

COURT OF APPEALS OF OHIO
EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

IN RE A.G.-M., ET AL.	:	
	:	No. 115941
Minor Children	:	
	:	
[Appeal by Mother, A.G.]	:	
	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED
RELEASED AND JOURNALIZED: August 20, 2026

Civil Appeal from the Cuyahoga County Court of Common Pleas
Juvenile Division
Case Nos. AD22912684 and AD23913262

Appearances:

A.E. Boles, LLC, and Alisa Boles, *for appellant.*

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

LISA B. FORBES, P.J.:

{¶ 1} A.G. (“Mother”) appeals the juvenile court’s decision terminating her parental rights and awarding permanent custody of her two children, A.G.-M. and A.G.-B. (“the Children”) to the Cuyahoga County Division of Children and Family

Services (“CCDCFS” or “the Agency”). After reviewing the facts of the case and pertinent law, we affirm the juvenile court’s decision.

I. Procedural History and Factual Background

A. A.G.-M.

{¶ 2} On December 10, 2022, an ex parte telephonic order was issued committing A.G.-M. (d.o.b. 12/08/2022) to the emergency custody of CCDCFS. In issuing the order, the court made the following findings of fact:

[M]other is a minor and in CCDCFS’s permanent custody. Mother tested positive for marijuana at the time of A.G.-M.’s birth and used marijuana throughout her pregnancy Mother and alleged father’s relationship has been physically violent throughout the mother’s pregnancy. On November 11, 2022, alleged father physically assaulted mother. Alleged father was later arrested for this incident. Mother has mental health issues she is not properly addressing. Mother is at risk of leaving placement without permission.

{¶ 3} On December 12, 2022, CCDCFS filed a complaint alleging dependency and seeking temporary custody of A.G.-M. The juvenile court held a hearing the same day and granted predispositional custody to CCDCFS.

{¶ 4} On February 23, 2023, CCDCFS filed a motion to amend the complaint alleging dependency and seeking temporary custody of A.G.-M. On the same day, the juvenile court held a hearing on the amended complaint. The juvenile court adjudicated the child dependent pursuant to an order journalized on March 14, 2023. The juvenile court committed A.G.-M. to the temporary custody of CCDCFS.

{¶ 5} A case plan for reunification was developed to address concerns with Mother’s mental health, substance abuse, and domestic violence. The case plan was later amended several times, including to reflect concerns with housing. A

concurrent goal was developed in the case plan for legal custody to the maternal great-grandmother, J.G.

1. First Motion to Modify Temporary Custody

{¶ 6} On October 11, 2023, CCDCFS filed a motion to modify temporary custody to legal custody pursuant to R.C. 2151.353(F)(2) and 2151.415. The brief in support of the motion alleged that parents failed to complete the objectives of the case plan. CCDCFS sought legal custody for J.G., maternal great-grandmother, who had been providing care for A.G.-M. since September 2023.

{¶ 7} In its motion, CCDCFS alleged that Mother was referred to “services for parenting, domestic violence, anger management, and mental health.” The motion alleged that while Mother had “engaged in services for parenting, domestic violence, and anger management she had not demonstrated the stability and behavioral changes needed to allow the child to safely return home.” The motion further explained that Mother was recently convicted of domestic violence, aggravated assault, and aggravated menacing. Mother was also alleged not to have addressed her mental-health diagnosis and not to have stable housing. The motion further noted that A.G.-M.’s father is incarcerated and that he “failed to engage in services for substance abuse and parenting” prior to incarceration.

{¶ 8} The juvenile court magistrate held a hearing on the motion to modify temporary custody to legal custody on November 16, 2023, at which time the court heard testimony from Shannon Nash (“Nash”), a CCDCFS child-protection

specialist, and Tom Kozel, A.G.-M.'s guardian ad litem ("GAL"). Mother was present and represented by counsel.

{¶ 9} Nash testified to Mother's progress on the case plan. Nash testified that Mother was close to completing the parenting objective of the case plan, because she has nearly completed all required parenting classes. However, Nash also testified that Mother had been on the phone with A.G.-M.'s father during a visit with the child, which in addition to violating a no-contact order between the parties, was not supported by the Agency. Nash testified that the supportive visitation coach who was present at the time of the call advised Mother that she needed to spend her time during visits engaging with the baby.

{¶ 10} With respect to the domestic-violence case objective, Nash testified that there had been "ongoing domestic violence with the child's father." With respect to anger management, Mother had "a couple of anger outbursts in court and . . . on staffings" Nash explained that the Agency wanted to see behavioral changes. While there was "some progress made" on these aspects of the case plan, as noted above, Mother also continued to speak with A.G.-M.'s father on the phone despite a no-contact order. Also, Mother had been recently criminally convicted of "acts of violence," including a domestic-violence incident "where she had stabbed her brother" in July 2023.

{¶ 11} Nash explained that the Agency still had concerns about Mother engaging in domestically violent relationships, noting that Mother was pregnant and that the individual she identified as the potential father to the baby had "DV issues

with the police being called and him putting [Mother] out and them arguing and fighting.”

{¶ 12} Additionally, Nash testified that A.G.-M.’s maternal great-grandmother, J.G., requested that Mother’s visits with A.G.-M. be supervised or in the community (as opposed to in J.G.’s home) due to Mother’s “anger outbursts and some issues between her and her granddaughter.”

{¶ 13} Nash testified that Mother completed some of the required domestic-violence and anger-management classes and that it would be a reasonable expectation for her to complete the anger-management classes by the end of 2023.

{¶ 14} With respect to the mental-health and substance-abuse case-plan objectives, Nash testified that Mother had been diagnosed with PTSD, anxiety, and bipolar disorder. Nash testified that the Agency wanted to see Mother continue mental-health counseling, but noted that Mother missed four or five appointments. On cross-examination, Nash testified that some of the missed appointments could be attributed to the provider.

{¶ 15} Nash also testified that Mother admitted to THC use at the time of A.G.-M.’s birth and “then [she] was testing positive for THC.” However, Nash stated that while Mother has not tested negative yet, her THC levels had “significantly dropped.” Nash further explained that the Agency is looking for six months of sobriety.

{¶ 16} With respect to housing, Nash testified that Mother recently found a house, but that it is not appropriate housing due to “electrical wires, deplorable

conditions, roaches.” Nash testified that at the time of the hearing Mother was temporarily staying with her adult sister.

{¶ 17} Nash concluded that the Agency was seeking legal custody for the maternal great-grandmother because although Mother was progressing in her case plan, “she hadn’t completed enough of her case plan to file for an extension” of temporary custody.

{¶ 18} In his report, the GAL recommended that A.G.-M. be placed in the legal custody of the great-grandmother due to “concerns about the mother having a substance abuse problem, anger management/domestic violence between the parents, parenting and mother’s mental health.” The GAL explained that Mother did not make “significant progress on the case plan so that an extension of temporary custody would not be appropriate.” In his testimony, however, the GAL stated that the report he received from the social worker prior to the hearing was “a little more negative” than the information that came out during the hearing and that he was “pleased” to hear that it was “going better” than he originally thought.

{¶ 19} At the conclusion of testimony the juvenile court magistrate denied the motion to modify temporary custody, finding that Mother had made progress on the case plan. An extension of temporary custody was granted. The court stated that it would give Mother the benefit of the doubt, but the expectation was that Mother “will be negative [for THC] immediately . . . and will continue to be negative.” The court further stated that “[w]e’ll see you about five or six months, and if you’re not doing what you’re supposed to do, and you are just as far along with

maybe a little bit more progress or you're still testing dirty, come in and just expect that things won't go your way."

{¶ 20} In its journal entry, the court described Mother's progress, including addressing housing and pending criminal matters, engaging in mental-health, domestic-violence, and anger-management services, completing a parenting course, and a reduction in THC levels. The court also noted that "Mother is a young mother who recently aged out of the custody of CCDCFS herself. Mother's behavior in the courtroom today was far better than previous appearances which shows to the court that progress is being made on her behavior."

{¶ 21} CCDCFS filed an objection to the magistrate's decision, and Mother filed a brief in opposition to the objection. The juvenile court judge overruled CCDCFS's objections to the magistrate's decision and affirmed and adopted the magistrate's decision on January 29, 2024.

A. A.G.-B.

{¶ 22} During the pendency of the matter involving A.G.-M., Mother gave birth to her second child, A.G.-B. (d.o.b. 11/20/2023). On November 22, 2023, CCDCFS filed a complaint alleging dependency and seeking temporary custody of A.G.-B. On that same day, the juvenile court held a hearing and granted predispositional custody to CCDCFS. On January 29, 2024, A.G.-B. was added to Mother's case plan for reunification with A.G.-M.

{¶ 23} The juvenile court held a hearing on the complaint and adjudicated the A.G.-B. dependent pursuant to an order journalized on March 5, 2024.

B. Both Children: CCDCFS's Motion to Modify Temporary Custody to Permanent Custody and Mother's Motion for Legal Custody

{¶ 24} On November 6, 2024, CCDCFS filed motions to modify temporary custody to permanent custody of both A.G.-M. and A.G.-B. pursuant to Juv.R. 19 and R.C. 2151.415. On July 24, 2025, Mother filed motions for legal custody of both Children, arguing that she had “completed several aspects of the case plan” and “that she is an appropriate caregiver and is ready, willing, and able to provide care for her child.”

{¶ 25} The following testimony was presented at the November 19, 2025 hearing on the motions. The parties stipulated to the admission of documentary evidence including drug-test records, certified journal entries, and criminal journal entries pertaining to the parties. CCDCFS case worker Eddie Ceden-Rosario (“Ceden-Rosario”) and the GAL were the only witnesses to testify. Mother did not testify on her own behalf or otherwise call any witnesses, although she did attend the hearing.

1. Eddie Ceden-Rosario

{¶ 26} Ceden-Rosario testified that he is employed as an extended worker with CCDCFS. He has been assigned to Mother's case for approximately one year. Ceden-Rosario was not the first Agency worker assigned to Mother's case, but inherited the case file upon assignment.

{¶ 27} Ceden-Rosario testified that M.M. (“A.G.-M.’s Father”) was identified as A.G.-M.’s father, and the A.B. (“A.G.-B.’s Father”) was identified as A.G.-B.’s father.¹

{¶ 28} Ceden-Rosario explained that CCDCFS became involved with A.G.-M. as a result of “allegations of domestic violence and the mother[’s] . . . substance abuse while she was pregnant” The allegations of domestic violence involved A.G.-M.’s Father. Ceden-Rosario testified that A.G.-M.’s Father is presently incarcerated and is anticipated to be released in 2043.

{¶ 29} Ceden-Rosario testified that CCDCFS has been involved with A.G.-B. since birth, also due to concerns with domestic violence between Mother and A.G.-B.’s Father, as well as the “previous history for the oldest child.”

{¶ 30} Ceden-Rosario testified that A.G.-M. was living with her maternal great-grandmother, who was interested in adopting her, while A.G.-B. was living in a foster home. Ceden-Rosario concluded that it is in the Children’s best interest for permanent custody to be awarded to CCDCFS.

{¶ 31} Ceden-Rosario’s testimony established that a case plan to facilitate reunification was developed with respect to both Children. The case-plan objectives for Mother were domestic-violence classes, parenting classes, mental health, substance abuse, and housing. Ceden-Rosario testified that he “always tried to set up appointments with mom” to discuss the case plan but that even though she stated

¹ Neither father challenged the juvenile court’s ruling and neither is part of this appeal.

that she would “let [him] know [about meeting], she never . . . let me know.” Mother never met with Ceden-Rosario to discuss her case plan.

{¶ 32} A.G.-B.’s Father also had objectives on the case plan; the objectives were domestic-violence classes, parenting classes, mental health, and substance abuse.

{¶ 33} A.G.-M.’s Father was initially listed in the case plan, however his case-plan objectives appear to have been removed following his incarceration; the most recent case plan states that he is incarcerated.

a. Domestic-Violence Case-Plan Objective

{¶ 34} Ceden-Rosario testified that domestic-violence classes were included on Mother’s case plan due to a domestic-violence concern between Mother and both fathers. A.G.-B.’s father has a domestic-violence conviction related to offenses against Mother. The record also reflects that Mother has a conviction arising out of a domestic-violence incident “where she had stabbed her brother” in July 2023.

{¶ 35} Ceden-Rosario testified that although Mother completed domestic-violence classes, she did not benefit from those classes because Mother was in communication with A.G.-B.’s Father despite a no-contact order between them. Ceden-Rosario explained that in once instance, A.G.-B.’s Father attended A.G.-B.’s birthday party where Mother was present. Mother never told Ceden-Rosario that A.G.-B.’s Father would be at the party. Also, Ceden-Rosario believed that Mother

Facetimed A.G.-B.'s Father several times during visits with the Children, despite the no-contact order.²

{¶ 36} Ceden-Rosario suggested that Mother take additional domestic-violence classes, but she refused. Mother and A.G.-B.'s Father were still communicating as late as October 2025. Ceden-Rosario testified that he did not believe Mother had made significant progress on the domestic-violence case-plan objective.

b. Mental-Health and Parenting Case-Plan Objectives

{¶ 37} Ceden-Rosario testified that mental health was included as an objective on Mother's case plan "because she was diagnosed with ADHD and also PTSD and explosive behaviors." This case plan objective required Mother to complete a mental-health assessment and follow up with the recommendations.

{¶ 38} Ceden-Rosario testified that Mother had not made significant progress on the mental-health objective of the case plan. Ceden-Rosario explained that Mother was referred for a mental-health assessment by Signature Health in early 2024, where she did a dual-diagnosis assessment for mental health and substance abuse. Mother participated in mental-health and AOD (alcohol and drug) counseling, and received "medication management" Ceden-Rosario testified that Mother engaged with Signature Health for a short period of time, but eventually stopped attending, citing problems with insurance.

² During cross-examination Ceden-Rosario appears to clarify that it was loud while the Facetime was going on, so "it could be [A.G.-B. Father] or not."

{¶ 39} Mother was then referred to a different provider, Metro, where she completed another assessment. Cedeno-Rosario testified that there were no “recommendations” provided in Metro’s assessment.³ Cedeno-Rosario noted his concern that the assessment was completed in only 25 minutes. Cedeno-Rosario stated that while there was no “recommendation” as part of Metro’s assessment that Mother continue counseling, it was suggested that she participate in counseling, which she declined. A few months later, in July 2025, Mother agreed to continue counseling. However, Cedeno-Rosario testified that at the time of the trial in November 2025, Mother was not participating in any mental-health services.

{¶ 40} Cedeno-Rosario also testified that it was his understanding, based on conversations with Mother’s relatives, that she has had approximately five jobs in the last year (from January 2025, through November 2025). Mother’s relatives communicated to him that Mother’s explosive behavior is a factor in her losing jobs and that Mother’s mood was more stable while she was connected to Signature Health, where she received medication and counseling.

{¶ 41} Cedeno-Rosario testified to observing Mother’s mood swings and explosive behaviors firsthand. Specifically, Cedeno-Rosario stated that “[m]om tends to lose patience very easily, especially now that the kids are more, like, grown, more active.” Cedeno-Rosario stated that during visitation, when the kids start arguing or fighting, mom “explodes,” noting that her reaction is not “very . . .

³ Cedeno-Rosario testified that Metro referred Mother to Recovery Resources, a party they work with.

bonding or nurturing in that particular moment . . . [i]t's . . . more explosive, like screaming at them” Cedeno-Rosario also described how Mother gets upset because the Children sometimes seek out Cedeno-Rosario during their visitation with Mother, and “get[] away from mom. So you don’t see the bond between the kids and the mom And she got frustrated and when that situations [sic] happen, and she don’t [sic] know how to handle that.”

{¶ 42} Cedeno-Rosario stated, however, that Mother did engage in parenting during her visits with the Children, including providing a snack or food item, supervising them, providing hair care (e.g., braiding their hair), sometimes bringing toys or clothing, and showing educational videos. However, Cedeno-Rosario also testified that when she is with the Children, “[s]he’s always more on the phone or, like doing more things on the phone, not with the kids.” Cedeno-Rosario explained that the visits were two hours long and supervised and there was no progress made toward day visits in the home or unsupervised visits. Cedeno-Rosario stated that he would not recommend unsupervised visits at this time.

{¶ 43} Cedeno-Rosario testified that Mother completed several parenting programs through the Agency. In August 2023 she completed a “supporting visitation” program, and in March 2024 she completed a parenting program through Able Counseling. Cedeno-Rosario stated that Mother was also referred to a nurturing-parenting class through Ohio Guidestone, but the Agency never received a certificate of completion. Later, in July 2025, due to concerns that Mother was continuing to communicate with A.G.-B.’s Father (despite a no-contact

order), Ceden-Rosario referred Mother for parenting classes through Catholic Charities, but Mother never engaged in those classes.

c. Substance-Abuse Case-Plan Objective

{¶ 44} Ceden-Rosario testified that Mother has not been compliant with drug screening. The last results the Agency received were from January 2025 and that screen was positive and diluted. Between January 2025 and the hearing, Mother was asked to complete a drug test, but the Agency has not received any results back. Ceden-Rosario stated that Mother has not made significant progress on the substance-abuse objective. However, Ceden-Rosario also testified that a more recent May 2025 assessment indicated that Mother did not meet the criteria for a substance-abuse disorder. Ceden-Rosario explained that he had concerns with the assessment, but was unable to follow up with the provider with those concerns.

{¶ 45} When asked about the impact of Mother's substance abuse on her ability to parent the Children, Ceden-Rosario stated that during one visit with the Children in April 2025, Mother was "having the munchies . . . she was eating a lot . . . [s]he was laughing a lot, and she was on the phone streaming. She was using social media. And she was not, like, paying attention to the kids." Ceden-Rosario also stated that Mother smelled like marijuana and that her behavior gave him concern "that she is not paying that particular attention to the kids, but she is putting her addiction first instead of caring for the kids."

d. Housing Case-Plan Objective

{¶ 46} Ceden-Rosario stated that housing was also a part of Mother's case plan due to unstable housing. Ceden-Rosario testified that at the time of trial Mother was stable with housing. The record also reflects that Mother was working, although the Agency was unable to verify her income. Ceden-Rosario also testified that he visited Mother's home and that the utilities were working and she had what was needed for the Children.

2. Guardian Ad Litem

{¶ 47} The GAL testified that he would stand by his report, in which he recommends that the Children should be placed in the permanent custody of Agency. The GAL explained that "after two and a half years, [M]other has still not completed her case plan services." Specifically, the GAL stated that Mother still needs to address substance abuse, that "there are some behaviors that lead to the question that the mental health isn't being addressed appropriately," and that she has been unable to get past the two-hour, supervised visits with the Children. The GAL also described the mother's interaction with the Children, noting "anger outbursts" during visits.

C. Outcome and This Appeal

{¶ 48} On December 2, 2025, the juvenile court judge who heard the case issued a journal entry granting the Agency's motion for permanent custody, thereby terminating Mother's parental rights as to the Children.

{¶ 49} Mother appealed, raising the following assignment of error for review as to both Children:

The trial court's award of permanent custody and termination of appellant's parental rights is against the manifest weight of the evidence.

II. Law and Analysis

{¶ 50} A parent has a “‘fundamental liberty interest’ in the care, custody and management” of his or her child, *In re Murray*, 52 Ohio St.3d 155, 156 (1990), quoting *Santosky v. Kramer*, 455 U.S. 745, 753 (1982), and the right to raise one's own child is “‘an essential and basic civil right.’” *In re N.B.*, 2015-Ohio-314, ¶ 67 (8th Dist.), quoting *In re Hayes*, 79 Ohio St.3d 46, 48 (1997). However, this right is not absolute. It is “‘always subject to the ultimate welfare of the child, which is the polestar or controlling principle to be observed.’” *In re L.D.*, 2017-Ohio-1037, ¶ 29 (8th Dist.), quoting *In re Cunningham*, 59 Ohio St.2d 100, 106 (1979).

{¶ 51} Because the termination of parental rights is “‘the family law equivalent of the death penalty in a criminal case,’” it is “‘an alternative [of] last resort.’” *In re J.B.*, 2013-Ohio-1704, ¶ 66 (8th Dist.), quoting *In re Hoffman*, 2002-Ohio-5368, ¶ 14, and quoting *In re Gill*, 2002-Ohio-3242, ¶ 21 (8th Dist.). It is, however, “‘sanctioned when necessary for the welfare of a child.’” *In re M.S.*, 2015-Ohio-1028, ¶ 7 (8th Dist.), citing *In re Wise*, 96 Ohio App.3d 619, 624 (9th Dist. 1994). All children have “‘the right, if possible, to parenting from either natural or adoptive parents which provides support, care, discipline, protection and motivation.’” *In re J.B.* at ¶ 66, quoting *In re Hitchcock*, 120 Ohio App.3d 88, 102

(8th Dist. 1996). Where parental rights are terminated, the goal is to create “a more stable life” for dependent children and to “facilitate adoption to foster permanency for children.” *In re N.B.* at ¶ 67, citing *In re Howard*, 1986 Ohio App. LEXIS 7860, *5 (5th Dist. Aug. 1, 1986).

A. Standard of Review

{¶ 52} “Courts apply a two-pronged test when ruling on permanent custody motions.” *In re De.D.*, 2020-Ohio-906, ¶ 16 (8th Dist.). 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 CCDCFS is in the best interest of the child or children considering the factors in R.C. 2151.414(D). *Id.*

{¶ 53} To grant a motion for permanent custody, CCDCFS must demonstrate each of these prongs with clear and convincing evidence. R.C. 2151.414(B) and (D). “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.” *In re Z.C.*, 2023-Ohio-4703, ¶ 7, quoting *Cross v. Ledford*, 161 Ohio St. 469 (1954), paragraph three of the syllabus.

{¶ 54} The Supreme Court of Ohio clarified the standard of review in permanent custody cases, explaining:

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.

In re Z.C. at ¶ 11, 18 (holding remand was required where an appellate court applied the abuse-of-discretion standard).

{¶ 55} Here, Mother challenges the trial court's decisions solely on the grounds that they were against the manifest weight of the evidence.

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.

Id. at ¶ 14, citing *Eastley v. Volkman*, 2012-Ohio-2179, ¶ 20.

{¶ 56} With respect to Mother's challenges to the weight of the evidence supporting the juvenile court's judgment in this case, the Ohio Supreme Court has emphasized the importance of affording appropriate deference to the finder of fact, stating, "In weighing the evidence, the court of appeals must always be mindful of the presumption in favor of the finder of fact." *Id.*, 2023-Ohio-4703, at ¶ 14, quoting *Eastley* at ¶ 21. "The underlying rationale of giving deference to the findings of the trial court rests with the knowledge that the trial judge is best able to view the witnesses and observe their demeanor, gestures and voice inflections, and use these observations in weighing the credibility of the proffered testimony." *Id.*, quoting *Seasons Coal Co., Inc. v. Cleveland*, 10 Ohio St.3d 77, 80 (1984). "If the evidence

is susceptible of more than one construction, the reviewing court is bound to give it that interpretation which is consistent with the verdict and judgment, most favorable to sustaining the verdict and judgment.”” *Id.*, quoting *id.* at fn. 3, quoting 5 Ohio Jur.3d, Appellate Review, § 603, at 191-192 (1978).

{¶ 57} Reversal on manifest-weight grounds is reserved for the “exceptional case in which the evidence weighs heavily against the conviction.” *State v. Thompkins*, 78 Ohio St.3d 380, 387 (1997), quoting *State v. Martin*, 20 Ohio App.3d 172, 175 (1st Dist. 1983). “In such cases, the court sits as a “thirteenth juror” who may disagree with the fact-finder’s resolution of the *conflicting evidence*.” (Emphasis in original.) (Cleaned up.) *State v. Reillo*, 2026-Ohio-2701, ¶ 27.

{¶ 58} Recently, the Supreme Court clarified the manifest-weight-of-the evidence analysis, emphasizing that the appellate court should only sit as the “thirteenth juror” when the “evidence contradicts a fact-finder’s findings or when a witness’s testimony is so inconsistent as to material facts, so impeached, or so fantastical as to make it patently unbelievable.” (Cleaned up.) *Reillo* at ¶ 3, citing *Martin* at ¶ 26.

{¶ 59} We find the record contains clear and convincing evidence to support granting CCDCFS permanent custody of the Children and Mother has not demonstrated that the court’s decision was against the manifest weight of the evidence.

B. Analysis

1. R.C. 2151.414(B)(1)(a)-(e) Factors

{¶ 60} Here, the trial court found by clear and convincing evidence that under R.C. 2151.414(B)(1)(a), each of the Children cannot be placed with either of their parents within a reasonable time or should not be placed with either of their parents.

{¶ 61} “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).” (Citations omitted.) *In re L.H.*, 2024-Ohio-2271, ¶ 34 (8th Dist.).

{¶ 62} Although the court only needed to determine that one of the statutory factors in R.C. 2151.414(E) exists, the juvenile court here found that two statutory factors were met for both Children, specifically R.C. 2151.414(E)(1) and (4).⁴ The court stated, citing the relevant sections of the Revised Code that

(E)(1) Following the placement of the child outside of the child’s home and notwithstanding diligent efforts by the agency to assist the parents to remedy the problems that initially caused the child to be placed

⁴ With respect to the father of A.G.-M., the juvenile court also found that pursuant to R.C. 2151.414(E)(10) the father of A.G.-M. has abandoned the child and pursuant to R.C. 2151.414(E)(12) he “has been incarcerated at the time of the filing of the motion for permanent custody or the dispositional hearing of the child and will not be available to care for the child for at least eighteen months after the filing of the motion for permanent custody or the dispositional hearing.”

With respect to the father of A.G.-B., the juvenile court found that he “needed to address issues of domestic violence, parenting, substance abuse, and mental health,” and “has not completed any portion of the case plan. He does not come to visits.”

outside of 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.

(E)(4) The parent has demonstrated a lack of commitment toward 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

{¶ 63} Mother argues on appeal that the trial court erred in finding that she was not making substantial progress and that she could not be reunited with the Children in a reasonable amount of time.⁵ We disagree. Regarding R.C. 2151.414(E)(1), the record contains clear and convincing evidence that Mother failed to remedy the problems that initially caused the Children to be placed in the Agency's custody. Importantly, at the time of trial, A.G.-M. had been in Agency custody for three years and A.G.-B. for nearly two years.

{¶ 64} The case plan for A.G.-M. and A.G.-B., developed at the time the Children were adjudicated dependent required Mother to address the Agency's concerns with Mother's substance abuse, mental health, and domestic violence. The case plan also included a parenting objective.

{¶ 65} With respect to the substance-abuse component of the case plan, the record reflects that Mother failed to remedy her substance-abuse problem. Despite

⁵ Mother argues that the trial court committed an abuse of discretion when it found that Mother was not making substantial progress, that she could not be reunified with her Children in a reasonable amount of time, and that terminating Mother's parental rights was in the best interests of the Children. However, because "abuse of discretion" is not the standard of review recognized by the Ohio Supreme Court in permanent custody cases, we review the juvenile court's decisions in a manner consistent with *In re Z.C.*, 2023-Ohio-4703.

being told in November 2023 by the juvenile court that she needed to immediately cease marijuana use, in January 2025 Mother's drug screen was both positive and diluted. Mother had not provided any further specimens for testing. In April 2025, Mother was observed behaving under the influence while at a visit with the Children, and "putting her addiction first instead of caring for the kids." Moreover, as of November 2025, Mother had still not established a sobriety date, despite having been told at the November 2023 hearing that CCDCFS's timetable for completion of the substance-abuse objective is six months of sobriety.

{¶ 66} Mother argues on appeal that she was "deemed not to have a substance abuse disorder," and that the CCDCFS case worker had not spoken to Mother's provider about this because he had not sought a release to do so. We find that whether or not Mother has a substance-abuse disorder as defined by a particular healthcare provider does not outweigh that she tested positive for marijuana (and that she had diluted her specimen) and that CCDCFS observed her under the influence during her limited visitation time with her Children, and after being told by the court to cease marijuana use.

{¶ 67} With respect to the substance-abuse and mental-health components of the case plan, Mother had completed a dual-diagnosis assessment for substance abuse and mental health and initially received some counseling and "medication management." At the time of the hearing, however, mental-health services had ceased. Ceden-Rosario testified that although it was "suggested" to Mother to continue counseling, she had not done so. Although it is not clear whether Mother

was no longer receiving services due to her own refusal or related to issues with the provider, the record reflects that mental-health concerns for Mother persisted due to her explosive behavior and mood swings, which were witnessed firsthand by Ceden-Rosario at visits with the Children, and as communicated to CCDCFS by Mother's family members.

{¶ 68} Mother argues on appeal that “she had issues getting treatment due to a lapse in health insurance.” While we are sympathetic to this argument, we note that Mother had three years since the initiation of this matter to address concerns with her mental health. Moreover, the record reflects that after changes to her mental-health provider due to potential insurance issues, Mother did not follow through with the suggestion that she participate in counseling.

{¶ 69} With respect to the domestic-violence component of the case plan, Ceden-Rosario testified that although Mother completed domestic-violence classes, she did not benefit from those classes because, as late as October 2025, she continued to communicate with A.G.-B.'s Father, despite a no-contact order.

{¶ 70} With respect to the parenting objective of the case plan, Ceden-Rosario testified that Mother had completed some parenting programs through the Agency. However, during her weekly two-hour visits with the Children, Mother frequently engaged more with her phone than the Children. Also, no progress was made toward unsupervised visits or in-home visits with Mother despite the fact that A.G.-M. had been in CCDCFS custody for three years, and A.G.-B. had been in custody for almost two years.

{¶ 71} Regarding R.C. 2151.414(E)(4), the record also reflects clear and convincing evidence that Mother demonstrated a lack of commitment toward the Children by failing to regularly support, visit, or communicate with the Children when able to do so, or by other actions showing an unwillingness to provide an adequate permanent home for the Children. As noted, despite attempts by CCDCFS to set up appointments to discuss the case plan, Mother never contacted the case worker, and so no appointments took place. Mother’s lack of interest in meeting with CCDCFS to discuss the case plan, which is crucial for reunification, is significant. Moreover, Mother’s failure to remedy the conditions that led to the Children being placed in CCDCFS custody, as set forth above, further demonstrates her lack of commitment to the Children.

{¶ 72} We find that clear and convincing evidence supported the court’s finding under both R.C. 2151.414(E)(1) and 2151.414(E)(4).

{¶ 73} We find that the first prong of the two-part analysis is satisfied.

2. R.C. 2151.414(D) Best-Interest Factors

{¶ 74} Having determined that the first prong of our analysis has been satisfied, we now turn to the second prong to assess whether the evidence presented supported the juvenile court’s decision that granting permanent custody of A.G.-M. and A.G.-B. to the Agency pursuant to R.C. 2151.414(D) is in the best interests of the Children.

{¶ 75} “In determining the best interest of a child, a juvenile court ‘may apply one of two different tests.’” *In re S.C.*, 2022-Ohio-356, ¶ 38 (10th Dist.), quoting *In*

re J.P., 2019-Ohio-1619, ¶ 39 (10th Dist.). “Under R.C. 2151.414(D)(1), the juvenile court weighs multiple factors . . . to decide whether granting an agency permanent custody of a child is in that child’s best interest.” *Id.*, quoting *id.* at ¶ 39. “By contrast, ‘under R.C. 2151.414(D)(2), if the juvenile court makes [each of] the four enumerated findings, permanent custody is per se in the child’s best interest and the court “shall” commit the child to the permanent custody of the agency.’” *Id.*, quoting *id.* at ¶ 39. “These two provisions ‘are alternative means for reaching the best-interest determination.’” *Id.*, quoting *id.* at ¶ 40.

{¶ 76} In this case, the juvenile court applied R.C. 2151.414(D)(1) to both A.G.-M. and A.G.-B. and found, by clear and convincing evidence, that it was in the best interests of the Children to grant permanent custody to the Agency. The court also found that R.C. 2151.414(D)(2) applied to A.G.-M.

{¶ 77} With respect to R.C. 2151.414(D)(1), the juvenile court must consider all relevant enumerated factors in determining whether the child’s best interests would be served by granting permanent custody. The factors are (a) the interaction and interrelationship of the child with the child’s parents, siblings, foster caregivers and others “who may significantly affect the child”; (b) the child’s wishes, as expressed directly by the child or through the child’s GAL; (c) the child’s custodial history; (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; and (e) whether any of the factors set forth in R.C. 2151.414(E)(7)-(11) apply. R.C. 2151.414(D)(1).

{¶ 78} A juvenile court must consider each of the R.C. 2151.414(D)(1) factors when making a permanent custody determination, but no one factor is given greater weight than the others. *In re Schaefer*, 2006-Ohio-5513, ¶ 56. Only one of the factors set forth in R.C. 2151.414(D)(1) needs to be resolved in favor of permanent custody. *In re D.H.*, 2022-Ohio-2780, ¶ 46 (8th Dist.), citing *In re G.W.*, 2019-Ohio-1533, ¶ 72 (8th Dist.). Furthermore, the Ohio Supreme Court has held 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.*, 2020-Ohio-5102, ¶ 31.

{¶ 79} We are unable to conclude that the juvenile court’s best-interest findings are against the manifest weight of the evidence. Clear and convincing evidence supports the juvenile court’s best-interests determinations.

{¶ 80} On appeal, Mother argues that she “was visiting the children and included relatives in the visit using her phone.” She also argues that she provided “food and hair care” and that she was “always braiding their hair, bringing new toys or new clothing and would put on educational videos.” Mother also argues that there was no testimony offered as to the wishes of the Children, but that it “is presumed that all children wish for a relationship with their mother.” Mother concludes that the Children deserve a legally secure placement, and “it cannot be said that this cannot be achieved without the grant of permanent custody to permanent custody to CCDCFS as required by . . . [R.C. 2151.414(D)(1)](d).”

{¶ 81} Regarding R.C. 2151.414(D)(1)(a), interaction and interrelationship with significant others, the juvenile court noted that “[t]his factor weighs in favor of permanent custody.” Although the record reflects that the Mother engaged in some parenting during visits with the Children, including by providing food and hair care, Ceden-Rosario described a lack of bond between the Children and Mother. Ceden-Rosario also testified about Mother’s explosive behavior in the presence of the Children and the lack of a bond between the Children and Mother. For example, Ceden-Rosario stated that the Children sometimes seek out the CCDCFS case worker during visitation and “get[] away from mom.”

{¶ 82} Next, the juvenile court found that the Children’s wishes, considered under R.C. 2151.414(D)(1)(b), weighed in favor of awarding permanent custody to the Agency. Juvenile courts “consider[] the GAL’s recommendation on the permanent custody motion as part of the R.C. 2151.414(D)(1)(b) analysis where the children are too young to express their wishes.” *In re R.A.*, 2021-Ohio-4126, ¶ 52 (8th Dist.). At the time of trial, A.G.-M. and A.G.-B. were two and three years old, and too young to express their wishes regarding future custody. The GAL recommended awarding CCDCFS permanent custody. The court appropriately considered this evidence in support of permanent CCDCFS custody.

{¶ 83} The record also contained clear and convincing evidence that the custodial history and age of the Children weighed in favor of permanent CCDCFS custody. A.G.-M. and A.G.-B. were both placed in the Agency’s custody immediately

following birth, in December 2022 and November 2023, respectively. Both of the Children had been in CCDCFS custody for their entire lives. R.C. 2151.414(D)(1)(c).

{¶ 84} There was also clear and convincing evidence for the court to weigh the Children’s need for a legally secure placement under R.C. 2151.414(D)(1)(d) in favor of permanent custody. As discussed above, the court found that the Children “cannot be placed with one of the child’s parents within a reasonable time and should not be placed with either parent.” This finding precludes the court from considering returning the Children to their parents’ custody. *In re T.S.*, 2024-Ohio-827 (8th Dist.).

{¶ 85} The court also considered R.C. 2151.414(D)(1)(e) — specifically whether any of the factors set forth in R.C. 2151.414(E)(7)-(11) apply. The court did not find that any of the factors apply to Mother, but found that (E)(10) applies to A.G.-M.’s Father, stating that he abandoned A.G.-M.

{¶ 86} The juvenile court’s journal entry demonstrates that it considered each of the (D)(1) factors. Moreover, we find that the evidence in the record supports the juvenile court’s findings.

{¶ 87} The court also determined that the R.C. 2151.414(D)(2) factors apply to A.G.-M. However, having found that the record supports the trial court’s “best interests” findings for both Children under (D)(1), we decline to review the court’s determination that (D)(2) also applies to A.G.-M.

{¶ 88} We, therefore, conclude that the trial court's best-interest determination in favor of permanent custody was not contrary to the manifest weight of the evidence.

{¶ 89} After careful consideration of the record below, we find that the juvenile court made the required findings under R.C. 2151.414(B)(1) and 2151.414(D) to award the Agency permanent custody and that clear and convincing evidence in the record supports the court's decisions. Mother has not demonstrated that this is the extraordinary case in which the juvenile court clearly lost its way and created a manifest miscarriage of justice.

{¶ 90} Accordingly, Mother's sole assignment of error is overruled.

{¶ 91} 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.

LISA B. FORBES, PRESIDING JUDGE

MARY J. BOYLE, J., and
EILEEN A. GALLAGHER, J., CONCUR