

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
HURON COUNTY

In re A.W.

Court of Appeals No. H-26-012

Trial Court No. DNA 2025 00010

DECISION AND JUDGMENT

Decided: October 13, 2026

* * * * *

Richard Palau, for appellee.

Miles T. Mull, for appellant.

* * * * *

MAYLE, J.

{¶ 1} Appellant, H.L. (“mother”), appeals the April 30, 2026 judgment of the Huron County Court of Common Pleas, Juvenile Division, terminating her parental rights and granting permanent custody of her child, A.W., to appellee, Huron County Department of Job and Family Services (“the agency”).¹ For the following reasons, we affirm.

¹ The trial court also terminated father’s parental rights, but he is not a party to this appeal.

I. Background and Facts

A. Complaint and adjudication

{¶ 2} In January 2025, mother gave birth to A.W., whose father is D.W. (“father”). At that time, mother was the temporary custodian of father’s other child, N.W., who is not involved in this case, and was involved with the agency through N.W.’s case.² Shortly after giving birth to A.W., mother contacted N.W.’s case workers and expressed feeling overwhelmed caring for the two babies, as well as increased irritability, anger, stress, and fear starting over with another infant and a limited support system. Mother additionally told the agency that she thought she would hurt both N.W. and A.W. Because of these feelings, mother told the agency that she wanted to place A.W. in foster care.

{¶ 3} As a result of mother’s self-report, the agency filed a Complaint on January 24, 2025, alleging that A.W. was a dependent child pursuant to R.C. 2151.04(C) and requested an Emergency Shelter Care Hearing. A hearing was scheduled the same day and the trial court placed A.W. in the temporary custody of his maternal aunt, M.L., and under the protective supervision of the agency. At this time, mother was granted supervised visitation with A.W.

{¶ 4} Shortly after the shelter care hearing, mother reported concerns about the care A.W. was receiving in M.L.’s custody. She reported domestic violence, physical

² N.W.’s case, DNA 2024 00048, was handled by the trial court simultaneously with A.W.’s case. At the same termination proceeding, N.W.’s parents, D.W. and B.M., had their parental rights to N.W. terminated. Mother was not a party to N.W.’s case. Much of the record concerns both cases. However, N.W.’s case is not before this court. Therefore, for purposes of this appeal, we will focus only on the parts of the record concerning A.W.’s case.

abuse, and neglect within the home, as well as concerns that A.W. was not being fed and was being left in his car seat for up to four hours at a time. While a Motion for Further Shelter Care Hearing was filed, the agency ultimately found the allegations to be untrue and withdrew the motion. The case then proceeded as planned.

{¶ 5} At the March 3, 2025 adjudicatory hearing, mother admitted to the allegations in the complaint and A.W. was adjudicated dependent. A.W. was kept in the temporary custody of M.L. at this time. The parties waived their right to a separate dispositional hearing and the trial court adopted a case plan that required Mother to (1) complete a mental health assessment and comply with all treatment recommendations; (2) complete a psychological evaluation with a parenting component, and follow any recommendations arising from the evaluation; (3) secure appropriate employment and housing; (4) complete parenting classes; and (5) demonstrate parenting skills during supervised visits with the child.

{¶ 6} During a home visit, an agency caseworker observed A.W. strapped into his car seat. When asked how long he had been in there, M.L. admitted that she had left him in the seat overnight and estimated that he had been in the car seat for approximately nine consecutive hours. As a result, a second shelter care hearing was held on April 14, 2025, and A.W. was placed in the temporary custody of the agency. Mother continued to have supervised visitation.

{¶ 7} A.W. was moved into foster care and this remained the status quo until the agency filed a Motion for Permanent Custody on January 12, 2026. In this motion, the agency alleged that the child could not be placed with his parents within a reasonable

time or should not be placed with his parents, and that terminating the parental rights was in the best interest of the child.

{¶ 8} More specifically, the agency cited mother's initial self-report as well as her uncertainty of what she wanted for A.W.'s permanency throughout the pendency of the case. Regarding mother's case plan, the agency reported the following:

{¶ 9} Housing & Employment: Mother was living in the same residence with her father since the beginning of the case. Mother was not employed at the beginning of the case and while she found other jobs, mother displayed resistance in disclosing employment information.

{¶ 10} Mental Health Assessment & Treatment: Mother was scheduled to undergo a mental health assessment around February 2025. The agency noted that mother did complete her mental health assessment and was recommended biweekly sessions. Originally, mother was regularly attending sessions, however, she had stopped by April 15, 2025, was unwilling to continue, and was later discharged against provider recommendations.

{¶ 11} The agency noted that during meetings with mother, she expressed frustration with the plan but through May of 2025, she agreed to engage in counseling. In July, the agency was notified that mother had only attended one session with her new counselor. In September, the agency received notice that she had been unsuccessfully discharged due to lack of attendance and failure to meet treatment goals.

{¶ 12} During this time, mother was scheduled to complete a psychological evaluation. However, the day of the evaluation, mother called and cancelled reporting to

be sick. Mother expressed to the agency that she did not want to complete the evaluation, but did not want to get in trouble. At that time, she expressed willingness to reschedule and the office agreed. Mother was then unwilling to sign or provide requested documents and again refused to complete the evaluation. After this failure, the agency attempted to connect mother with other offices, but mother could not afford the \$2,000.00 evaluation fee. The agency alleged that mother “has remained resistant to completing the evaluation” and that she has denied that it is ordered by the court.

{¶ 13} Parenting: Mother successfully completed parenting classes through Abigail’s Pregnancy Center. She was engaged in Help Me Grow sessions, however, in August 2025, she notified Help Me Grow that she did not want services anymore and would be speaking with her attorney to cancel services. During this time, Help Me Grow observed a possible lack of attachment to A.W. and defensiveness toward the staff. In September 2025, the agency was notified that mother had been exited from services due to a lack of communication.

{¶ 14} Visitation: The agency reported that mother utilized only half of the scheduled visitations at the agency since A.W. entered the temporary custody of the agency in April 2025. In September 2025, mother notified the agency that she wanted to give one of her two weekly visits to A.W.’s paternal grandparents, which was denied.

{¶ 15} During earlier visits, the agency noted that mother displayed a lack of bond and affection for A.W. She often spent time on her phone and did not want to hold A.W., stating, “I do not have to hold my child for the entire two hours.” Additionally, mother

expressed frustration when encouraged to hold A.W. and threatened to cancel visits or sign off her parental rights.

{¶ 16} The agency noted that mother did adjust and grew more responsive as A.W. got older. However, she continued to threaten to sign off her rights or not come back at different times during visitation. Additionally, on October 6, 2025, the agency received a notification from mother's attorney that she was requesting to "sign off her rights" and was looking how to expedite the closing of the case.

{¶ 17} Overall, the agency noted that kinship placement was not a viable option, that A.W. was meeting developmental goals while in foster care, and recommended granting permanent custody to itself.

B. Permanent custody hearing

{¶ 18} On April 15, 2026, the court held the permanent custody hearing for A.W. and N.W. Father appeared via Zoom and expressed his belief that permanent custody was in the best interest of the children. He then signed off. Mother appeared in person. The court heard testimony from caseworker Karlee Halloway, supervisor Meredith Tavenner, the agency's program administrator Mary Valentine, A.W.'s Guardian ad Litem (GAL) Carrie Kimmet, and A.W.'s foster father, J.D.³

1. Testimony of Karlee Halloway

{¶ 19} The majority of Halloway's testimony focused on N.W.'s case as she changed jobs in January 2025 (right after A.W. was born) and left the case. Relevant to

³ N.W.'s mother was present and N.W.'s foster mom testified specific to his case.

the issues before this court, Holloway testified that she was briefly involved in his case and was the one who received the initial call from mother regarding wanting to explore foster care options, that she could not take care of the boys, and that she might eventually hurt the boys due to the stress. After receiving the call, Holloway passed it on to the investigative side of the agency.

2. Testimony of Meredith Tavenner

{¶ 20} Tavenner testified that she became the supervisor on both cases in December 2024, just before Holloway left the case. From that point on, she was the supervisor until December of 2025.

{¶ 21} Tavenner explained that after Holloway took the initial call from mother, the agency screened dependency concerns for A.W. She confirmed that this self-report was the only reason for the agency's intervention in A.W.'s case. Tavenner explained that when the agency responded, mother attempted to back-track. Initially, she said that she did not mean what she said, but she then acknowledged that she was feeling very overwhelmed. After this, A.W. was placed with his maternal aunt, M.L., until he was removed in April 2025 and placed in with a foster family.

{¶ 22} Tavenner testified that during A.W.'s placement with his aunt, mother frequently visited. Additionally, she explained that during this time, mother reported concerns about domestic violence in the home, as well as marks on A.W. and concerns that he was spending too much time in a car seat against the recommendation of the pediatrician. Tavenner confirmed that the agency did find a mark on A.W.—an alleged cat scratch—but found the wound to be superficial and not requiring medical attention.

She additionally confirmed that A.W. was eventually removed due to the car seat concerns.

{¶ 23} Regarding the case plan, Tavenner testified to many of the points made in the motion for permanent custody—the agency wanted mother to complete a mental health assessment and take parenting classes to address the concerns that brought A.W. to the agency’s attention, that mother would frequently go back and forth as to whether she wanted to reunify with A.W. or terminate her parental rights, that she wanted to give some of her visitations away and was only attending about half of them, and mother’s experiences with psychological testing and counseling, among other things. Tavenner expressed that mother was not “working on case plan elements specific to behavioral change.” Turning to A.W.’s foster family, Tavenner testified that A.W. was in a foster-to-adopt placement.

{¶ 24} On cross-examination, Tavenner further explained that mother, to her knowledge, did not believe that babies needed to be held much and did not want them to become too attached. She also testified that she believes that the case plan had not been complied with because mother truly believed she did not need what was in the plan.

3. Testimony of Mary Valentine

{¶ 25} Valentine explained that her involvement with the case began when Tavenner went on leave in December 2025. Valentine explained that mother interacted with A.W. during visitations. She further testified that mother expressed that she wanted A.W. back in her custody. However, Valentine also testified that mother had made

minimal progress toward her case plan—for example, during one visit, Valentine offered to call a counseling center with her and mother declined.

{¶ 26} On cross-examination, Valentine expressed that she never felt as though mother could safely parent A.W. Valentine additionally noted that while there were some canceled visitations, mother canceled because of illness and that nothing was concerning during the visits. She further noted that family members were reviewed for placement but were not approved.

4. Testimony of GAL

{¶ 27} The GAL testified that she first met mother through N.W.'s case. During that case, mother expressed that she did not want N.W. to be held all the time because then she and father would have to hold him and they did not want to do that. When A.W. was born, the GAL was appointed for his case as well. She noted concerns of postpartum depression with mother.

{¶ 28} Regarding mother's employment, the GAL noted that she went in to a Circle K and saw that mother was working. She did not greet mother to avoid mother having to explain their relationship. The GAL explained that just a few days later at a semi-annual review, mother stated that she did not wish to disclose her employment until the GAL noted that they had just seen each other at mother's place of employment. Mother stated that she had forgotten about that and then quit her job shortly after. According to the GAL, mother stated that she quit because she did not want the court or the agency to know where she worked. The GAL explained that this hesitation to tell the agency where she worked continued for the remainder of the case.

{¶ 29} Turning to the rest of the case plan, the GAL testified that she believed that the mental health component was very important because of how the case began with mother's possible postpartum depression and a desire not to care for A.W. The GAL informed the court that mother has another child and that the child's father has legal custody of him. Mother explained that she decided not to see her other child anymore because she did not want to explain where A.W. was. The GAL additionally explained that her concerns about mother not wanting to hold the baby continued from N.W.'s case.

{¶ 30} The GAL concluded stating that she believed that it was in A.W.'s best interest to be placed in the agency's permanent custody. She stated that she had serious concerns about mother's parenting, her ability to recognize A.W.'s needs, and her ability to keep A.W. safe.

{¶ 31} On cross-examination, the GAL testified that she noted improvements in visitation but did not note other improvements on the case plan. The GAL stated that "[i]t could be possible" for mother to complete her case plan prior to the sunset date in January 2027.

5. Testimony of foster father, J.D.

{¶ 32} J.D. testified that he and his wife have had A.W. for just over a year by the time of trial. He explained that when they received him,

[h]e was in rough shape. It seemed like he had not been bathed in a few days. He had long fingernails that were dirty. He had cradle cap. I recall a diaper rash. He had a clogged tear duct, which is not uncommon of children his age. He seemed to be malnourished. His coloring was gray and kind of pale. And he was behaving at three months more like a newborn would be in terms of [being] behind with some developmental milestones. And sleeping a lot during the day and waking up every three to

four hours during the night. He was only taking about an ounce of formula, no more than two ounces at a time, so he was regularly hungry at that time.

{¶ 33} J.D. testified that since then, A.W. has graduated from feeding therapy and has been doing physical therapy. J.D. has three biological children and another foster child who he and his wife are in the process of adopting. He stated that the children are all bonded at this point and if the agency were to obtain permanent care and custody of A.W., he and his wife intend to adopt.

C. Trial court's decision

{¶ 34} On April 24, 2026, the trial court issued a Judgment Entry terminating the parents' parental rights and awarding permanent custody of A.W. to the agency. In doing so, the court found by clear and convincing evidence that A.W. could not be placed with his parents within a reasonable time or should not be placed with his parents pursuant to R.C. 2151.414(B)(1)(a).

{¶ 35} In making this finding, the court specifically found that pursuant to R.C. 2151.414(E)(1), mother “failed continuously and repeatedly to substantially remedy the conditions causing” A.W.’s removal.⁴ Additionally, under R.C. 2151.414(E)(16), which allows the court to consider “any other factor” it considers relevant, the court found mother’s “oppositional demeanor, blatant refusal to comply with case plan requirements and failure to recognize the importance of mental health treatment to be the type of factor this subsection contemplates.”

⁴ The trial court also found that A.W. should not be placed with father pursuant to findings under R.C. 2151.414(E)(1), (4), and (10). Because these findings apply strictly to father, this court will not analyze them.

{¶ 36} Additionally, the court found it was in the best interest to award permanent custody to the agency pursuant to R.C. 2151.414(D). In making this finding, the court considered that mother had “attended only about half of her scheduled visits with [A.W.], but they have been appropriate as long as [mother’s] one preferred supervisor was also present.” Additionally, the court found that an agency worker testified that at no time during the agency’s involvement with A.W. was mother able to safely parent or visit without supervision. The court also cited the testimony of A.W.’s attorney and GAL, who both believed that permanent placement with the agency was in his best interest. The court further noted that A.W. required a legally secure placement and with mother’s refusal to confront her mental health conditions, “this kind of placement can only be achieved through granting the agency’s motion for permanent custody.”

{¶ 37} After considering all of the evidence and making detailed findings, the trial court awarded permanent custody of A.W. to the agency and terminated mother’s parental rights.

{¶ 38} Mother appealed and assigned the following error for our review:

A. FIRST ASSIGNMENT OF ERROR:

The court’s decision to terminate parental rights and responsibilities was not supported by clear and convincing evidence, being against the manifest weight of evidence presented at trial.

II. Law and Analysis

A. The law of permanent custody

{¶ 39} Parents have a fundamental liberty interest in the care, custody, and control of their children. *In re K.H.*, 2008-Ohio-4825, ¶ 39. However, the right to parent one’s

children is not absolute; it does not give a parent a right to abuse or neglect a child. *Id.* at ¶ 40. The state has broad authority to intervene to protect children from abuse and neglect. *In re C.F.*, 2007-Ohio-1104, ¶ 28, citing R.C. 2151.01. “An award of permanent custody, which terminates parental rights, is a last resort and is only justified when it is necessary for the welfare of the child.” (Citation omitted.) *In re L.R.-L.*, 2023-Ohio-2071, ¶ 24 (10th Dist.). Because granting permanent custody terminates parental rights, “parents ‘must be afforded every procedural and substantive protection the law allows.’” *In re Hayes*, 79 Ohio St.3d 46, 48 (1997), quoting *In re Smith*, 77 Ohio App.3d 1, 16 (6th Dist. 1991).

{¶ 40} R.C. 2151.414 sets forth “specific findings a juvenile court must make before granting an agency’s motion for permanent custody of a child.” *In re A.M.*, 2020-Ohio-5102, ¶ 18, citing *In re C.F.* at ¶ 22. Under that provision, the court must first find that any of the following circumstances described in R.C. 2151.414(B)(1)(a)-(e) exists:

(a) * * * [T]he 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.

R.C. 2151.414(B)(1)(a) through (e).

{¶ 41} If the court finds that R.C. 2151.414(B)(1)(a) applies, it must consider both whether any of the factors enumerated in R.C. 2151.414(E) are present that would indicate that the child cannot be placed with either parent within a reasonable time or should not be placed with either parent *and* whether granting permanent custody to the agency is in the child’s best interest. *In re B.K.*, 2010-Ohio-3329, ¶ 42-43 (6th Dist.).

{¶ 42} If the court finds that at least one of the factors in R.C. 2151.414(E) exists, it “shall enter a finding that the child cannot be placed with either parent within a reasonable time or should not be placed with either parent.” R.C. 2151.414(E). The court’s finding that any (E) factor exists is sufficient to support an award of permanent custody to the agency. *In re S.J.*, 2024-Ohio-5137, ¶ 29 (6th Dist.); *In re Carlos R.*, 2007-Ohio-6358, ¶ 38 (6th Dist.) (“[A] court need only find one factor under R.C. 2151.414(E) to support a finding that the child cannot be placed with either parent within a reasonable time or should not be placed with either parent....”).

{¶ 43} As relevant here, the court found that R.C. 2151.414(E) (1) and (16) were applicable to mother. The relevant sections of the statute provide:

(1) Following the placement of the child outside the child’s home and notwithstanding reasonable case planning and diligent efforts by the agency to assist the parents to remedy the problems that initially caused the child to be placed outside the home, the parent has failed continuously and repeatedly to substantially remedy the conditions causing the child to be placed outside the child’s home. In determining whether the parents have substantially remedied those conditions, the court shall consider parental utilization of medical, psychiatric, psychological, and other social and rehabilitative services and material resources that were made available to the parents for the purpose of changing parental conduct to allow them to resume and maintain parental duties.

* * *

(16) Any other factor the court considers relevant.

R.C. 2151.414(E)

{¶ 44} After finding that at least one factor in R.C. 2151.414(E) applies, the court must then determine whether awarding permanent custody to the agency is in the child's best interest by considering the factors in R.C. 2151.414(D)(1). *In re S.J.* at ¶ 23.

Pursuant to R.C. 2151.414(D)(1), the juvenile 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.

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

{¶ 45} All of the court's findings under R.C. 2151.414 must be by clear and convincing evidence. *See* R.C. 2151.414. "Clear and convincing evidence is that measure or degree of proof which will produce in the mind of the trier of facts a firm belief or conviction as to the allegations sought to be established. It is intermediate, being more than a mere preponderance, but not to the extent of such certainty as is required

beyond a reasonable doubt as in criminal cases.” *Cross v. Ledford*, 161 Ohio St. 469, 477 (1954); *In re Alexander C.*, 2005-Ohio-6134, ¶ 37 (6th Dist.).

{¶ 46} We review a trial court’s determination in a permanent custody case under a manifest-weight-of-the-evidence standard. *In re P.W.*, 2012-Ohio-3556, ¶ 20 (6th Dist.); *see also In re Z.C.*, 2023-Ohio-4703, ¶ 11 (“Given that R.C. 2151.414 requires that a juvenile court find by clear and convincing evidence that the statutory requirements are met, * * * the 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.”).

{¶ 47} A manifest weight of the evidence challenge looks to whether the state met its burden of persuasion. *State v. Reillo*, 2026-Ohio-2701, ¶ 24. 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.) *Id.* at ¶ 25, quoting *Eastley v. Volkman*, 2012-Ohio-2179, ¶ 12, quoting *State v. Thompkins*, 78 Ohio St.3d 380, 387 (1997).

{¶ 48} Therefore, when we review a claim that a verdict is against the manifest weight of the evidence, we weigh the evidence and all reasonable inferences, consider the credibility of the witnesses, and determine whether the factfinder clearly lost its way in

resolving evidentiary conflicts so as to create such a manifest miscarriage of justice that the conviction must be reversed and a new trial ordered. *Id.* at ¶ 26; *see also Thompkins* at 387. As such, appellate courts may vacate a factfinder’s verdict and order a new trial “only in the exceptional case in which the evidence weighs heavily against the conviction.” (Cleaned up.) *Id.* at ¶ 27, quoting *State v. Brown*, 2025-Ohio-2804, ¶ 31, quoting *Thompkins* at 387.

{¶ 49} Accordingly, we must weigh the evidence and all reasonable inferences, consider the credibility of the witnesses, and determine whether the trier of fact clearly lost its way in resolving evidentiary conflicts so as to create such a manifest miscarriage of justice that the decision must be reversed. *Z.C.*, 2023-Ohio-4703, at ¶ 14, citing *Eastley* at ¶ 20. But while we review the evidence and consider the witnesses’ credibility, we must be mindful that the trial court, as the trier of fact, is in the best position to weigh evidence and evaluate testimony. *P.W.*, 2012-Ohio-3556, at ¶ 20 (6th Dist.). Its discretion in determining whether an order of permanent custody is in the best interest of a child “should be accorded the utmost respect, given the nature of the proceeding and the impact the court’s determination will have on the lives of the parties concerned.” (Internal quotations omitted.) *In re C.P.*, 2009-Ohio-2760, ¶ 10 (10th Dist.). If the evidence is susceptible to more than one interpretation, we are bound to interpret it in a way that is consistent with the trial court’s judgment. *Z.C.* at ¶ 14.

B. The trial court’s findings are supported by the evidence.

{¶ 50} In her only assignment of error, mother argues that the trial court’s findings are against the manifest weight of the evidence. Specifically, she argues that the trial

court erred when it found that the clear and convincing evidence standard was met, that mother “failed continuously and repeatedly to substantially remedy the conditions causing the children’s removal,” and the other factors such as her refusal to comply with the case plan or failure to recognize the importance of mental health treatment.

{¶ 51} Mother admits that she failed to complete her case plan objectives and had “issues at the beginning o[f] the case on commitment to reunification, visitations, or involvement with Help Me Grow.” However, she believes that the testimony presented at trial regarding the progress she *had* made shows that the trial court erred when it found that A.W. could not be placed with her within a reasonable period of time. Additionally, mother notes that there were over 12 months remaining prior to the sunset date and therefore, time to complete the required case plan objectives. She emphasizes that permanent custody in this case cannot be the “option of last resort” where there was still over 12 months left before the sunset of the case. Accordingly, termination was against the manifest weight of the evidence.

{¶ 52} The court found that R.C. 2151.414(E) (1) and (16) were applicable to mother. While only one (E) factor must be met by the trial court, we will address each of those “(E) factors” and the trial court findings below.

1. R.C. 2151.414(E)(1)—Failure to remedy the conditions that caused A.W. to be placed outside of the home

{¶ 53} While the court does not elaborate on this factor much in its journal entry, the record and testimony is clear that A.W. was removed from mother’s care because of her possible postpartum depression, her mental health concerns, and her inability to care

for A.W. As such, these were the issues mother needed to be resolved prior to A.W. being returned to her.

{¶ 54} The record shows that mother complied with some of the terms of the case plan and made some progress toward attaining her case plan goals—notably, she had employment, stable housing, appropriate visitations with A.W., and seemed more attached to him. However, completing some of the terms of the case plan does not automatically mean a parent and child can or should be reunified; the ultimate question is whether the parent remedied the issues that caused the child to be removed from the home, *not* whether the parent did everything in the case plan. *In re E.H.*, 2022-Ohio-1682, ¶ 86 (5th Dist.).

{¶ 55} Turning to the issues that caused A.W. to be removed, the record clearly shows that mother not only failed to remedy these issues, but actively worked against remedying them. Notably, mother refused to attend mental health counseling or get a psychological evaluation with a parenting component, and she did not follow any recommendations arising from her treatment.

{¶ 56} The agency employees and the GAL testified that mother was not working toward her case plan, that she did not believe that the case plan objectives were things she needed to do, and that she did not plan to get a psychological evaluation or go to counseling. The agency argues that because mother refused to obtain a psychological evaluation, “it is quite clear” that mother cannot complete the case plan. The agency contends that “[f]ailure to complete case plan objectives with respect to A.W. is clearly relevant to the determination of whether [mother] has remedied the problems that caused

A.W.’s removal. The argument that [mother] now wants to keep A.W. makes no difference due to her refusal to work the case plan and remedy these issues.”

{¶ 57} As such, we conclude that mother did not sufficiently remedy the concerns that caused A.W.’s removal. Furthermore, up until termination proceedings began, mother continued to engage in behaviors that pushed her further from remedying the situation and reunifying with A.W. As such, we cannot say that the trial court lost its way and created a manifest miscarriage of justice by determining that A.W. could not be placed with mother in a reasonable time, and should not be placed with mother. We therefore find that the trial court’s findings regarding section (E)(1) are not against the manifest weight of the evidence.

2. R.C. 2151.414(E)(16)—Any other factor

{¶ 58} The trial court found that the catchall “any other factor” subsection applied in this case. To support this finding, the trial court found mother’s “oppositional demeanor, blatant refusal to comply with the case plan requirements and failure to recognize the importance of mental health treatment to be the type of factor this subsection contemplates.”

{¶ 59} The evidence presented in the record supports the trial court’s determination. As such, the trial court’s findings regarding section (E)(16) are not against the manifest weight of the evidence.

3. R.C. 2151(D)(1)—Best interest

{¶ 60} Because the trial court found at least one factor under R.C. 2151.414(E) met, the court went on to review the best interest factors. The trial court determined

under R.C. 2151.414(D), when reviewing the facts stated in the case, it was in A.W.'s best interests to award the agency permanent custody. The court explained that mother had only attended approximately half of her scheduled visits, and mother acted appropriately at those visits only if her preferred supervisor was present. Additionally, the court cited to the agency's testimony that at no time was mother able to safely parent A.W. by herself.

{¶ 61} A.W. has not been in mother's custody since he was roughly one month old. While mother claims that she can complete her case plan before the sunset date of January 2027, the testimony of the agency employees and the GAL contradict this. Mother has been obstinate in completing her case plan goals and has refused on multiple occasions to partake in any kind of mental health or psychological treatment. Furthermore, throughout the case, she has consistently changed her mind as to whether she wanted to be reunified with A.W. or whether she wanted to terminate her parental rights. After nearly two years out of mother's custody, A.W. needs a legally secure placement and permanency, particularly given his young age and needs.

{¶ 62} Accordingly, we find the trial court's best-interest finding was not against the manifest weight of the evidence. We therefore find mother's assignment of error not well-taken.

III. Conclusion

{¶ 63} We have thoroughly reviewed the record of proceedings in the trial court, including the trial testimony and exhibits. We find that the trial court's decision was

supported by clear and convincing evidence and was not against the manifest weight of the evidence. Mother's sole assignment of error is without merit.

{¶ 64} Therefore, the April 30, 2026 judgment of the Huron County Court of Common Pleas, Juvenile Division, is affirmed. Mother is ordered to pay the costs of this appeal under App.R. 24.

Judgment affirmed.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27.

Christine E. Mayle, J.

JUDGE

Myron C. Duhart, J.

JUDGE

Charles E. Sulek, J.
CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at: http://www.supremecourt.ohio.gov/ROD/docs/.
