

COURT OF APPEALS OF OHIO
EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

IN RE B.W.	:	No. 116515
A Minor Child	:	
[Appeal by Mother, Br.W.]	:	

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. AD24902005

Appearances:

Barbara Martincic, *for appellant.*

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

MICHAEL JOHN RYAN, P.J.:

{¶ 1} Mother-appellant Br.W. (“Mother”) appeals from the juvenile court’s May 11, 2026 judgment granting the motion of plaintiff-appellee the Cuyahoga County Division of Children and Family Services (“CCDCFS” or the “Agency”) for

permanent custody of Mother's child, B.W. ("the Child"). After a thorough review of the facts and pertinent law, we affirm.

Procedural History

{¶ 2} In February 2024, CCDCFS filed a complaint that, as later amended, alleged that the Child was neglected and dependent and sought an order placing the Child in the temporary custody of CCDCFS. On March 13, 2024, the Child was removed from Mother's care because of issues relating to her mental health and failure to meet the Child's regular, medical, and educational needs. The Child remained in continuous agency custody since his removal from Mother's custody. The amended complaint was resolved in May 2024 when the Child was adjudicated to be neglected and dependent and was committed to the Agency's temporary custody.

{¶ 3} In January 2025, CCDCFS moved to extend the temporary custody order for six months, until August 28, 2025; the trial court granted the motion. On August 25, 2025, CCDCFS filed a motion to modify temporary custody to permanent custody. Trial on the permanent custody motion was held in May 2026. A social worker from The Centers for Families and Children ("The Centers"), Kathryn Connors ("Connors"), CCDCFS worker Leonid Tselentchook ("Tselentchook"), and Mother testified. The Child was eight years old at the time of trial and had autism and cognitive delays; he had a guardian ad litem ("GAL"). The GAL submitted a report and informed the trial court of her recommendation.

Facts as Elicited at Trial

{¶ 4} CCDCFS worker Tselentchook testified that the Agency's involvement with Mother began in 2018 when the Child was initially removed from Mother's care because of mental-health issues. Mother completed her case-plan objectives and was reunified with the Child in 2020.

{¶ 5} The Agency became involved with Mother again in late 2023 and attempted to work with Mother without court intervention. However, CCDCFS filed the within complaint in February 2024, and the Child was removed from Mother's care on March 13, 2024. The complaint alleged that Mother had issues relating to her mental health and she was failing to meet the Child's regular, medical, and educational needs.

{¶ 6} A case-plan was developed and amended with a permanency plan of reunification. The plan included services to address Mother's mental health, anger management, and parenting.

{¶ 7} Mother was referred to The Centers for mental-health services. In April 2025, she completed a one-hour evaluation with Connors. During the evaluation process, Mother indicated that she had once experienced an incident of psychosis during which she saw a deceased boyfriend that she knew was not present. Mother also indicated that in the month prior to the evaluation she had engaged in self-harm, which she explained was because of feelings of general stress and guilt about cheating on her current boyfriend. Further, Mother admitted that she harmed and killed pets as a child. Mother also described an incident where she went to a

boyfriend's house after he failed to answer his phone and "ripped" the mirrors off his car and the cameras off his house and "keyed" his car. Believing that the boyfriend's neighbor would "be on his side," Mother "egged" the neighbor's yard.

{¶ 8} Connors preliminarily diagnosed Mother with post-traumatic stress disorder ("PTSD"), which manifested as Mother engaging in reckless behavior, being irritable, having emotional outbursts, being angry, and not being able to emotionally regulate. Connors testified that during her evaluation of Mother, she mostly focused on Mother's trauma, which Connors described as "very apparent and extensive."

{¶ 9} Mother admitted that she had prior diagnoses of major depressive disorder, PTSD, and borderline personality disorder. She had been prescribed medication for bipolar disorder, but according to Mother, the medication did not work. Because the evaluation with Connors was only one hour long and the focus had been on Mother's trauma, Connors recommended further assessment for Mother to determine whether she had borderline personality disorder or bipolar disorder with psychotic features.

{¶ 10} Connors recommended that Mother engage in trauma-informed care and dialectical behavior therapy; both services were offered at The Centers. However, Mother opted to seek the services at Murtis Taylor, but stopped participating. Mother testified that she then went to the Black Mental Health Network for services. Mother told Tselentchook that she signed a release so that the Agency could obtain her records from the Black Mental Health Network.

Tselentchook contacted the Network, but it stated it did not have a release from Mother. Mother did eventually sign a release, but the information provided was limited. The records indicated that Mother had attended ten of 11 scheduled telehealth counseling sessions but did not provide any information about what type of therapy she had received or whether she had been prescribed any medication.

{¶ 11} Tselentchook compared Mother's records from The Centers and the Black Mental Health Network. He noted that there were significant discrepancies in the information reported and condition being treated. Tselentchook believed that Mother had not shared relevant information with the Black Mental Health Network. Because of the limited information CCDCFS had about her latest treatment, Mother's mental health remained a concern at the time of trial. Further, Mother testified at trial that she did not believe she needed mental health treatment at all.

{¶ 12} According to the Agency, Mother had not benefitted from the mental health services she received. Tselentchook testified in particular that Mother threatened to kill the Child's former foster mother and the foster mother's daughter. Mother testified about the incident, explaining that during a visit with the Child she saw two marks on his back. The Child reported that the foster mother caused them. Mother reported it to the Agency, and the Agency launched an investigation. After its investigation, CCDCFS deemed the concern unsubstantiated. According to Mother, one mark was explained as having been caused by a 16-year old who resided with the foster mother, but the other mark was unexplained. Mother was frustrated with the outcome of the investigation and made the threats to the foster mother and

the foster mother's daughter. Mother admitted at trial that she went to the foster mother's house, took a picture of the home, then texted the foster mother, threatening to shoot her and her daughter. At the time of the incident, Mother had unsupervised overnight visitation with the Child; because of the incident Mother's unsupervised overnight visitation was revoked and the Child was removed from that foster home.

{¶ 13} After the incident with the Child's foster family, Mother had another incident with the Child's paternal family. Specifically, Mother threatened to burn down the home of the Child's paternal grandmother and kill the grandmother. Mother also threatened the Agency's worker who had been assigned to the case at the time. As a result of Mother's threats and actions, she was criminally charged in December 2025; the criminal case remained pending at the time of trial.

{¶ 14} CCDCFS worker Tselentchook testified about difficulties he had with Mother and his belief that she still had anger-management issues. Tselentchook took over the case in January 2026, after Mother's threats to the initial case worker. Mother berated his English language speech and told him not to talk to her. She refused to let him conduct a home visit, was generally resistant to engaging with him, and would send him aggressive email messages. Mother acknowledged the messages she sent to Tselentchook, explaining that she wanted someone to experience a hard time like she was experiencing a hard time and that she was exercising her right to free speech. She further testified that she believed that a house visitation had nothing to do with the issue at hand.

{¶ 15} When Tselentchook specifically questioned Mother about services for anger management, she told him that it was part of her counseling with The Centers. Mother was told that she needed to engage in separate anger management treatment. According to Tselentchook, Mother had not benefited from whatever, if any, anger management counseling she had received because the threats she made to the foster family, the Child's paternal family, and the former case worker occurred after her treatment at The Centers.

{¶ 16} After Mother's unsupervised overnight visitation with the Child was revoked, the Agency offered her supervised visitation. Mother refused the Agency's offer, and from February 2025 through September 2025, Mother only had one visit with the Child — in September 2025. During the September visit, Mother was on her phone and when a CCDCFS worker asked her to end her phone conversation, Mother left the visit. Mother stated that she would not visit with the Child unless it was unsupervised. Mother's visitation was terminated altogether in November 2025, and had not been reinstated at the time of the May 2026 trial.

{¶ 17} After Mother threatened the foster mother and her daughter, the Child was placed with another foster family. At the time of trial, the Child had been with the new foster parent for over one year. The Child was bonded with the new foster parent. The Child has a sister, who also had been removed from Mother's care and was placed with a different foster caregiver than the Child. The two caregivers facilitated monthly or bimonthly visits for the siblings.

{¶ 18} Tselentchook testified that he contacted the Child's Father, but the Father told him that he did not have any interest in being involved with the Child after Mother told him that the Child was not his son. The Father did not have any contact with the Child during the two years he was in CCDCFS's custody.

{¶ 19} The Child's GAL filed a written report and informed the juvenile court at trial of her recommendation. According to the GAL, the Child was limited in his ability to fully understand the nature of the proceedings and express himself. When asked, the Child did not express an interest in seeing his parents. The GAL recommended permanent custody for the Child, noting that "the reasons that led to his removal have not been fully resolved such that he can be returned to [Mother]."

The Juvenile Court's Judgment

{¶ 20} In a May 11, 2026 judgment, the juvenile court granted CCDCFS's motion for permanent custody. The court made the following relevant findings: (1) that the Child had been in the Agency's custody for 12 or more months of a consecutive 22-month period; (2) Mother failed to substantially remedy the conditions that caused the Child to be removed; (3) Mother failed to participate in supervised visits with the Child; (4) Mother had a chronic emotional illness; (5) Mother had a pending felony charge; and (6) Mother neglected the Child, demonstrated a lack of commitment toward the Child, and exhibited an unwillingness to provide for the Child.

{¶ 21} The juvenile court considered the Child's interaction and interrelationships with significant people in his life, the Child's wishes, the Child's

custodial history, the Child's need for a legally secure permanent placement, and the GAL's recommendation. The court found that permanent custody was in the Child's best interest and the Child could not be placed with either parent within a reasonable time or should not be placed with either parent.

{¶ 22} The court further found that because the Child had been in CCDCFS's custody for two years, he no longer qualified for temporary custody. Moreover, the court found that the Child did not qualify for a planned permanent living arrangement and that no relative or interested person filed, or had been identified, in a motion for legal custody of the Child. Based on these findings, the court found that permanent custody to the Agency was in the Child's best interest and granted custody of the Child to CCDCFS.

Mother's Assignment of Error

{¶ 23} Mother presents the following sole assignment of error for our review: "The trial court's grant of permanent custody was against the manifest weight of the evidence."

Law and Analysis

{¶ 24} In this appeal, Mother challenges the juvenile court's decision granting permanent custody of the Child to CCDCFS as being against the manifest weight of the evidence.

{¶ 25} R.C. 2151.414(B)(1) sets forth a two-prong test for a juvenile court to grant permanent custody of a child to an agency that moved for permanent custody. First, permanent custody may be granted if the court determines, by clear and

convincing evidence, that one of five factors enumerated in R.C. 2151.414(B)(1)(a) through (e) applies. The second prong requires the juvenile court to find, by clear and convincing evidence, that it is in the best interest of the child to grant permanent custody to an agency. *In re Z.C.*, 2023-Ohio-4703, ¶ 7. “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.* at *id.*, quoting *Cross v. Ledford*, 161 Ohio St. 469 (1954), paragraph three of the syllabus.

{¶ 26} In reviewing a juvenile court’s decision terminating parental rights under R.C. 2151.414, this court applies a sufficiency-of-the-evidence and/or a manifest-weight standard of review, in accordance with the arguments raised. *In re Z.C.* at ¶ 11. As mentioned, Mother’s challenge is based on the manifest weight of the evidence. In considering a manifest-weight challenge, an appellate court “weighs the evidence and all reasonable inferences, considers the credibility of witnesses and determines whether in resolving conflicts in the evidence, the [fact-finder] clearly lost its way and created such a manifest miscarriage of justice that the conviction must be reversed and a new trial ordered.” (Cleaned up.) *State v. Reillo*, 2026-Ohio-2701, ¶ 26.

The First Prong of the Permanent-Custody Determination was Supported by the Record

{¶ 27} Under the first prong of the permanent-custody analysis, the juvenile court must find one of the following: (a) 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 the agency for twelve or more months of a consecutive twenty-two-month period; or (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. R.C. 2151.414(B)(1)(a)-(e).

{¶ 28} Here, the court found, under R.C. 2151.414(B)(1)(d), that the Child had been in the Agency's custody for 12 or more months of a consecutive 22-month period. This finding was not against the manifest weight of the evidence.

{¶ 29} R.C. 2151.414(B)(1) provides that "[f]or the purpose of division (B)(1) of this section, a child shall be considered to have entered the temporary custody of an agency on the earlier of the date the child is adjudicated pursuant to section 2151.28 of the Revised Code or the date that is sixty days after the removal of the child from the home." The Agency gained predispositional temporary custody of the Child on March 13, 2024. The Child was adjudicated on May 7, 2024, and on that same date, was placed in CCDDFS's temporary custody. The Agency filed its motion

for permanent custody on August 25, 2025; at that time, the Child had been in the Agency's custody for 12 or more months. The trial court's finding under R.C. 2151.414(B)(1)(d) met the first prong of the permanent-custody analysis.

{¶ 30} Additionally, the court made several findings under R.C. 2151.414(E). R.C. 2151.414(E) provides that if the court finds, by clear and convincing evidence, that at least one of the enumerated factors set forth in (E)(1)-(E)(16) exists as to each of the child's parents, then the court must find that the child cannot be placed with either parent within a reasonable time or should not be placed with the child's parents, which is a finding under the first prong of the analysis as set forth in R.C. 2151.414(B)(1)(a).

{¶ 31} Specifically, the juvenile court made findings under R.C. 2151.414(E)(1), (2), (3), (4), (14), and (16). Those findings related to Mother's failure to remedy the conditions leading to the Child's removal (R.C. 2151.414(E)(1)), Mother's chronic mental illness (R.C. 2151.414(E)(2)), Mother's neglect of the Child (R.C. 2151.414(E)(3)), Mother's lack of commitment toward the Child (R.C. 2151.414(E)(4)), Mother's unwillingness to provide for the child or to prevent the child from suffering (R.C. 2151.414(E)(14), and other relevant factors (R.C. 2151.414(E)(16)). The record supports the trial court's findings.

{¶ 32} Regarding failure to remedy, the Child was removed from Mother's care on March 13, 2024, because of issues relating to Mother's mental health and her failure to meet the Child's regular, medical, and educational needs. After removal of the Child, a case-plan was developed and revised with the goal of

reunification. The case-plan included services to address Mother's issues with mental health, anger management, and basic needs.

{¶ 33} Mother was referred to The Centers for mental-health services and completed a mental health evaluation at The Centers in April 2025. As a result of the evaluation, Mother was recommended for trauma-informed care and dialectical behavior therapy; those services were offered at The Centers. Mother opted to not continue with services through The Centers and went to Murtis Taylor instead. She was disengaged from services at Murtis Taylor and went to the Black Mental Health Network. However, the Black Mental Health Network only provided limited information about the services Mother was engaged in and therefore CCDCFS was unable to determine what type of therapy Mother was getting or whether she was being prescribed medication. Agency worker Tselenthook testified that there were no observable behavioral changes with Mother as she continued to send him aggressive email messages.

{¶ 34} Further, Tselenthook compared Mother's evaluation records from The Centers to the records from Black Mental Health Network and noted that there were significant discrepancies in the information reported and the condition being treated, such that it did not appear that Mother had shared relevant information with the Black Mental Health Network. At trial, Mother testified that she did not feel as if she needed any mental-health treatment. The Agency was never able to confirm that Mother was receiving any long-term mental health treatment through any of her providers and her mental health remained a concern at the time of trial.

{¶ 35} Moreover, Mother's case-plan required her to engage in anger-management services. Mother told Tselentchook that she received anger management through her counseling services. Tselentchook advised mother that she needed to participate in a separate anger management service; however, she failed to do so. Tselentchook testified that although Mother may have received some anger management through counseling, her aggressive, threatening behavior continued after she had received counseling. Thus, Mother did not benefit from that service.

{¶ 36} The Child's GAL recommended permanent custody for the Child, noting that "the reasons that led to his removal have not been fully resolved such that he can be returned to [Mother]." On this record, the trial court's finding that Mother had failed to remedy the conditions leading to the Child's removal is supported by the record.

{¶ 37} The juvenile court also made a finding under R.C. 2151.414(E)(2) in relation to Mother's mental illness. The record demonstrates that Mother acknowledged prior diagnoses of major depressive disorder, PTSD, and borderline personality disorder. During the pendency of this case, she was diagnosed with PTSD and further assessment was recommended to address potential diagnosis of borderline personality disorder or bipolar disorder with psychotic features.

{¶ 38} However, Mother discontinued mental health services at both The Centers and Murtis Taylor and no detailed information was available for her engagement with Black Mental Health Services. Because of the limited nature of the

information provided by Black Mental Health Services, CCDCCFS was unable to determine what type of therapy Mother had received or whether she was prescribed medication. Again, no observable changes in Mother's behaviors were noted — she continued to act aggressively toward Tselentchook — and she did not believe she needed any mental health treatment. The record supported the juvenile court's finding under R.C. 2151.414(E)(2).

{¶ 39} The record also supported the juvenile court's finding under R.C. 2151.414(E)(3) that, between the filing of the complaint and the filing of the permanent custody motion, Mother neglected the Child by failing to regularly visit, communicate, and support him and the court's finding of Mother's lack of commitment under R.C. 2151.414(E)(4). Specifically, the record demonstrates Mother's refusal to visit with the Child for a period of seven months between February and September 2025, because she wanted unsupervised visitation. During the one visit she had in September 2025, Mother left early after being admonished to end a phone call.

{¶ 40} The trial court also made a finding under R.C. 2151.414(E)(14) that Mother demonstrated an unwillingness to provide for the Child or to prevent him from suffering emotional and mental neglect by her unwillingness to successfully complete her case-plan. Mother's failure to remedy the conditions that led to the Child's removal — namely her failure to complete the recommended mental-health requirements and demonstrate a behavioral change — as well as her failure to visit with the child for an extended period of time support the juvenile court's finding.

{¶ 41} The juvenile court made a final finding under R.C. 2151.414(E). Specifically, under the catch-all provision of R.C. 2151.414(E)(16), the court found that, at the time of trial, Mother had a pending criminal case. The case involved Mother's conduct toward the former case worker and the former foster family. The resolution of the criminal case could have potentially impacted Mother's ability to care for the Child, and therefore the record supports the court's consideration of it.

{¶ 42} All of the juvenile court's findings under R.C. 2151.414(E) were supported by the record. "Once a court determines, by clear and convincing evidence, that one of the enumerated factors exists, the court must enter a finding that the child cannot or should not be placed with either of his [or her] parents within a reasonable time." *In re Glenn*, 139 Ohio App.3d 105, 113 (8th Dist. 2000).

{¶ 43} In light of the above, the juvenile court's finding under R.C. 2151.414(B)(d) that the Child had been in the Agency's custody for 12 or more months was supported by the record and met the first prong of the permanent-custody analysis. Moreover, the court found that several of the factors under R.C. 2151.414(E) applied in this case; those findings were supported by the record and satisfied the first prong of the permanent-custody analysis. We now consider the second prong of the analysis — the best interest of the Child.

The Second Prong of the Permanent-Custody Determination was Supported by the Record

{¶ 44} The second prong of a permanent-custody determination requires the juvenile court to make a best-interest of the child determination. A juvenile court can make a R.C. 2151.414(D) best-interest of a child determination under either (D)(1) or (D)(2) of the statute. Under R.C. 2151.414(D)(1), the court is required to consider “all relevant factors,” including, but not limited to, those listed in R.C. 2151.414(D)(1). Those factors are:

- (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 service children agencies or private child placing agencies for [12] or more months of a consecutive [22]-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 [R.C. 2151.414](E)(7) to (11) apply in relation to the parents and child.

R.C. 2151.414(D)(1).

{¶ 45} Alternatively, R.C. 2151.414(D)(2) sets forth a list of four explicitly enumerated factors that, if each is satisfied, requires a finding that permanent custody is in the best interest of the child. Those factors are:

(a) The court determines by clear and convincing evidence that one or more of the factors in division (E) of this section exist and the child cannot be placed with one of the child's parents within a reasonable time or should not be placed with either parent.

(b) The child has been in an agency's custody for two years or longer, and no longer qualifies for temporary custody pursuant to division (D) of section 2151.415 of the Revised Code.

(c) The child does not meet the requirements for a planned permanent living arrangement pursuant to division (A)(5) of section 2151.353 of the Revised Code.

(d) Prior to the dispositional hearing, no relative or other interested person has filed, or has been identified in, a motion for legal custody of the child.

R.C. 2151.414(D)(2).

{¶ 46} The juvenile court here considered both R.C. 2151.414(D)(1) and (2) in making its best-interest determination.

{¶ 47} Under R.C. 2151.414(D)(1) regarding the Child's interaction and interrelationship with significant people in his life, the record demonstrated that after Mother lost her unsupervised visits with the Child and she stopped visiting him for seven months. Mother abruptly ended the one visit she had with the Child in September 2025, after a CCDCFS worker asked her to end her phone conversation. The record demonstrates that the Child was bonded with the parent who was fostering him at the time of trial, and the foster parent for the Child's sibling facilitated the children seeing each other.

{¶ 48} The consideration under R.C. 2151.414(D)(1)(b) related to the Child's wishes as expressed directly or through his GAL. The Child was eight years old at the time of trial and suffered from autism and cognitive delays and was therefore

unable to formulate a meaningful expression of his wishes. The GAL recommended permanent custody for the Child. She noted in her written report that “[w]hen asked he did not express interest in seeing his parents, though given his age, cognitive delay and speech limitations he is limited in both his ability to fully understand and express himself.”

{¶ 49} Regarding the Child’s custodial history — the consideration under R.C. 2151.414(D)(1)(c) — the Child was removed in March 2024, and at the conclusion of trial in May 2026, had been in the Agency’s custody for over two years.

{¶ 50} R.C. 2151.414(D)(1)(d) deals with the child’s need for a legally secure placement and whether such can be achieved without a grant of permanent custody. The juvenile court found that the Child “cannot be placed with one of the child’s parents within a reasonable time or should not be placed with either parent.” The finding was supported by multiple relevant findings the court made under R.C. 2151.414(E)(1)-(16). As mentioned, the trial court was required under R.C. 2151.414(E) to enter that the Child could not or should not be placed with either parent within a reasonable time because of the factors established in that section of the statute. *Glenn*, 139 Ohio App.3d at 113 (8th Dist. 2000). “[A] trial court’s finding that it could not or should not place a child with a parent precludes the court from considering returning the child to [the parent’s] custody.” *In re T.S.*, 2024-Ohio-827, ¶ 61 (8th Dist.).

{¶ 51} Further, because the Child had been in CCDCFS’s custody for more than two years, an extension of temporary custody was not an option. *See*

R.C. 2151.415(D)(4) (“[T]he court shall not order an existing temporary custody order to continue beyond two years after the date on which the complaint was filed or the child was first placed into shelter care, whichever date is earlier . . .”). Additionally, no motion had been filed requesting legal custody to an individual, and the Child, who was eight years at the time of trial, did not qualify for a planned permanent living arrangement, which requires, among other things, that a child be at least 16 years old. *See* R.C. 2151.353(A)(5).

{¶ 52} The last factor set forth in R.C. 2151.414(D)(1)(e) required the juvenile court to consider whether any factors under (E)(7) to (11) of the statute applied — none did.

{¶ 53} The juvenile court considered the factors under R.C. 2151.414(D)(1) and the weight of the evidence supported the court’s finding that, under those factors, permanent custody to CCDCFS was in the Child’s best interest.

{¶ 54} Moreover, the court made findings as to each of the four factors listed at R.C. 2151.414(D)(2)(a)-(d) and the record supports a best-interest determination for permanent custody under those statutory provisions as well.

{¶ 55} Under R.C. 2151.414(D)(2)(a), the juvenile court considered whether “one or more of the factors in division (E) of this section exist and the child cannot be placed with one of the child’s parents within a reasonable time or should not be placed with either parent.” As discussed, the juvenile court made this finding and the recorded supported it.

{¶ 56} R.C. 2151.414(D)(2)(b) considers whether “[t]he child has been in an agency’s custody for two years or longer, and no longer qualifies for temporary custody pursuant to division (D) of section 2151.415 of the Revised Code[.]” The record here establishes that the complaint was filed in February 28, 2024, the Child was removed on March 13, 2024, and remained in the continuous custody of CCDCFS since the time of his removal. Therefore, at the time of trial in May 2026, the Child could no longer be kept in temporary custody because more than two years had passed since both the initiation of the proceedings and his removal. *See* R.C. 2151.415(D)(4). Thus, the juvenile court’s finding that “[t]he child has been in the agency’s custody for two (2) years and no longer qualifies for temporary custody” was supported by the record.

{¶ 57} R.C. 2151.414(D)(2)(c) is satisfied if a child “does not meet the requirements for a planned permanent living arrangement pursuant to division (A)(5) of section 2151.353 of the Revised Code.” One of the requirements for a planned permanent living arrangement is that the subject child must be at least 16 years old. The Child here was eight years old at the time of trial and therefore did not qualify for a planned permanent living arrangement.

{¶ 58} The final consideration under R.C. 2151.414(D)(2) — R.C. 2151.414(D)(2)(d) — is established if “[p]rior to the dispositional hearing, no relative or other interested person has filed, or has been identified in, a motion for legal custody of the child.” The record here reveals, and the court found, that no such motion had been filed. Therefore, this factor was satisfied.

{¶ 59} The trial court found — and the record supported its findings — that all four factors under R.C. 2151.414(D)(2) applied here. When “all the factors of R.C. 2151.414(D)(2) apply, permanent custody was necessarily in the best interest of the child and the juvenile court was required to grant permanent custody to CCDCFS.” *In re P.J.*, 2021-Ohio-1821, ¶ 26 (8th Dist.).

Conclusion

{¶ 60} We take our responsibility in reviewing cases involving the termination of parental rights and the award of permanent custody very seriously. 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, 157 (1990), quoting *Santosky v. Kramer*, 455 U.S. 745, 753 (1982). Further, 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). A parent’s right is not absolute, however. “The natural rights of a parent are always subject to the ultimate welfare of the child, which is the polestar or controlling principle to be observed.” *In re Cunningham*, 59 Ohio St.2d 100, 106 (1979).

{¶ 61} The record before us supports the trial court’s findings under both prongs of a permanent-custody determination. Therefore, we overrule Mother’s sole assignment of error and affirm the trial court’s judgment.

{¶ 62} 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 be sent to said court 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.

MICHAEL JOHN RYAN, PRESIDING JUDGE

SEAN C. GALLAGHER, J., and
TIMOTHY W. CLARY, J., CONCUR