

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

IN RE I.J.G., JR., ET AL. :
 : No. 110408
Minor Children :
 :
[Appeal by A.R., Mother] :

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED
RELEASED AND JOURNALIZED: August 26, 2021

Civil Appeal from the Cuyahoga County Court of Common Pleas
Juvenile Division
Case Nos. AD19903303 and AD19903304

Appearances:

Eric L. Foster, *for appellant.*

Michael C. O'Malley, Cuyahoga County Prosecuting
Attorney, and Joseph C. Young, Assistant Prosecuting
Attorney, *for appellee* CCDCFS

EILEEN T. GALLAGHER, J.:

{¶ 1} Appellant-mother, A.R. (“Mother”), appeals the juvenile court’s decision terminating her parental rights and granting permanent custody of her children, I.J.G., Jr. and S.M., to the Cuyahoga County Division of Children and Family Services (“CCDCFS” or “agency”). She raises the following assignment of error for review:

The trial court erred by granting permanent custody of I.J.G., Jr. and S.M. to CCDCFS and terminating A.R.'s parental rights.

{¶ 2} After careful review of the record and relevant case law, we affirm the juvenile court's judgment.

I. Procedural and Factual History

{¶ 3} In March 2019, CCDCFS filed a complaint alleging that I.J.G., Jr., born January 22, 2012, and S.M., born September 26, 2018, were neglected and dependent children. In support of its complaint, the agency alleged the following particulars:

1. A complaint was previously filed in regard to S.M. only, which will be dismissed.
2. Mother and alleged father of S.M., [T.M.], do not have stable and appropriate housing in which to provide the children. Mother and [T.M.] were evicted from their housing, which was unsanitary and inappropriate, on March 8, 2019. They do not currently have a suitable residence in which the children can reside.
3. Mother does not have any means of income to provide for the basic needs of the children.
4. [T.M.] is unwilling to provide for the basic needs of S.M.
5. Mother and Father of I.J.G., Jr., I.G. Sr., share legal custody of I.J.G., Jr., with I.G., Sr. designated as the residential parent for purposes of schooling.
6. Mother and [I.G., Sr.] fail to ensure that I.J.G., Jr. attends school on a regular basis. I.J.G., Jr. never attended kindergarten, and I.J.G., Jr. has not been enrolled in school since approximately February 11, 2019.
7. Mother has mental health issues, specifically PTSD, depression, anxiety, and bi-polar disorder, that prevents her from providing appropriate parental care for the children. Mother is not currently receiving treatment for her mental health issues.

8. Mother has an older child who was adjudicated dependent, due in part to Mother's mental health issues, and committed to the permanent custody of CCDCFS.

9. Mother has another child whose father was granted legal custody of the child due, in part, to Mother's failure to properly supervise the child.

10. Alleged father, [T.M.] has failed to establish paternity for the child.

11. Alleged father, John Doe, has failed to establish paternity and has failed to support, visit, or communicate with the child since birth.

{¶ 4} Following a hearing, the children were committed to the predispositional custody of CCDCFS. In May 2019, a magistrate determined that the allegations of the complaint were proven by clear and convincing evidence. Accordingly, the children were found to be neglected and dependent. The magistrate's decision was affirmed, approved, and adopted by the trial court in June 2019. Subsequently, the court terminated its previous order committing the children to the predispositional temporary custody of CCDCFS and committed each child to the temporary custody of the agency. The trial court's dispositional order was made in agreement with Mother and I.G., Sr.

{¶ 5} A case plan was developed to assist Mother in addressing her mental health and parenting issues, as well as her ability to meet the children's basic needs for food, housing, supervision, and nurturing. The case plan required Mother to complete a psychological evaluation and, if necessary, engage in recommended services and take prescribed medications. Mother was also required to obtain and maintain safe housing that is sanitary and free of safety hazards. In addition, Mother was required to show a stable source of income and use community

resources to assist with income problems. Finally, Mother's case plan required her to participate and complete an agreed-upon parenting program.

{¶ 6} In March 2020, CCDCFS filed a motion to modify temporary custody to an order of permanent custody. The motion was supported by the affidavit of CCDCFS social worker, Catherine Brindza ("Brindza"), who averred that Mother (1) lacks stable housing and basic needs in which to provide for the children, (2) lacks emotional stability and has failed to engage in mental health services, and (3) fails to consistently visit with the children. Brindza further averred that T.M. failed to establish paternity for S.M. and has failed to visit or communicate with S.M. for longer than 90 days. Similarly, Brindza averred that I.G., Sr. failed to visit or communicate with I.J.G., Jr. for longer than 90 days.

{¶ 7} The court held a hearing on the motion for permanent custody in March 2021. At the hearing, Brindza testified that she was assigned to the children's case in January 2020. She explained the scope of Mother's case plan for reunification, including the requirements relating to Mother's mental health, parenting, and provision of basic needs. Brindza confirmed that Mother completed a parenting program in May 2020. However, Mother continued to be homeless and has lived at various residences, hotels, and homeless shelters during the pendency of this case. Although Brindza referred Mother to a housing assistance program and encouraged Mother to enroll in housing programs offered by area homeless shelters, Mother declined to utilize the recommended services. Thus, Brindza testified that, as of the time of trial, Mother did not have appropriate housing in which to provide for the

children's basic needs. In addition, Mother failed to provide the agency with documentation of stable employment.

{¶ 8} Regarding Mother's mental health issues, Brindza stated that Mother had previously self-reported several mental-health diagnoses, including depression, post-traumatic stress disorder, and bipolar disorder. Brindza explained that Mother had previously lost permanent or legal custody of other children due, in part, to her mental health issues. Thus, a mental health evaluation was necessary to fully understand the state of Mother's current mental health and to determine the best course of treatment moving forward. To this end, Mother was provided referrals to several mental health agencies, such as Murtis Taylor Human Services System and Frontline Services. Brindza testified that although Mother did complete the intake process with Frontline Services, she never followed through with the recommended services.

{¶ 9} Brindza also provided extensive testimony concerning Mother's relationship with I.J.G., Jr. and S.M. She stated that Mother was "inconsistent" in visiting the children prior to January 2020, and only participated in one remote visit with the children before the coronavirus pandemic "kind of shut things down." (Tr. 32.) Thereafter, Mother only attempted to participate in two virtual visits with S.M. During one of the virtual visits, however, Mother was "distracted by other things" and "was not very focused on that visit." (Tr. 56.) Similarly, Mother only had one phone conversation with I.J.G., Jr. during the pandemic. Mother did attempt to have a second phone conversation with I.J.G., Jr. However, I.J.G., Jr. declined to

take Mother's phone call. Thus, the last time Mother communicated with the children was near the end of June 2020. In addition, Brindza testified that Mother was not reachable during the months of July, August, and September 2020.

{¶ 10} Brindza had minimal contact with the alleged fathers of the children. When she was assigned this case, Brindza learned that I.G., Sr. had not been in contact with I.J.G., Jr. for "at least six months." (Tr. 18.) I.G., Sr. called the agency's hotline on several occasions but did not visit or contact his child. Based on her limited interaction with I.G., Sr., Brindza was unable to state whether he would be able to provide for I.J.G., Jr. Similarly, Brindza was unable to contact the alleged father of S.M. Brindza testified that T.M. did not return phone calls or official letters, and did not establish paternity or attempt to contact S.M.

{¶ 11} I.J.G., Jr. and S.M. currently reside in separate homes and share strong bonds with their respective foster families. CCDCFS attempted to identify relatives of the children for appropriate placement, but those efforts ultimately proved to be unsuccessful.

{¶ 12} Based on the forgoing, Brindza opined that it was in the children's best interests to have the agency awarded permanent custody, stating:

We have an alleged father that I can't make contact with. The other father has had very minimal contact with me. Mom [has] sporadic contact and has not done services, has not addressed her mental health, is homeless. These kids have been in custody and they need permanency.

* * *

[H]ousing is still a huge issue. She's homeless. Her mental health is not being addressed as far as I know and there's been, you know, a lack of communication with me from my June visit up until last week.

(Tr. 42-44.)

{¶ 13} At the conclusion of the agency's case, counsel for Mother moved for a continuance. The trial court granted the motion, and the matter was scheduled to resume at a later date. Between October 2020 and March 2021, the agency concluded outstanding out-of-town investigations with relatives who were interested in adopting the children. A relative was approved for placement, however, CCDCFS was later notified that the relative was no longer interested in taking custody. When the trial resumed on March 9, 2021, counsel for Mother rested without presenting any witnesses.

{¶ 14} At the close of trial, the court heard from the children's guardian ad litem, William Daugherty, Esq. ("GAL"). Consistent with his written report, the GAL recommended that permanent custody be granted in favor of CCDCFS, stating, in relevant part:

I did have an opportunity to conduct an investigation relative to these children. I visited with both of them in their perspective foster placements. The children are doing well in their placements. Contact with the mother has been minimal. I through her attorney attempted to make contact and was unsuccessful.

* * *

Based on the lack of case plan compliance on mother's end I do believe that it's in the best interest that permanent custody be granted.

(Tr. 89.)

{¶ 15} In March 2021, the juvenile court granted the agency's motion for permanent custody. The trial court found, by clear and convincing evidence, that despite the agency's reasonable efforts for reunification, the children could not be placed with either of their parents within a reasonable time or should not be placed with either of their parents, and that it is in the best interests of the children to be placed in the permanent custody of CCDCFs.

{¶ 16} Mother now appeals from the juvenile court's judgment.

II. Law and Analysis

{¶ 17} In the sole assignment of error, Mother argues the juvenile court's judgment was not supported by sufficient evidence and was against the manifest weight of the evidence. Mother contends the record does not clearly and convincingly support the trial court's finding that the children could not be placed with either of their parents within a reasonable time or should not be placed with either of their parents. Mother further maintains that the record does not support the court's best interests determination.

{¶ 18} CCDCFs may obtain permanent custody by first obtaining temporary custody of a child and then filing a motion for permanent custody under R.C. 2151.413. *See In re M.E.*, 8th Dist. Cuyahoga No. 86274, 2006-Ohio-1837. There is no dispute that the proper procedure occurred here. When CCDCFs files a permanent custody motion under R.C. 2151.413 after obtaining temporary custody, the guidelines and procedures set forth under R.C. 2151.414 apply.

Courts apply a two-pronged test when ruling on permanent custody motions. To grant the motion, courts first must find that any of the factors in R.C. 2151.414(B)(1)(a)-(e) apply. Second, courts must determine that terminating parental rights and granting permanent custody to the agency is in the best interest of the child or children using the factors in R.C. 2151.414(D).

In re De.D., 8th Dist. Cuyahoga No. 108760, 2020-Ohio-906, ¶ 16.

{¶ 19} “An appellate court will not reverse a juvenile court’s termination of parental rights and award of permanent custody to an agency if the judgment is supported by clear and convincing evidence.” *In re M.J.*, 8th Dist. Cuyahoga No. 100071, 2013-Ohio-5440, ¶ 24. “‘Clear and convincing evidence’ is that quantum of evidence that instills in the trier of fact a firm belief or conviction as to the allegations sought to be established.” *In re T.S.*, 8th Dist. Cuyahoga No. 109957, 2021-Ohio-214, ¶ 23, quoting *In re Y.V.*, 8th Dist. Cuyahoga No. 96061, 2011-Ohio-2409, ¶ 13. If the grant of permanent custody is supported by clear and convincing evidence, we will not reverse that judgment. *In re J.J.*, 8th Dist. Cuyahoga No. 108564, 2019-Ohio-4984, ¶ 30.

{¶ 20} With regard to a challenge based upon manifest weight of the evidence, the Supreme Court of Ohio has explained:

“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 [factfinder] that the party having the burden of proof will be entitled to their [judgment], 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.’”

Eastley v. Volkman, 132 Ohio St.3d 328, 2012-Ohio-2179, 972 N.E.2d 517, ¶ 12, quoting *State v. Thompkins*, 78 Ohio St.3d 380, 678 N.E.2d 541 (1997), quoting *Black's Law Dictionary* 1594 (6th Ed.1990).

{¶ 21} When conducting a manifest weight review, this court “weighs the evidence and all reasonable inferences, considers the credibility of witnesses and determines 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.” *Id.* at ¶ 20. “In weighing the evidence, the court of appeals must always be mindful of the presumption in favor of the finder of fact.” *Id.* at ¶ 21, citing *Seasons Coal Co., Inc. v. Cleveland*, 10 Ohio St.3d 77, 461 N.E.2d 1273 (1984).

{¶ 22} Therefore,

[t]he discretion which a trial court enjoys in custody matters should be accorded the utmost respect, given the nature of the proceeding and the impact the court's determination will have on the lives of the parties concerned. *In re Satterwhite*, 8th Dist. Cuyahoga No. 77071, 2001-Ohio-4137. The knowledge a trial court gains through observing the witnesses and the parties in a custody proceeding (i.e., observing their demeanor, gestures and voice inflections and using these observations in weighing the credibility of the proffered testimony) cannot be conveyed to a reviewing court by a printed record. *Id.*, citing *Trickey v. Trickey*, 158 Ohio St. 9, 13, 106 N.E.2d 772 (1952).

In re C.T., 8th Dist. Cuyahoga No. 87159, 2006-Ohio-1944, ¶ 15.

A. R.C. 2151.414(B)(1) Factors

{¶ 23} As stated, R.C. 2151.414(B) sets forth a two-pronged analysis the juvenile court is required to apply when ruling on a motion for permanent custody. R.C. 2151.414(B)(1) states permanent custody may be granted to a public or private agency if the juvenile court determines by clear and convincing evidence at a hearing held pursuant to division (A) of R.C. 2151.414, that it is in the best interest of the child and any of the following apply:

(a) The child is not abandoned or orphaned, has not 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 has not 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 if, 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, 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, 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.

(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.

{¶ 24} In this case, the juvenile court found, pursuant to R.C. 2151.414(B)(1)(a), that the children are not abandoned or orphaned, and have not been in the temporary custody of one or more public children services agencies or private child placing agencies for 12 or more months of a consecutive 22-month period. The court further found, by clear and convincing evidence, that the children could not be placed with Mother or their alleged fathers within a reasonable time or should not be placed with Mother or their alleged fathers.

{¶ 25} When assessing whether a 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 under R.C. 2151.414(B)(1)(a), a juvenile court must consider the factors outlined in R.C. 2151.414(E). *In re A.V.*, 8th Dist. Cuyahoga No. 101391, 2014-Ohio-5348, ¶ 58; *In re R.M.*, 8th Dist. Cuyahoga Nos. 98065 and 98066, 2012-Ohio-4290, ¶ 14; *In re B.P.*, 8th Dist. Cuyahoga Nos. 107732 and 107735, 2019-Ohio-2919, ¶ 13. A juvenile court is only required to find that one of these factors is met in order to properly find that a child cannot or should not be placed with a parent. *In re Ca.T.*, 8th Dist. Cuyahoga No. 108969, 2020-Ohio-579, ¶ 27, citing *In re V.C.*, 8th Dist. Cuyahoga Nos. 102903, 103061, and 103367, 2015-Ohio-4991, ¶ 42.

{¶ 26} In this case, the juvenile court found, pursuant to R.C. 2151.414(E)(1), that

[f]ollowing 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.

{¶ 27} In addition, the court found, pursuant to R.C. 2151.414(E)(2), that

[t]he chronic mental illness, chronic emotional illness, mental retardation, physical disability, or chemical dependency of the parent is so severe that it makes the parent unable to provide an adequate permanent home for the child at the present time and, as anticipated, within one year.

{¶ 28} Next, the court found, pursuant to R.C. 2151.414(E)(4), that

[t]he parent has demonstrated a lack of commitment towards the child by failing to regularly support, visit, or communicate with the child when able to do so, or by other actions showing an unwillingness to provide an adequate permanent home for the child.

{¶ 29} Pursuant to R.C. 2151.414(E)(10), the court also found “[t]he parent has abandoned the child.” Finally, the court found, pursuant to R.C. 2151.414(E)(11), that

[t]he parent has had parental rights involuntarily terminated with respect to a sibling of the child pursuant to this section * * * and the parent has failed to provide clear and convincing evidence to prove that, notwithstanding the prior termination, the parent can provide a legally secure permanent placement and adequate care for the health, welfare, and safety of the child.

{¶ 30} In challenging the forgoing findings, Mother argues she “made efforts to remedy the conditions” causing the children’s removal despite the agency’s failure “to make diligent efforts to assist [Mother] with completing [her] case plan.” Mother asserts that the agency failed to make any specific referrals for housing, and that she was unable to have regular communication with her children due to implications of the coronavirus pandemic and because she did not have a phone. Mother further contends that it “was unreasonable to require [her] to engage in mental health

services because (1) the issues were self-reported, (2) they had no independent verification, and (3) they were from the distant past.”

{¶ 31} To the extent Mother disputes the requirements of her case plan and the efforts of the agency, we are unpersuaded. The Ohio Revised Code imposes a duty on the part of children services agencies to make reasonable efforts to reunite parents with their children where the agency has removed the children from the home. R.C. 2151.419. “Case plans are the tools that child protective service agencies use to facilitate the reunification of families who * * * have been temporarily separated.” *In re Evans*, 3d Dist. Allen No. 1-01-75, 2001 Ohio App. LEXIS 4809, 3 (Oct. 30, 2001). To that end, case plans establish individualized concerns and goals, along with the steps that the parties and the agency can take to achieve reunification. *Id.*

{¶ 32} “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.*, 3d Dist. Wyandot Nos. 16-12-15 and 16-12-16, 2013-Ohio-4317, ¶ 95, quoting *In re D.A.*, 6th Dist. Lucas No. L-11-1197, 2012-Ohio-1104, ¶ 30. “Reasonable efforts’ does not mean all available efforts.” *In re J.B.*, 8th Dist. Cuyahoga No. 109039, 2020-Ohio-3675, ¶ 23, quoting *In re Lewis*, 4th Dist. Athens No. 03CA12, 2003-Ohio-5262, ¶ 16. “Otherwise, there would always be an argument that one more additional service, no matter how remote, may have made reunification possible.” *In re K.M.*, 12th Dist. Butler No. CA 2004-02-052, 2004-Ohio-4152, ¶ 23. “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 S.F.*, 2d Dist. Montgomery No. 25318, 2013-Ohio-508, ¶ 21, quoting *In re Secrest*, 2d Dist. Montgomery No. 19377, 2002-Ohio-7096, ¶ 13; *In Re A.F.*, 2018-Ohio-310, 103 N.E.3d 1260, ¶ 65 (2d Dist.); *In re K.W.*, 8th Dist. Cuyahoga No. 106700, 2018-Ohio-3314, ¶ 45 (“Whether an agency * * * made reasonable efforts pursuant to R.C. 2151.419 is based on the circumstances of each case, not whether there was anything more the agency could have done.”). “In determining whether reasonable efforts were made, the child’s health and safety shall be paramount.” R.C. 2151.419(A)(1).

{¶ 33} In this case, the record shows that CCDCFS made reasonable efforts to reunite Mother with I.J.G., Jr. and S.M. by establishing a workable case plan that included services to address concerns with Mother’s ability to provide a safe and stable environment for her children. Contrary to Mother’s position on appeal, the record supports the court’s determination that CCDCFS worked diligently to facilitate reunification by referring Mother to local agencies, including Murtis Taylor Human Services System, Frontline Services, and a community collaborative that provides housing services. Brindza further testified that she advised Mother to utilize certain programs offered at local homeless shelters to address her unstable housing situation. Mother simply failed to engage with the various referrals and resources recommended to her by the agency. Thus, although the trial court was not

required to make a “reasonable efforts” finding in its permanent custody order,¹ we find the record demonstrates that the agency complied with its statutory obligations under R.C. 2151.419.

{¶ 34} Furthermore, we are unable to conclude that it was unreasonable for the agency to include mental-health objectives in Mother’s case plan. Here, Mother previously disclosed that she suffered from depression, post-traumatic stress disorder, and bipolar disorder. Mother’s failure to address these ongoing issues contributed, in part, to her losing permanent custody of one child and legal custody of another child in prior custody cases. In order to properly determine the scope and nature of Mother’s current mental and emotional well-being, the agency’s case plan appropriately required Mother to complete a mental-health assessment. It is immaterial that several years have passed since Mother initially disclosed her various mental-health diagnosis. To adequately protect the interests of I.J.G., Jr. and S.M., a mental-health assessment was necessary to verify the extent of Mother’s mental-health issues and, if necessary, establish a course of treatment or counseling.

{¶ 35} Finally, we conclude that the juvenile court’s findings pursuant to R.C. 2151.414(E)(1), (2), (4), (10), and (11) were supported by clear and convincing evidence. In this case, social worker Brindza provided extensive testimony regarding the case plan created to remedy the issues that caused the children’s

¹ This court has previously noted that “a reasonable-efforts determination is not required by statute or controlling precedent upon a motion for permanent custody or to the hearings held on such motions.” *In re L.D.*, 2017-Ohio-1037, 86 N.E.3d 1012, ¶ 18 (8th Dist.).

removal. As stated, the agency worked diligently to provide Mother with adequate resources and referred her to various local organizations for mental health, basic needs, housing, and parenting services. While Mother successfully completed a parenting class, the record reflects that Mother failed to follow through on her mental health services, lacked adequate housing, and did not have documentation to establish stable employment. In addition, Brindza explained that Mother continued to demonstrate a lack of commitment to her children by being inconsistent with visitation and communication, and by failing to contact her children or the agency for approximately three months in July, August, and September of 2020. *See* R.C. 2151.011(C) (“[f]or purposes of this chapter, 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, regardless of whether the parents resume contact with the child after that period of ninety days.”). This court recognizes the unusual circumstances that prevented Mother from regularly visiting with I.J.G., Jr. and S.M. during the coronavirus pandemic. With that said, however, the record reflects that the agency attempted to facilitate virtual options for Mother to safely communicate with I.J.G., Jr. and S.M. Nevertheless, Mother failed to optimize the resources made available to her and only spoke with her children on a few occasions while the coronavirus restrictions were in place.

{¶ 36} The agency also introduced certified copies of prior judgments to establish that Mother’s parental rights were involuntarily terminated with respect to a sibling of the children in August 2015. Mother has since failed to demonstrate

the ability to provide I.J.G., Jr. and S.M. legally secure placement and adequate care. In particular, Mother has taken no steps to ensure the children have safe and stable housing.

{¶ 37} Collectively, the foregoing evidence supports the trial court's application of R.C. 2151.414(E) and its finding pursuant to R.C. 2151.414(B)(1)(a) that I.J.G., Jr. and S.M. could not be returned to Mother's custody within a reasonable time or should not be placed with Mother.

B. R.C. 2151.414(D)(1) Best-Interest Factors

{¶ 38} We review a juvenile court's determination of a child's best interests under R.C. 2151.414(D) for abuse of discretion. *In re D.A.*, 8th Dist. Cuyahoga No. 95188, 2010-Ohio-5618, ¶ 47. An abuse of discretion implies that the court's decision was unreasonable, arbitrary, or unconscionable. *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219, 450 N.E.2d 1140 (1983).

{¶ 39} In determining the best interests of a child at a hearing held pursuant to R.C. 2151.414(A)(1), the juvenile court must 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).

{¶ 40} Although a juvenile court is required to consider each relevant factor under R.C. 2151.414(D)(1) in making a determination regarding permanent custody, “there is not one element that is given greater weight than the others pursuant to the statute.” *In re Schaefer*, 111 Ohio St.3d 498, 2006-Ohio-5513, 857 N.E.2d 532, ¶ 56. We have previously stated that only one of these enumerated factors needs to be resolved in favor of the award of permanent custody. *In re Moore*, 8th Dist. Cuyahoga No. 76942, 2000 Ohio App. LEXIS 3958 (Aug. 31, 2000), citing *In re Shaeffer Children*, 85 Ohio App.3d 683, 621 N.E.2d 426 (3d Dist.1993). Moreover, the Ohio Supreme Court has clarified that

R.C. 2151.414(D)(1) does not require a juvenile court to expressly discuss each of the best-interest factors in R.C. 2151.414(D)(1)(a) through (e). Consideration is all the statute requires.

In re A.M., Slip Opinion No. 2020-Ohio-5102, ¶ 31.

{¶ 41} In this case, the court expressed that it considered the relevant factors set forth under R.C. 2151.414(D)(1) when assessing the children's best interests. Based on this record, we do not find that the juvenile court abused its discretion in determining that permanent custody was in the children's best interests. The court

was provided with extensive testimony regarding Mother's inconsistent relationship with and commitment towards the children, Mother's custodial history, the children's need for permanency, and the children's positive bond with their current foster families. Moreover, the court was guided by the recommendation of the GAL, who spoke on behalf of the young children and recommended that it was in the best interests of each child to grant the agency permanent custody. And, as discussed, the testimony elicited at trial conclusively demonstrated that Mother has not fully satisfied the objectives of her case plan and has not proven that she can provide a permanently stable environment for her children. Accordingly, we conclude that the juvenile court's termination of parental rights and award of permanent custody of the children to CCDCFS is supported by clear and convincing evidence in the record.

{¶ 42} Mother's sole assignment of error is overruled.

{¶ 43} Judgment affirmed.

It is ordered that appellee recover from appellant costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the common pleas court, juvenile division, to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27
of the Rules of Appellate Procedure.

EILEEN T. GALLAGHER, JUDGE

SEAN C. GALLAGHER, P.J., and
FRANK D. CELEBREZZE, JR., J., CONCUR