

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

IN RE P.B.

:

No. 116577

A Minor Child

:

:

[Appeal by S.B., Mother]

:

:

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-24911270

Appearances:

Cullen Sweeney, Cuyahoga County Public Defender, and
Britta Barthol, Assistant Public Defender, *for appellant*.

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

EILEEN T. GALLAGHER, P.J.:

{¶ 1} Appellant S.B. (“Mother”) appeals a judgment of the juvenile court terminating her parental rights and awarding permanent custody of her daughter, P.B., to the Cuyahoga County Division of Children and Family Services (“CCDCFS” or “agency”). She claims the following errors:

1. The trial court's decision granting permanent custody of the child to CCDCFS is against the weight of the evidence as it is not supported by clear and convincing evidence.

2. The trial court abused its discretion when it granted permanent custody to the agency when a first extension of temporary custody was available.

{¶ 2} We find that the trial court's judgment is supported by clear and convincing evidence and was not against the manifest weight of the evidence. We also find that because Mother failed to make significant progress on her case plan and permanent custody was in P.B.'s best interest, the trial court had no basis on which to grant an extension of temporary custody. We, therefore, affirm the trial court's judgment.

I. Facts and Procedural History

{¶ 3} On October 24, 2024, CCDCFS filed a complaint for abuse, neglect, and dependency seeking an order granting the agency temporary custody of P.B. That same day, the agency also filed a motion for predispositional temporary custody. Following a hearing, the court granted the agency's motion and placed P.B. in the predispositional temporary custody of the agency.

{¶ 4} The court later held a hearing on the complaint in February 2025, adjudicated P.B. abused and dependent, and committed P.B. to the temporary custody of the agency. In June 2025, the agency filed a motion to extend temporary custody. However, Mother was subsequently incarcerated for a probation violation, and the agency moved to amend its dispositional prayer to a request for permanent custody.

{¶ 5} On April 21, 2026, the court held a hearing on the agency’s motion for permanent custody. Arielle Smith (“Smith”), an extended service worker with CCDCFS, testified that she was assigned to the case from April or May 2024 until September 2025. Smith recounted Mother’s extensive history with the agency, dating back to 2008, when her oldest child was removed and placed in agency custody. Mother was 16 years old at the time, and she herself was a child in agency custody. In the ensuing years, Mother had six more children placed in agency custody because of Mother’s ongoing issues with substance abuse, domestic violence, mental-health issues, parenting issues, and lack of adequate housing.

{¶ 6} P.B. was born on July 11, 2024, and is Mother’s seventh child.¹ (Tr. 80.)² The child tested positive for cocaine at birth and was immediately taken into agency custody. The agency designed a case plan for Mother with the goal of reunification. The case plan included services to address Mother’s ongoing issues with mental health, substance abuse, parenting, domestic violence, anger management, and housing. Mother completed parenting and domestic-violence programs and was engaged in substance-abuse treatment services when she was sentenced to prison for two felony convictions: tampering with evidence and possession of cocaine. Mother was sentenced to 130 days in jail and was given 84

¹ P.B.’s father was never identified, never engaged in agency services, and is not a party to this appeal. Therefore, our decision is limited to the issues raised by Mother as they relate to her parental rights.

² Citations to the transcript refer to the hearing held on April 21, 2026.

days credit for time served. She was also sentenced to a period of community control that required her to “not use or possess drugs or alcohol.” (Tr. 31.)

{¶ 7} Following Mother’s release from jail, she continued to make progress on her case plan and, in April 2025, she began unsupervised visits with P.B. The unsupervised visits were stopped, however, after Mother tested positive for PCP later that month. Mother also tested positive for marijuana in June 2025. Mother acknowledged at the hearing that she had used PCP. (Tr. 75.) She also admitted, “I’ve always been a heavy weed smoker since I was like 17, off and on though I was pregnant almost every year.” (Tr. 75-76.)

{¶ 8} When Smith informed Mother that she could no longer have unsupervised visits with P.B. because of her positive drug screens, Mother became “very irate and upset” and threatened Smith with violence. (Tr. 34.) Shortly thereafter, Mother was sent back to prison after she was found to have violated the terms of her community control by testing positive for drugs. She was incarcerated from June 2025 until February 2026. Although Mother completed parenting classes before her confinement, she completed another parenting class while in jail. (Tr. 33.)

{¶ 9} Mother had ongoing anger-management issues. The guardian ad litem (“GAL”) noted in her November 2025 report that “[Mother] has been observed to have frequent verbal outbursts against individuals working on her case, including threats of physical violence against the Agency.” (R. 128.) Lee Barbee (“Barbee”), the extended case worker who took the case over from Smith in September 2025,

testified that Mother repeatedly phoned him to “scream and holler” at him because he was investigating a relative as a possible caregiver for P.B. (Tr. 52-53.) Barbee did not believe that Mother benefited from anger-management services. (Tr. 52.) In fact, Mother was discharged from a halfway house where she was living following her most recent release from jail, because she had an altercation with another resident. (Tr. 53-54, 68, and 98-99.)

{¶ 10} Mother’s case plan also required Mother to engage in domestic-violence classes because she had a history of domestic violence with the father of one of her older children. Smith testified that Mother and the child’s father got into an altercation wherein the father drove a car over Mother’s foot. (Tr. 41.) Smith spoke to both parents about the incident, and the father reported that he did not intend to drive the car over Mother’s foot. He told Smith he was trying to drive away to prevent Mother from “busting out all the windows off of his car.” (Tr. 41.)

{¶ 11} At the time of trial, Mother had still not obtained suitable housing for herself and P.B., and she was living with her grandmother (“Grandmother”). Barbee investigated whether Grandmother could be given legal custody of P.B., but Grandmother refused. Grandmother told Barbee that “dealing with [Mother] is a lot and she didn’t want . . . to deal with her anger issues.” (Tr. 55.)

{¶ 12} Although Mother testified that she applied for housing through EDEN, which would pay her rent, the home she was seeking failed inspection the week before trial. (Tr. 68.) She claimed the home was scheduled for another inspection the day of trial and that the landlord “was almost guaranteeing . . . that it’s gonna

pass.” (Tr. 69.) Mother admitted, however, that even with EDEN approval, it was her responsibility to find a home that would pass inspection, and she had failed to fulfill this requirement by the time of trial. (Tr. 70.)

{¶ 13} Throughout the proceedings, Smith and Barbee attempted to find a relative who could take custody of P.B., but they were unable to find a relative who was willing and able to care for child. (Tr. 35-39, and 52-56.) As a result, P.B. remained with the same foster family since the time of her removal in July 2024. (Tr. 26.) Both Smith and Barbee testified that P.B. is “very comfortable and bonded to [her] caregivers” and that she “loves it there.” (Tr. 35 and 56.) When a foster parent brings P.B. to Mother for visits, P.B. “cries because she wants to stay with [her caregivers].” (Tr. 56.) Mother admitted that following her most recent incarceration, during which she could not visit P.B., “it was a hurdle we had to get over, she had to re-know me.” (Tr. 77.)

{¶ 14} The GAL indicated in her written report that she “does not believe that [Mother] is able to reunify with [P.B.] now or in the near future.” (R. 128.) She explained:

[Mother] has historical substance abuse that has interfered with her ability to care for all of her children, including [P.B.]. [Mother] does not appear forthcoming with her most recent relapse, which remains an ongoing concern for the GAL.

{¶ 15} The GAL further stated that “[t]he foster home is an adoptive home that would be willing to adopt [P.B.].” (R. 128.) The foster family also facilitated visits between P.B. and her siblings.

{¶ 16} Finally, the court appointed special advocate (“CASA”) also recommended that the court grant permanent custody of P.B. to the agency. (Tr. 105.)

{¶ 17} Based on the evidence presented at trial, the court journalized an entry ordering that P.B. be placed in the permanent custody of CCDCFS. This appeal followed.

II. Law and Analysis

{¶ 18} 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].” *Santosky v. Kramer*, 455 U.S. 745, 753 (1982). The “termination of parental rights has been described as the family law equivalent of the death penalty in a criminal case.” *In re J.B.*, 2013-Ohio-1704, ¶ 66 (8th Dist.), quoting *In re Hoffman*, 2002-Ohio-5368, ¶ 14. Thus, “parents must be afforded every procedural and substantive protection the law allows.” *In re Hayes*, 79 Ohio St.3d 46, 48 (1997), quoting *In re Smith*, 77 Ohio App.3d 1, 16 (6th Dist. 1991).

{¶ 19} Nevertheless, a parent’s right to the care and custody of his or her child is not absolute. *In re L.G.*, 2022-Ohio-529, ¶ 49 (8th Dist.). “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 L.D.*, 2017-Ohio-1037, ¶ 29 (8th Dist.), quoting *In re Cunningham*, 59 Ohio St.2d 100, 106 (1979).

{¶ 20} “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). When parental rights are terminated, the goal is to create “a more stable life for the dependent children and to facilitate adoption to foster permanency for children.” *In re N.B.*, 2015-Ohio-314, ¶ 67 (8th Dist.), citing *In re Howard*, 1986 Ohio App. LEXIS 7860, *5 (5th Dist. Aug. 1, 1986).

{¶ 21} “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).

A. Manifest Weight

{¶ 22} In the first assignment of error, Mother argues that the trial court’s decision to terminate her parental rights and grant permanent custody of P.B. to the agency was not supported by clear and convincing evidence and was against the manifest weight of the evidence.

{¶ 23} The Ohio Supreme Court has stated that “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.*, 2023-Ohio-4703, ¶ 11.

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. [*Eastley v. Volkman*, 2012-Ohio-2179, ¶ 20.] “In weighing the evidence, the court of appeals must always be mindful of the presumption in favor of the finder of fact.” *Id.* at ¶ 21. “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.” *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.* at fn. 3, quoting 5 Ohio Jurisprudence 3d, Appellate Review, Section 603, at 191-192 (1978).

Id. at ¶ 14.

{¶ 24} R.C. 2151.414 provides a two-prong analysis to be applied by the juvenile court in adjudicating a motion for permanent custody. *In re S.C.*, 2018-Ohio-2523, ¶ 20 (8th Dist.), citing R.C. 2151.414(B). The first prong authorizes the juvenile court to grant permanent custody of a child to the public agency if, after a hearing, the court determines, by clear and convincing evidence, that any one of the following factors apply: (a) the child is not abandoned or orphaned, but the child cannot be placed with either parent within a reasonable time or should not be placed with the child’s parents; (b) the child is abandoned; (c) the child is orphaned, and there are no relatives of the child who are able to take permanent custody; (d) the

child has been in the temporary custody of one or more public children services agencies or private child placing agencies for 12 or more months of a consecutive 22-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 by any court in this state or another state. R.C. 2151.414(B)(1)(a)-(e). “Only one of the factors must be present to satisfy the first prong of the two-part analysis for granting permanent custody to an agency.” *In re D.H.*, 2021-Ohio-3821, ¶ 27 (8th Dist.), citing *In re L.W.*, 2017-Ohio-657, ¶ 28 (8th Dist.).

{¶ 25} Under the second prong of R.C. 2151.414, when any one of the above factors exists, the juvenile court must then analyze whether the evidence establishes, by clear and convincing evidence, that it is in the child’s best interest to grant permanent custody to the agency pursuant to R.C. 2151.414(D). “‘Clear and convincing evidence’ is evidence that ‘will produce in the mind of the trier of facts a firm belief or conviction as to the allegations sought to be established.’” *In re T.B.*, 2014-Ohio-2051, ¶ 28 (8th Dist), quoting *Cross v. Ledford*, 161 Ohio St. 469, 477 (1954).

1. First Prong — R.C. 2151.414(B)

{¶ 26} The trial court found that P.B. could not be placed with either parent within a reasonable time or should not be placed with either parent, pursuant to R.C. 2151.414(B)(1)(a).

{¶ 27} In determining whether a child cannot be placed with one of the child’s parents within a reasonable time or should not be placed with either parent, the juvenile court must consider “all relevant evidence,” including the factors enumerated in R.C. 2151.414(E). *In re L.H.*, 2024-Ohio-2271, ¶ 34 (8th Dist.). If the court finds at least one of the R.C. 2151.414(E) factors was established by clear and convincing evidence, the court “shall enter a finding that the child cannot be placed with either parent within a reasonable time or should not be placed with either parent.” R.C. 2151.414(E); *In re J.S.*, 2022-Ohio-4517, ¶ 33 (8th Dist.).

{¶ 28} Although the trial court only needed to find that one of the factors in R.C. 2151.414(E) was established, the juvenile court in this case made findings under R.C. 2151.414(E)(1), (4), (13), and (16). Those provisions state:

If the court determines, by clear and convincing evidence, at a hearing held pursuant to division (A) of this section . . . that one or more of the following exist as to each of the child’s parents, the court shall enter a finding that the child cannot be placed with either parent within a reasonable time or should not be placed with either parent:

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

. . .

(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;

...

(13) The parent is repeatedly incarcerated, and the repeated incarceration prevents the parent from providing care for the child.

(16) Any other factor the court considers relevant.

a. Failure to Remedy

{¶ 29} The juvenile court found, under R.C. 2151.414(E)(1), that Mother failed to remedy the conditions that initially led to P.B.'s removal in the first place. Those conditions included ongoing issues with substance abuse, mental health, parenting, domestic violence, and inadequate housing. Smith testified at trial that Mother has been working on all of these issues since her first child was removed from her custody in 2008. (Tr. 10-11.) At the time of trial, none of her seven children were in her custody. (Tr. 10-25.)

{¶ 30} P.B., who was born on July 11, 2024, tested positive for cocaine at birth. (Tr. 26.) Although Mother engaged in substance-abuse treatment prior to and during her incarceration in January 2025, she tested positive for PCP after she was released from jail in April 2025. She also tested positive for marijuana in June 2025. (Tr. 28-29.)

{¶ 31} Mother was sentenced to jail for a community-control violation because of her positive drug screens. Mother remained incarcerated from June 2025 until February 2026. Mother admitted that she used PCP and that she had

“always been a heavy weed smoker” since she was 17 years old. (Tr. 75-76.) Although there was no evidence of any more positive drug screens, Mother had been incarcerated for eight months, leaving very little time before the April 2026 trial to demonstrate sobriety. Indeed, the CASA recommended that P.B. be placed in permanent custody because Mother failed to demonstrate six months of sobriety following her incarceration. (Tr. 105.)

{¶ 32} Nevertheless, there was clear and convincing evidence that Mother failed to benefit from anger-management services. When Smith informed Mother that she could no longer have unsupervised visits with P.B. because she tested positive for illicit drugs, Mother was “very upset” by the news and threatened Smith with physical violence. (Tr. 34.)

{¶ 33} Four days prior to trial, Mother called Barbee and “screamed and hollered” at him because he was investigating a relative as possible caregiver for P.B. (Tr. 52-53.) Barbee testified that he did not believe that Mother benefitted from anger-management services. (Tr. 52.) Indeed, the GAL also noted in her November 2025 update to her written report that “[Mother] has been observed to have frequent outbursts against individuals working on her case, including threats of physical violence against the Agency.” (R. 128.)

{¶ 34} There was also evidence that Mother was discharged from a halfway house because she had an altercation with another resident. (Tr. 53-54, 68, and 98-99.) And, Mother’s grandmother told Barbee that she would not consider taking legal custody of P.B. because “dealing with [Mother] is a lot and she didn’t want . . .

to deal with her anger issues.” (Tr. 55.) Therefore, there was clear and convincing evidence that Mother had not remedied her anger-management issues.

{¶ 35} It was also undisputed that Mother failed to obtain housing prior to trial. Although Mother indicated that she found a home through EDEN, she admitted that the home failed inspection the week before trial. (Tr. 68-69.) She also admitted that it was her responsibility to find a home that would pass inspection. (Tr. 69-70.) Mother claimed the house was “guaranteed” to pass inspection on the day of trial, but there was, in reality, no guarantee that it would pass. The fact was that Mother had not obtained housing before trial and that this condition had still not been remedied. Therefore, the trial court’s finding that Mother failed to remedy the conditions that initially led to P.B.’s removal is supported by clear and convincing evidence.

b. Lack of Commitment

{¶ 36} The trial court found, pursuant to R.C. 2151.414(E)(4), that Mother demonstrated a lack of commitment to P.B. “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.”

{¶ 37} Mother argues the trial court’s finding that she lacked commitment to P.B. is against the manifest weight of the evidence because she visited P.B. regularly, and the visits went well. However, she failed to refrain from the use of illicit drugs long enough to be reunited with P.B. despite years of substance-abuse treatment included in case plans involving her older children. Her persistent drug use resulted

in her being incarcerated and separated from her child. If Mother were truly committed to reunification with P.B., she would have refrained from using illicit drugs, which she knew or should have known could result in her incarceration.

{¶ 38} And, as previously stated, Mother failed to diligently seek and obtain adequate housing. She understood it was her responsibility to find a home that would pass inspection. And yet, she failed to do so. This failure also shows a lack of commitment to P.B. Therefore, the trial court's finding that Mother lacked commitment to P.B. is supported by clear and convincing evidence.

c. Repeated Incarceration

{¶ 39} The trial court further found, pursuant to R.C. 2151.414(E)(13), that Mother was "repeatedly incarcerated" and that "the repeated incarceration prevents the parent from providing care for the child." (R. 176.) Mother argues she did not have repeated incarcerations because her two periods of incarceration resulted from the same criminal case.

{¶ 40} As previously stated, Mother was convicted of tampering with evidence and possession of cocaine and sentenced to 130 days in jail. Mother was released from prison in February 2025, but she returned to prison in June 2025, after testing positive for PCP and marijuana. She remained in prison from June 2025 to February 2026. The fact that both terms of incarceration arose from the same criminal case is beside the point. The fact is that Mother's conduct was the cause of each incarceration, and both incarcerations prevented Mother from visiting

and supporting P.B. Therefore, this factor is also supported by clear and convincing evidence.

d. Other Relevant Factors R.C. 2151.414(E)(16)

{¶ 41} R.C. 2151.414(E)(16) “permits the court to consider ‘any other factor the court considers relevant.’” *In re S.H.*, 2019-Ohio-3575, ¶ 29 (8th Dist.), quoting R.C. 2151.414(E)(16). In this case, the court considered Mother’s extensive history with the agency as another relevant factor that weighed in favor of finding that P.B. could not be placed with Mother in a reasonable time.

{¶ 42} Mother began working on case plans to reunite with her children in 2008. She was young when her first child was removed from her custody. Nevertheless, the record shows that Mother had case plans relative to each of her six older children and that all of the case plans involved services for the same issues involved in this case, namely substance abuse, mental health, domestic violence, and housing. Despite years of services and programs, the record shows that Mother has not resolved these ongoing issues because she continues to use illicit drugs and failed to obtain adequate housing. She also continues to have anger-management issues. Therefore, the record supports the court’s finding that Mother has not benefitted from years of agency assistance.

{¶ 43} The court’s findings satisfied several factors under R.C. 2151.414(E), and the court’s findings are supported by clear and convincing evidence. Therefore, the court’s findings are sufficient to satisfy the first prong of the permanent-custody analysis.

2. Second Prong — Best Interest of the Child

{¶ 44} Having determined that the trial court’s findings were sufficient to support the first prong, we now turn to the second prong of our analysis. This prong requires the court to determine, by clear and convincing evidence, whether the order granting permanent custody of P.B. to the agency pursuant to R.C. 2151.414(D) is in the best interest of the child.

{¶ 45} A juvenile court may apply one of two different tests to determine the best interest of the child. *In re I.N.*, 2024-Ohio-950, ¶ 43 (8th 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.” *In re S.C.*, 2022-Ohio-356, ¶ 38 (10th Dist.), quoting *In re J.P.*, 2019-Ohio-1619, ¶ 39 (10th Dist.). “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 *In re J.P.* at ¶ 39. “These two provisions ‘are alternative means for reaching the best-interest determination.’” *Id.*, quoting *In re J.P.* at ¶ 40.

{¶ 46} In this case, the trial court made the best-interest determination under R.C. 2151.414(D)(1). In determining the best interest of the child under R.C. 2151.414(D), the juvenile court must consider all relevant factors, including but not limited to (1) the interaction and interrelationship of the children 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 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) through (11) are applicable.

{¶ 47} 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.), citing *In re Moore*, 2000 Ohio App. LEXIS 3958 (8th Dist. Aug. 31, 2000), citing *In re Shaeffer Children*, 85 Ohio App.3d 683 (3d Dist. 1993).

{¶ 48} RC. 2151.414(D)(1) does not require a juvenile court to expressly discuss each of the best-interest factors in RC. 2151.414(D)(1)(a) through (e). “Consideration is all the statute requires.” *In re A.M.*, 2020-Ohio-5102, ¶ 31. And, as previously stated, 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.

a. Interactions and Interrelationships

{¶ 49} R.C. 2151.414(D)(1)(a) deals with the child's interaction and interrelationship with various individuals in the child's life. The evidence at trial showed that P.B. is “very comfortable and bonded to the caregivers” and that she “loves it there.” (Tr. 35 and 56.) Barbee testified that when the foster mother brings

P.B. to visit Mother, P.B. cries because she does not want to leave her foster mother and “it takes her a little while to calm down.” (Tr. 56.) Mother admitted that following her most recent incarceration, there was “a hurdle we had to get over” because P.B. had to “re-know” Mother. (Tr. 77.) Mother also admitted that “I need [P.B.] more than she needs me.” (Tr. 79.) P.B.’s CASA noted in her report that “[P.B.] appears well-adjusted and thriving in her current foster-home placement. She receives nurturing care and is warmly embraced by both Foster Mother and other children in the home.” (R. 130.)

{¶ 50} The evidence showed that P.B. is thriving in her foster home, but she is not comfortable with Mother who was absent for months while she was incarcerated. Therefore, this factor weighs in favor of permanent custody.

b. Child’s Wishes Expressed Through the GAL

{¶ 51} R.C. 2151.414(D)(1)(b) deals with the child’s wishes as expressed directly or through the GAL. In this case, P.B. was only a year and a half old at the time of trial and was too young to express her own opinion. However, the GAL considered the relevant circumstances and recommended permanent custody. Therefore, this factor also weighs in favor of permanent custody.

c. Custodial History

{¶ 52} R.C. 2151.414(D)(1)(c) deals with the child’s custodial history. The undisputed evidence showed that P.B. came into agency custody in July 2024. She remained in uninterrupted agency custody until the time of trial in April 2026. P.B.

was in agency custody for almost two years, which represented the entirety of P.B.'s life. Therefore, this factor weighs in favor of permanent custody.

d. Need for Legally Secure Placement

{¶ 53} Under R.C. 2151.414(D)(1)(d), the court must consider the child's need for a legally secure placement and whether such placement can be achieved without a grant of permanent custody. As previously stated, the court found that P.B. could not be placed with Mother within a reasonable time based on the factors set forth in R.C. 2151.414(E). The trial court's findings in this regard are supported by clear and convincing evidence. Therefore, P.B.'s need for a legally secure placement cannot be satisfied by Mother.

{¶ 54} We also noted that P.B. is bonded and thriving in her foster home. Mother nevertheless argues the court gave too much weight to this factor because the foster family has not committed to adopting P.B. However, the court is not required to factor adoption into the analysis. *In re M.W.*, 2017-Ohio-8580, ¶ 25 (8th Dist.) Furthermore, both Smith and Barbee testified that if permanent custody were granted to the agency, P.B. would remain with the foster family. (Tr. 35 and 57.) The foster family could provide the legally secure placement that P.B. needs. Therefore, this factor weighs in favor of permanent custody.

{¶ 55} Therefore, there is clear and convincing evidence in support of the trial court's finding that permanent custody is in the best interest of the child. The second prong of the permanent-custody analysis was satisfied, and the trial court's findings

are not against the manifest weight of the evidence. Accordingly, the first assignment of error is overruled.

B. Extension of Temporary Custody

{¶ 56} In the second assignment of error, Mother argues the trial court abused its discretion by granting permanent custody of P.B. to the agency when a first extension of temporary custody was available.

{¶ 57} We review a juvenile court’s decision to deny a request for an extension of temporary custody for an abuse of discretion. *In re C.C.*, 2026-Ohio-2089, ¶ 21 (8th Dist.). An abuse of discretion occurs when a court exercises “its judgment, in an unwarranted way, in regard to a matter over which it has discretionary authority.” *Johnson v. Abdullah*, 2021-Ohio-3304, ¶ 35.

{¶ 58} “R.C. 2151.353(G) provides that ‘the statutory term for a temporary custody order is one year.’” *In re J.J.*, 2024-Ohio-1049, ¶ 39 (8th Dist.). Under R.C. 2151.415(D) and Juv.R. 14, a juvenile court may extend a temporary custody order for a period of six months if it determines, by clear and convincing evidence, that the extension (1) is in the best interest of the child, (2) there has been significant progress on the case plan of the child, and (3) there is reasonable cause to believe that the child will be reunified with one of the parents or otherwise permanently placed within the period of extension. *In re D.H.*, 2025-Ohio-748, ¶ 18 (8th Dist.)

{¶ 59} “Even where there is ‘time for another extension of temporary custody,’ a juvenile court is not required to extend temporary custody if it finds that a child’s best interest would not be served by an extension or there is no reasonable

cause to believe the child would not be reunified with his or her parents within the period of extension.” *In re M.T.*, 2024-Ohio-3111, ¶ 54 (8th Dist.).

{¶ 60} Mother argues the court should have given her time to complete her case-plan services, to obtain housing, and to prove her sobriety. (Appellant’s brief p. 21.) However, not only has Mother been working on the same case-plan services since 2008, she had nearly two years between the time P.B. was removed in August 2024 and the time of trial in April 2026, to obtain housing and demonstrate sobriety. She failed to do so, and her 18-year history of failing to resolve these issues indicates she was not going to resolve them within the next six months.

{¶ 61} Furthermore, “where an award of permanent custody is in the child’s best interest, a six-month extension of temporary custody necessarily is not.” *In re A.N.*, 2026-Ohio-939, ¶ 54 (8th Dist.), citing *In re A.C.*, 2019-Ohio-4788, ¶ 43 (8th Dist.), citing *In re C.M.*, 2009-Ohio-943, ¶ 24 (9th Dist.) (“Where the trial court finds that it is in the best interest of a child to be placed in legal custody as a permanent disposition, the trial court must necessarily deny an extension of temporary custody.”).

{¶ 62} The trial court found, based on the factors listed in R.C. 2151.414(E), that P.B. could not be placed with Mother within a reasonable time. The trial court’s findings are supported by the record. The trial court also found, pursuant to R.C. 2151.414(D)(1), that permanent custody was in P.B.’s best interest. There was, therefore, no basis on which to grant an extension of temporary custody, and there was no abuse of discretion.

{¶ 63} The second assignment of error is overruled.

{¶ 64} Judgment affirmed.

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

The court finds there were reasonable grounds for this appeal.

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

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

EILEEN T. GALLAGHER, PRESIDING JUDGE

ANITA LASTER MAYS, J., and
DEENA R. CALABRESE, J., CONCUR