

COURT OF APPEALS OF OHIO
EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

IN RE A.W.	:	
	:	No. 116468
A Minor Child	:	
	:	
[Appeal by J.W., Father]	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED
RELEASED AND JOURNALIZED: September 24, 2026

Civil Appeal from the Cuyahoga County Court of Common Pleas
Juvenile Division
Case No. AD-24905208

Appearances:

Marc L. Stolarsky Law, LLC, and Marc L. Stolarsky, *for appellant.*

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

KATHLEEN ANN KEOUGH, J.:

{¶ 1} Appellant-father J.W. (“father”) appeals the juvenile court’s decision granting permanent custody of his minor child, A.W. (“the child”), to the appellee Cuyahoga County Division of Children and Family Services (“CCDCFS” or “the

agency”) and terminating his parental rights.¹ For the reasons that follow, we affirm the juvenile court’s decision.

{¶ 2} In May 2024, CCDCFS filed a complaint for neglect and requested temporary custody of the child, who was then ten years old. The complaint alleged that father failed to engage the child in recommended mental-health treatment and took the child home from the hospital against medical advice. The complaint further indicated that the child has mental-health and behavioral issues that make him a risk to himself and his family, and that the child is not medically compliant. Regarding father, the complaint alleged that father had substance-abuse issues, specifically with alcohol, which interfered with his ability to appropriately care for the child.

{¶ 3} In July 2024, father stipulated to an amended complaint for dependency, alleging that the child had severe mental health and behavioral barriers that made him a risk to himself and his family. The complaint indicated that father needed to engage the child in recommended services and address his own substance-abuse concerns. The court found the child dependent and ordered him to be placed in the temporary custody of the agency. Temporary custody was extended in August 2025.

{¶ 4} Two months later, however, on October 28, 2025, CCDCFS moved to modify temporary custody to permanent custody. The motion included an affidavit

¹The juvenile court also terminated the child’s mother’s parental rights during this proceeding; mother has not appealed that decision.

from Marlo Lovejoy, the agency's assigned caseworker, averring that father's case plan required him to complete a substance-abuse assessment, follow all treatment recommendations, comply with random drug testing as requested, participate in family counseling with the child, and demonstrate an ability to meet the child's basic and special needs. Lovejoy averred that father "continuously and repeatedly failed to remedy the conditions which led to the child's removal . . . failed to comply with his case plan objectives, and has not maintained sobriety. He remains unable to meet the child's basic and special needs." Lovejoy further averred that "father has demonstrated a lack of commitment to the child, as well as an unwillingness to provide the child with an adequate permanent home, by failing to consistently support, visit, and communicate with the child when able to do so."

{¶ 5} On April 22, 2026, the juvenile court conducted a hearing on the agency's motion for permanent custody, in which it heard testimony and accepted various exhibits from both the agency and Father. The following day on April 23, 2026, the juvenile court issued a judgment entry granting the agency's motion for permanent custody and terminating both mother and father's parental rights.

{¶ 6} Father now appeals, contending in his sole assignment of error that the juvenile court's determination that permanent custody was in the child's best interest under R.C. 2151.414(D)(1) was unsupported by clear and convincing evidence and against the manifest weight of the evidence.

{¶ 7} "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.*, 2013-Ohio-5440, ¶ 24 (8th Dist.). When reviewing an award of permanent custody and termination of parental rights, “the proper appellate standards of review to apply . . . are the sufficiency-of-the-evidence and/or manifest-weight-of-the-evidence standards, as appropriate depending on the nature of the arguments that are presented by the parties[.]” *In re Z.C.*, 2023-Ohio-4703, ¶ 18.

{¶ 8} In this case, father’s assignment of error challenges the termination of his parental rights under a manifest-weight standard.

When reviewing for manifest weight, the appellate court must weigh the evidence and all reasonable inferences, consider the credibility of the witnesses, and determine whether, in resolving conflicts in the evidence, the finder of fact clearly lost its way and created such a manifest miscarriage of justice that the judgment must be reversed and a new trial ordered.

In re Z.C. at ¶ 14, citing *Eastley v. Volkman*, 2012-Ohio-2179, ¶ 20.

{¶ 9} A parent has a “fundamental liberty interest . . . in the care, custody, and management of [his or her child].” *Santosky v. Kramer*, 455 U.S. 745, 753 (1982). However, “the government has broad authority to intervene to protect a child’s health or safety.” *In re N.B.*, 2026-Ohio-2612, ¶ 6, citing *In re C.F.*, 2007-Ohio-1104, ¶ 28. “The natural rights of a parent are always subject to the ultimate welfare of the child, which is the controlling principle to be observed.” *Id.*, citing *In re B.C.*, 2014-Ohio-4558, ¶ 20. ““Ohio statutes governing child custody and protection appropriately reflect the need to balance . . . [the] parents’ . . . interest in the custody, care, nurturing, and rearing of their own children, and the state’s parens

patriae interest in providing for the security and welfare of children under its jurisdiction[.]” *In re P.S.*, 2023-Ohio-144, ¶ 26 (8th Dist.), quoting *In re Thompson*, 2001 Ohio App. LEXIS 1890, *19 (10th Dist. Apr. 26, 2001).

{¶ 10} R.C. 2151.414 permits a juvenile court to modify a child’s temporary custody with a public services agency to permanent custody if, after a hearing, the court determines by clear and convincing evidence that (1) one of the factors enumerated in R.C. 2151.414(B)(1)(a) through (e) are applicable and (2) permanent custody to the agency is in the best interest of the child. Clear and convincing evidence is evidence that “produces in the mind of the trier of fact a firm belief or conviction as to the facts sought to be established.” *In re T.B.*, 2014-Ohio-2051, ¶ 28 (8th Dist.), quoting *Cross v. Ledford*, 161 Ohio St. 469, 477 (1954).

{¶ 11} In this case, father does not challenge the juvenile court’s initial determination under R.C. 2151.414 — that the child has been in the agency’s temporary custody for twelve or more months of a consecutive twenty-two-month period. *See* R.C. 2151.414(B)(1)(d). Our review of the record reveals that clear and convincing evidence supported the trial court’s determination because the child had been in the agency’s temporary custody since July 2024, which was more than 12 months prior to the agency moving for permanent custody in October 2025.

{¶ 12} Turning to the best-interest determination, R.C. 2151.414(D)(1) requires that in making this determination, the court must consider all relevant factors, including but not limited to (1) the interaction and interrelationship of the child with the child’s parents, siblings, relatives, foster parents, and out-of-home

providers, and any other person who may significantly affect the child; (2) the wishes of the child as expressed directly by the child or through the child's guardian ad litem ("GAL"); (3) the custodial history of the child; (4) the child's need for a legally secure placement and whether that type of placement can be achieved without a grant of permanent custody to the agency; and (5) whether any factors in R.C. 2151.414(E)(7)-(11) are applicable.

{¶ 13} Although a trial court is required to consider each of the R.C. 2151.414(D)(1) factors in making its permanent-custody determination, "[t]here is not one element that is given greater weight than the others pursuant to the statute." *In re Schaefer*, 2006-Ohio-5513, ¶ 56. Moreover, only one factor needs to be resolved in favor of permanent custody in order to find that permanent custody is in the child's best interest. *In re S.C.*, 2015-Ohio-2410, ¶ 30 (8th Dist.).

{¶ 14} Here, the juvenile court's journal entry confirms that it considered the factors enumerated in R.C. 2151.414(D)(1)(a)-(e). It specifically listed each factor and made findings based on the facts and circumstances of the matter. Ultimately, the juvenile court found "by clear and convincing evidence that it is in the best interest of the child to be placed in the Permanent Custody of CCDCFS."

{¶ 15} Father contends that the juvenile court misapplied the relevant factors in R.C. 2151.414(D)(1) and failed to properly weigh his (1) substantial compliance with his case plan, (2) successful efforts to address the concerns that led to the removal of the child, and (3) continued efforts for reunification. He further

claims that the juvenile court did not properly consider the bond between the child and the child's sister in its decision granting the agency's motion.

{¶ 16} This court has consistently stated that “significant or even substantial compliance with case-plan services is not, in and of itself, ‘dispositive’ and ‘does not preclude a grant of permanent custody to a social services agency.’” *In re M.J.*, 2026-Ohio-3451, ¶ 34 (8th Dist.), quoting *In re J.B.*, 2013-Ohio-1704, ¶ 90 (8th Dist.), citing *In re C.C.*, 2010-Ohio-780, ¶ 25 (8th Dist.). The focus “‘is not whether the parent has substantially complied with the case plan, but whether the parent has substantially remedied the conditions that caused the child’s removal.’” *Id.*, quoting *J.B.* at *id.*

{¶ 17} Regarding R.C. 2151.414(D)(1)(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,” the juvenile court specifically found that the child was bonded with father and the child’s younger sister. The mere existence of a relationship with a parent or family member, however, is insufficient — the court must also consider the child’s interaction with that parent or family member. *In re K.M.*, 2011-Ohio-349, ¶ 23 (8th Dist.), citing *In re R.N.*, 2004-Ohio-2560; *In re T.J.*, 2021-Ohio-4085, ¶ 46 (6th Dist.). The juvenile court explicitly found that “the interaction with his father is inconsistent and at times triggering for the child and father.”

{¶ 18} We find that the court’s findings are supported by the testimony of Lovejoy, the child’s original agency caseworker, who acknowledged the bond

between father and the child, but described the bond as “an unhealthy bond from observations.” Lovejoy stated that father had described the child as a “trigger for his substance use.” She also testified that despite the child explicitly stating he did not want to visit with his brother, Father would bring the child’s brother to visitations.

{¶ 19} Regarding R.C. 2151.414(D)(1)(b) — the child’s wishes — the juvenile court did not make any specific findings. We note, however, that the child’s GAL reported that the child desired to return to his father’s home. Despite this desire, we note that at the time of the hearing, the child was 11 years old and suffered from significant behavioral, trauma, and mental-health issues. Due to these issues, the agency struggled to find placements for the child during the pendency of this case. At times, the child would leave his placements without permission and either put himself in harm’s way or go to father’s house. If he stayed at father’s house, father would either not call the agency to report the child’s presence or when the agency contacted father, he said that he did not know the child’s current whereabouts.

{¶ 20} R.C. 2151.414(D)(1)(c) required the trial court to consider the child’s custodial history. At the time of the hearing, the child had been in the agency’s custody for 23 months. The child had been in ten different placements while in agency custody, and at the time of the hearing the child was in a Tennessee youth facility.

{¶ 21} When discussing R.C. 2151.414(D)(1)(d), the child’s need for a legally secure permanent placement and whether that placement can be achieved without the grant of permanent custody, the court stated:

The child deserves a safe and stable home environment where his basic needs, medical needs, mental health needs, and behavioral needs can be met and he can thrive. This cannot be achieved with either parent as they have failed to remedy the cause for removal and they have failed to successfully engage in and/or benefit from case plan services.

{¶ 22} Clear and convincing evidence supported the trial court's finding. Although father had previously completed substance-abuse treatment and was working towards providing a safe and stable home, his progress declined and he had relapsed by the permanent-custody hearing. Testimony was presented that father could not provide a sobriety date, had refused to engage in further substance-abuse treatment and submit to drug testing, and was "highly intoxicated" when he appeared for a virtual family counseling session just two weeks prior to the permanent-custody hearing. Father also withdrew from further mental-health counseling, and his home remained unsuitable for the child, largely because of a bug infestation. Finally, the record reflects that father's visits with the child were inconsistent and often times limited because of triggering events. The agency's caseworkers explained that this inconsistency disrupted the child's progress in his own treatment.

{¶ 23} Based on the foregoing, the juvenile court's judgment entry granting permanent custody of the child to the agency reflects that the court properly considered the factors outlined in R.C. 2151.414(D)(1), and clear and convincing evidence supported the court's findings. We are mindful that under manifest-weight review, we afford deference to the juvenile court, acting as the finder of fact, because the juvenile court 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.” *Z.C.*, 2023-Ohio-4703 at ¶ 14, quoting *Seasons Coal Co., Inc. v. Cleveland*, 10 Ohio St.3d 77, 80 (1984).

{¶ 24} Accordingly, after careful consideration of the evidence, we cannot say that the juvenile court lost its way in its resolution of evidentiary conflicts and created a manifest miscarriage of justice in concluding that granting permanent custody of the child to the agency was in the child’s best interest. Father’s assignment of error is overruled.

{¶ 25} 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.

KATHLEEN ANN KEOUGH, JUDGE

MICHAEL JOHN RYAN, P.J., and
SEAN C. GALLAGHER, J., CONCUR