¶84} After examining the entire record and weighing the evidence and all reasonable inferences, we cannot say that the trial court clearly lost its way in finding, by clear and convincing evidence, that permanent custody is in the children's best interest. We likewise find that the evidence, if believed, is legally sufficient to support the trial court's determination by clear and convincing evidence.

{¶85} The appellant's first assignment of error is overruled.

II.

{¶86} In his second assignment of error, the appellant argues the trial court erred by finding the Agency made reasonable efforts to reunify the children with the appellant. We disagree.

STANDARD OF REVIEW

{¶87} Because the appellant's argument turns on the weight and credibility of the evidence, we review the trial court's reasonable-efforts finding under the manifest-weight standard. *See In re Z.C.*, 2023-Ohio-4703, ¶ 11. Again, when reviewing for manifest weight, the appellate court must weigh the evidence and all reasonable inferences, consider the credibility of the witnesses, and determine whether, in resolving conflicts in the evidence, the

finder of fact clearly lost its way and created such a manifest miscarriage of justice that the judgment must be reversed and a new trial ordered. *Z.C.* at ¶ 14, citing *Eastley v. Volkman*, 2012-Ohio-2179, ¶ 20. "In weighing the evidence, the court of appeals must always be mindful of the presumption in favor of the finder of fact." *Z.C.* at ¶ 14, quoting *Eastley* at ¶ 21.

ANALYSIS

{¶88} A children services agency must make reasonable efforts to reunify parents with their children when the agency has removed the children from the home. R.C. 2151.419(A)(1). "Case plans are the tools that child protective service agencies use to facilitate the reunification of families who . . . have been temporarily separated." *In re D.A.*, 2023-Ohio-2823, ¶ 32 (5th Dist.), quoting *In re Evans*, 2001-Ohio-2302 (3d Dist.). Case plans establish individualized concerns and goals, along with the steps the parties and the agency can take to achieve reunification. *Id.*, citing *In re Evans*, 2001-Ohio-2302 (3d Dist.).

{¶89} R.C. Chapter 2151 does not define "reasonable efforts," but the term has been construed to mean "[t]he state's efforts to resolve the threat to the child before removing the child or to permit the child to return home after the threat is removed." *In re D.A.*, 2023-Ohio-2823, ¶ 33 (5th Dist.), quoting *In re C.F.*, 2007-Ohio-1104, ¶ 28. "Reasonable efforts means that a children's services agency must act diligently and provide services appropriate to the family's need to prevent the child's removal or as a predicate to reunification." *In re H.M.K.*, 2013-Ohio-4317, ¶ 95 (3d Dist.), quoting *In re D.A.*, 2012-Ohio-1104, ¶ 30 (6th Dist.).

{¶90} What constitutes reasonable efforts depends on the nature of the case plan and varies with the circumstances of each case. *In re P.L.*, 2026-Ohio-3596, ¶ 49 (5th Dist.), citing *In re S.M.*, 2015-Ohio-2318, ¶ 31 (12th Dist.). "In determining whether the agency made reasonable efforts [pursuant to R.C. 2151.419(A)(1)] to prevent the removal of the child from the home, the issue is not whether the agency could have done more, but whether it did

enough to satisfy the reasonableness standard under the statute." *In re Lewis*, 2003-Ohio-5262, ¶ 16 (4th Dist.); *accord In re K.B.*, 2025-Ohio-2997, ¶ 52 (5th Dist.). " 'Reasonable efforts' does not mean all available efforts." *Lewis* at ¶ 16. 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).

{¶91} The question is "whether the agency's case planning and efforts were reasonable and diligent under the circumstances of the case." *K.B.* at ¶ 52. The appellant argues that the Agency and the GAL did not visit his home after July 15, 2025, to confirm that he had remedied the housing conditions; that the Agency provided little, if any, help in making the home suitable; that the Agency did not consistently provide gas vouchers for his visits with T.W.; and that the Agency failed to expand his visitation with Q.W. based on unconfirmed allegations that he discussed the case with Q.W., without giving him an adequate chance to tell his side.

{¶92} The record does not support these arguments. The trial court found at the shelter care and dispositional hearings that the Agency had made reasonable efforts, including case management services, drug screens, referrals, food assistance, and home visits. The Agency developed and updated case plans addressing housing, employment, substance use, mental health, parenting, and visitation, and it gave the appellant another copy of the case plan when he claimed not to know what services were required.

{¶93} As to housing, the caseworker inspected the home on July 15, 2025. The GAL visited it in August 2025, after the date the appellant identifies, and found that it lacked ceilings, a working stove, and a kitchen faucet and had structural concerns with the roof, the plumbing, and the electrical service. The appellant testified that he made repairs after that visit. But the caseworker testified that she sent the appellant repeated letters requesting home

visits and had not seen him since October 2025. Although the appellant testified that the caseworker did not return his calls, the trial court was entitled to credit the caseworker's testimony. The case plan required the appellant to obtain and maintain safe housing, and he points to no authority requiring the Agency to repair his home. Even assuming the appellant later made the repairs, the trial court could have found the Agency's inability to confirm them resulted from his lack of contact, not from any lack of effort by the Agency.

{¶94} As to T.W., Redemption House permitted the appellant to visit as often as he scheduled, for up to two hours, and the Agency permitted weekly visits. The appellant nonetheless visited only about ten or eleven times in 2025. He testified that he missed visits only after he wrecked his car, and he points to nothing in the record showing that the timing of gas vouchers caused him to miss a visit.

{¶95} As to Q.W., the trial court, not the Agency, denied the appellant's request for unsupervised visitation and restricted his contact with Q.W. It did so after a hearing on August 20, 2025, on the appellant's own motion and the GAL's motion for no contact, and after an in camera interview of Q.W. That ruling rested on evidence that the appellant discussed the case with Q.W. and used a visit to have Q.W. speak with an incarcerated sibling. The appellant also appeared at the foster home and at Q.W.'s sporting event contrary to the trial court's orders, which supported keeping the restrictions in place. The appellant's visitation was restricted, not denied, and the trial court was entitled to credit that evidence over his denials. And a restriction on visitation is not itself a failure to make reasonable efforts. *See In re D.A.*, 2023-Ohio-2823, ¶ 36 (5th Dist.), citing *In re Y.M.*, 2022-Ohio-677, ¶ 59 (5th Dist.).

{¶96} The record shows that the Agency's case planning and efforts were reasonable and diligent under the circumstances, and that the obstacles to reunification arose largely from the appellant's own choices. *See K.B.*, 2025-Ohio-2997, at ¶ 52 (5th Dist.).

{¶97} After examining the entire record and weighing the evidence and all reasonable inferences, we cannot say that, in finding that the Agency made reasonable efforts, the trial court clearly lost its way and created such a manifest miscarriage of justice that its judgments must be reversed and a new trial ordered. The appellant's second assignment of error is overruled.

III.

{¶98} In his third assignment of error, the appellant argues that the permanent custody motion was insufficient to apprise him of its factual basis and that proceeding on the motion violated his right to due process. We disagree.

STANDARD OF REVIEW

{¶99} Whether the GAL's motion adequately apprised the appellant of the grounds for permanent custody, and whether proceeding on the motion violated his right to due process, are questions of law, which we review de novo. *In re P.H.*, 2019-Ohio-137, ¶ 45 (5th Dist.), citing *Cleveland Elec. Illum. Co. v. Pub. Util. Comm.*, 76 Ohio St.3d 521, 523 (1996).

ANALYSIS

{¶100} The parties and the trial court analyzed the motion under Juv.R. 10, which provides, in pertinent part:

> **(B) Complaint: General form.** The complaint, which may be upon information and belief, shall satisfy all of the following requirements:
>
> (1) State in ordinary and concise language the essential facts that bring the proceeding within the jurisdiction of the court, and in juvenile traffic offense

and delinquency proceedings, shall contain the numerical designation of the statute or ordinance alleged to have been violated;

(2) Contain the name and address of the parent, guardian, or custodian of the child or state that the name or address is unknown;

(3) Be made under oath.

. . .

(D) Complaint: Permanent custody. A complaint seeking permanent custody of a child shall state that permanent custody is sought.

{¶101} The trial court denied the appellant's motion to dismiss as untimely and, alternatively, on the merits. The appellant does not challenge the untimeliness ruling. In any event, the motion was sufficient.

{¶102} A parent is entitled to notice of a motion for permanent custody and of the grounds on which it is based. *See* R.C. 2151.414(A)(1); Juv.R. 19; *In re Fassinger*, 42 Ohio St.2d 505, 508 (1975). Even assuming Juv.R. 10(B)(1) governs a motion for permanent custody, the GAL's motion stated that permanent custody was sought, identified R.C. 2151.414(B)(1)(a) and (d) as the grounds, and alleged that the children had been in the Agency's temporary custody for more than twelve months of the preceding twenty-two months. That is the ground on which the trial court granted permanent custody, and the appellant concedes that it applies. Unlike the motion in *Fassinger*, which sought permanent custody only because it would "be in the best interests of said minors that they be placed for adoption," the GAL's motion identified the statutory grounds and the facts supporting them. *See Fassinger* at 506-507. The motion also alleged that the appellant's parenting time remained supervised because of substance abuse and parenting issues, and that the trial court had denied the appellant's motion for unsupervised parenting time. *See In re Estepp*, 2003-Ohio-5084, ¶

19-20 (5th Dist.) (holding a three-sentence dependency complaint sufficient to put the parent on notice of the essential facts). And the motion incorporated the GAL's earlier reports, which detailed her concerns about the appellant's housing, substance use, visitation, and parenting.

{¶103} Moreover, the appellant was personally served with the motion more than two months before the hearing, filed a memorandum contra, cross-examined the GAL's witnesses, testified, and introduced thirty-five exhibits. He identifies no evidence or argument that he was unable to present because of the motion's alleged lack of detail. We find no violation of his right to due process.

{¶104} The appellant's third assignment of error is overruled.

CONCLUSION

{¶105} For the foregoing reasons, the judgments of the Coshocton County Court of Common Pleas, Juvenile Division, are affirmed.

{¶106} Costs to the appellant.

By: Baldwin, P.J.

Montgomery, J. and

Popham, J. concur.