

COURT OF APPEALS OF OHIO
EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

IN RE L.E., ET AL.	:	No. 116399
Minor Children	:	
[Appeal by B.E., Father]	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED
RELEASED AND JOURNALIZED: October 8, 2026

Civil Appeal from the Cuyahoga County Court of Common Pleas
Juvenile Division
Case Nos. AD23912500, AD23912501, AD23912502,
AD23912503, and AD23912504

Appearances:

Gregory T. Stralka, *for appellant.*

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

DEENA R. CALABRESE, J.:

{¶ 1} Appellant B.E. (“Father”) appeals the Cuyahoga County Court of Common Pleas, Juvenile Division’s (“juvenile court”) order that terminated his parental rights and awarded permanent custody of his five children, Bre.E. (d.o.b. 3/23/2010), L.E. (d.o.b. 3/23/2010), Bri.E. (d.o.b. 6/6/2011), C.E. (d.o.b. 11/24/2013), and Z.E. (d.o.b. 12/10/2016) (collectively “the children”), to appellee

the Cuyahoga County Department of Children and Family Services (“CCDCFS”). For the reasons stated below, we affirm the juvenile court’s award of permanent custody of the children to CCDCFS.

I. Relevant Facts and Procedural History

{¶ 2} Father and his five children have a history of involvement with CCDCFS.¹ The children were previously removed from the home in 2018 following a domestic-violence incident between Father and the children’s mother (“Mother”) in the presence of the children. Mother and Father were both intoxicated during the incident. CCDCFS also had concerns that there was a lack of stable housing and that Mother was absent. In 2019, the children were adjudicated neglected and abused and placed in the temporary custody of CCDCFS. The children remained in CCDCFS custody for 18 months before being placed in the legal custody of Father.

{¶ 3} On October 31, 2023, CCDCFS filed a complaint alleging that the children were neglected and dependent. The complaint contained allegations that the family lacked stable housing, that there was no record that the children had attended school for the previous two years, and that Father allowed Mother to reside with him and provide family care for the children despite concerns about her ability to parent the children and her failure to remedy the conditions that previously led to their removal. The children were placed in the predispositional temporary custody of CCDCFS. On January 17, 2024, the children were adjudicated to be neglected and were committed to the temporary custody of CCDCFS.

¹ Cuyahoga J.C. No. AD-18-912453-57.

{¶ 4} CCDCFS developed a case plan with a permanency goal of reunification. The case plan included services for Father to address concerns regarding Father's substance abuse, lack of housing, and parenting.

{¶ 5} On September 16, 2024, CCDCFS filed a motion to modify temporary custody to permanent custody of Bre.E. and L.E. ("the oldest children"). On October 2, 2024, the trial court granted an extension of temporary custody of Bri.E., C.E., and Z.E. ("the youngest children"). On February 14, 2025, CCDCFS filed a motion to modify temporary custody to permanent custody of the youngest children. On June 5, 2025, Father filed a motion for legal custody of the children. On August 19, 2025, Father filed a motion to amend the case plan to allow extended and unsupervised visitation with the children.

{¶ 6} On September 9, 2025, and February 19, 2026, the juvenile court held hearings on Father's motion to amend the case plan, CCDCFS's motions to modify temporary custody to permanent custody, and Father's motion for legal custody. During the hearings, the juvenile court heard testimony from social worker Danielle Jordan ("Jordan") and heard a recommendation from the children's guardian ad litem, Margaret Keenan ("GAL"). The juvenile court also heard the arguments of counsel for the three youngest children. The relevant testimony and evidence presented at the hearings were as follows.

A. The Case-Plan-Amendment Hearing

{¶ 7} On September 9, 2025, the juvenile court held a separate hearing on Father's motion to amend the case plan prior to the commencement of the permanent-custody hearing.

{¶ 8} Jordan testified that she is employed as a CCDCFS social worker and has been assigned to this family's case. She supervised Father's visits with the three youngest children. Jordan stated that Father always brought dinner or snacks to the visits, planned a game or activity for each visit, and was appropriate in his interactions with the children. The oldest children, Bre.E. and L.E., refused to attend the visits with Father and had not seen him in over one year.

{¶ 9} Jordan also testified that Father tested positive for cocaine in June 2025, and that CCDCFS policy dictated that visitation increased only after a parent maintained six months of sobriety and Father did not have six months of sobriety. Father tested negative for drug use the week before the hearing.

{¶ 10} There were ongoing concerns about Father's continued contact with Mother. Mother and Father were still married. The children expressed that they did not wish to have contact with Mother. During one of Father's visits with the children, it was reported that Mother hid behind a parked van at a neighbor's home and that Father was aware of Mother's presence and did not alert Jordan. In addition, Father was residing in a house next door to maternal grandmother and Mother was a frequent visitor at maternal grandmother's house. Father divulged to Jordan that, in the past, his positive drug-test results came after he had contact with

Mother. Jordan stated that she had communicated to Father that unsupervised visits would not be approved as long as he resided next door to maternal grandmother. There were concerns that Father would not protect the children from Mother while they were in his care.

{¶ 11} The GAL objected to the case-plan amendment at the conclusion of the hearing. She expressed concerns about Father's relationship with Mother and that Father was not respectful of the wishes or best interests of the oldest children. She also expressed concerns that Father chose to move to a house next door to maternal grandmother, even though he was aware that doing so would jeopardize his attempts to regain custody of his children.

{¶ 12} Counsel for the three youngest children argued that they wished to have unsupervised visits with Father and joined in Father's motion to amend the case plan.

{¶ 13} At the conclusion of the hearing, the juvenile court denied Father's motion to amend the case plan.

B. The Permanent-Custody Hearing

{¶ 14} That same day, after the hearing on Father's motion to amend the case plan was completed, the juvenile court proceeded to a hearing on CCDCFS's motions to modify temporary custody to permanent custody and Father's motion for legal custody.

1. First Hearing Day

{¶ 15} Jordan testified for a second time that day at the permanent-custody hearing. She stated that Mother was removed from the case plan because she did not complete any services, was not in contact with CCDCFS, and did not visit the children during the pendency of the case. Referrals were made for Father to complete case-plan services for substance use, basic needs in the form of obtaining housing, and the children's education.

{¶ 16} Jordan had ongoing concerns about Father's substance use. Father was referred to New Visions for substance-abuse services and completed their intensive outpatient program two times. The second time Father completed the program was at the beginning of 2025. There were still concerns about Father's cocaine usage because his hair follicle test resulted in a positive for cocaine in June 2025. Father's subsequent drug tests were negative.

{¶ 17} Jordan had ongoing concerns about Father's housing. Father obtained housing that was itself appropriate. However, Mother was frequently next door at maternal grandmother's house. Father's house's proximity to maternal grandmother's house was concerning because it gave Mother access to both Father and the children. There were concerns that Father was still in contact with Mother and would not protect the children from Mother. The oldest children reported to Jordan that Mother would attempt to communicate with them via text messages sent from Father's phone.

{¶ 18} The oldest children refused to attend visits with Father. Father and the youngest children consistently attended weekly supervised visits. Jordan did not have any concerns about Father's visits with the youngest children.

{¶ 19} The juvenile court continued the permanent-custody hearing so that the parties could remedy a discovery issue.

2. Second Hearing Day

{¶ 20} The permanent-custody hearing resumed on February 19, 2026. Jordan continued her testimony, and the GAL gave a report and recommendation.

{¶ 21} Jordan testified that Father's hair follicle test resulted in a positive in November 2025. Father tested negative in December 2025.

{¶ 22} Jordan also stated that Z.E. expressed she wished to be reunified with Father, that Bri.E. wanted to be reunified but only if he did not have any contact with Mother or maternal grandmother, and C.E. expressed he wanted to be reunified with Father but only if he did not have any contact with Mother. During the pendency of this case, Bri.E.'s position regarding whether he wished to be reunited with Father changed several times.

{¶ 23} Jordan further testified that Father completed parenting classes, but he did not benefit from the classes. There were ongoing concerns that Father would allow Mother to have access to the children if they were in his care. Father continued to reside in a house next door to maternal grandmother. Mother was frequently at maternal grandmother's house, which caused additional concerns about Mother gaining access to the children.

3. GAL Report and Recommendation

{¶ 24} The GAL gave a report and recommendation at the conclusion of the permanent-custody hearing. She objected to an in camera interview of the three youngest children, stating as follows:

I object to the request as well. These children are young. The — these proceedings have wreaked havoc on their mental health. They exhibit extreme anxiety before hearings. And they, again, are represented by counsel and a [g]uardian ad [l]item. I've made their wishes known. I'm certainly not hiding what they want.

And I do not see any benefit to them coming to [c]ourt, and in fact, I think that would be contrary to their best interest.

Further, the GAL recommended that the juvenile court grant CCDCFS's motions to modify temporary custody to permanent custody. She noted that the children were in CCDCFS temporary custody for 18 months beginning in 2018 and currently had been in temporary custody for two years in this case. The GAL believed that the conditions that led to the removal of the children from the home had not been remedied.

{¶ 25} The GAL also discussed the wishes of the children. The oldest children, Bre.E. and L.E., have consistently expressed that they did not wish to return to Father's care and had not attended visits with Father for two years. She stated that at times during the pendency of the case, Bri.E. expressed that he did not wish to return to Father's care. More recently, Bri.E. was expressing that he did want to return to Father's care. Throughout the pendency of the case, C.E. and Z.E. have expressed that they wished to return to Father's care.

{¶ 26} CCDCFS's exhibit No. 11 was admitted into evidence. Exhibit No. 11 contains Father's June 2025 drug-test results showing that he tested positive for cocaine.

{¶ 27} The trial court also conducted an in camera interview with Bre.E. and L.E. prior to the hearings.

C. The Decision

{¶ 28} On March 19, 2026, the juvenile court issued journal entries in each case terminating Father's parental rights and granting permanent custody of the children to CCDCFS. The juvenile court also denied the motion for an in camera interview with the three youngest children and Father's motion for legal custody. Mother did not participate in the permanent-custody hearing and has not filed an appeal.

{¶ 29} This appeal followed. Father raises the following assignments of error for our review:

1. The trial court's decision denying extended visitation because a motion for permanent custody was pending was contrary to law.
2. The decision of the trial court granting permanent custody was against the manifest weight of the evidence.
3. The decision of the trial court to not conduct an in camera interview with the younger children was an abuse of discretion by failing to garner the best interests of all of the children.
4. The decision of the trial court to deny Appellant's motion seeking legal custody was against the manifest weight of the evidence.

II. Law and Analysis

A. Case-Plan Amendment

{¶ 30} In his first assignment of error, Father asserts that the trial court erred when it denied his request for extended visitation because a motion for permanent custody was pending. Father filed a motion to amend the case plan on August 19, 2025, requesting that his visitation with the children be extended and unsupervised.

{¶ 31} We review a trial court's decision regarding a parent's visitation rights in the context of an abuse, neglect, or dependency action for an abuse of discretion. *In re C.J.*, 2011-Ohio-3366, ¶ 11 (4th Dist.), citing *In re Carpenter*, 2002 Ohio App. LEXIS 495, *3 (4th Dist. Jan. 31, 2002). 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.

{¶ 32} Father asserts that the juvenile court erred because CCDCFS did not comply with the portion of R.C. 2151.414(E)(1) that states CCDCFS is to provide "reasonable case planning and diligent efforts to assist the parents" with reunification. The full text of R.C. 2151.414(E)(1) is as follows:

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.

R.C. 2151.414(E)(1) is considered by juvenile courts in permanent-custody proceedings when determining 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.” *See In re Z.B.*, 2024-Ohio-5387, ¶ 36 (12th Dist.). R.C. 2151.414(E)(1) is not involved when a juvenile court makes a determination on a motion to modify a case plan.

{¶ 33} Case plans and their modification are governed by R.C. 2151.412, which mandates that when a child is in temporary custody, CCDCFS “shall prepare and maintain a case plan for any child to whom the agency is providing services.” *See* R.C. 2151.412(A) and (A)(2). The statute further provides that “[a]ny party may propose a change to a substantive part of the case plan, including, but not limited to, the child’s placement and the visitation rights of any party.” R.C. 2151.412(F)(2). A proposed change must be filed with the juvenile court, and notice must be given to all parties and the child’s GAL. *Id.* Nonmoving parties and the GAL have ten days from the date the notice was sent to object to, and request a hearing on, a proposed change to the case plan. In addition, R.C. 2151.417(A) provides that

[b]ased upon the evidence presented at a hearing held after notice to all parties and the guardian ad litem of the child, the court may require the agency, the parents, guardian, or custodian of the child, and the physical custodians of the child to take any reasonable action that the court determines is *necessary and in the best interest of the child* or to discontinue any action that it determines is not in the best interest of the child.

(Emphasis added.)

A finding that there was a failure to comply with R.C. 2151.412 does not result in a reversal of a trial court's permanent-custody decision. *In re C.M.*, 2017-Ohio-9037, ¶ 95 (4th Dist.), citing *In re A.S.*, 2017-Ohio-1166, ¶ 59 (4th Dist.), *In re A.R.*, 2016-Ohio-1229, ¶ 21 (8th Dist.), *In re C.H.*, 2016-Ohio-26, ¶ 26 (8th Dist.).

{¶ 34} In this case, review of the record demonstrates that the juvenile court followed the mandates of R.C. 2151.412 by holding a hearing on Father's motion to amend the case plan. In addition, evidence presented at the hearing established that CCDCFS had ongoing concerns about Father's substance use and willingness to protect the children. CCDCFS requires six months of sobriety before recommending unsupervised visits, and Father had not established six months of sobriety. There were ongoing concerns about Mother and maternal grandmother having access to the children while they were at Father's home. In addition, the GAL objected to Father's proposed case-plan amendment.

{¶ 35} For the reasons stated above, we find that Father has not established that the juvenile court erred when it denied his motion to amend the case plan to allow extended and unsupervised visitation. Therefore, Father's first assignment of error is overruled.

B. Manifest Weight

{¶ 36} In his second assignment of error, Father asserts that the juvenile court's award of permanent custody of the children to CCDCFS was against the manifest weight of the evidence.

{¶ 37} A juvenile court’s decision to grant permanent custody is reviewed under a manifest-weight-of-the-evidence and/or sufficiency-of-the-evidence standard. *In re H.G.*, 2024-Ohio-3408, ¶ 13 (8th Dist.), citing *In re Z.C.*, 2023-Ohio-4703, ¶ 11. In this case, Father’s argument demands a manifest-weight-of-the-evidence review.

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, N.E.2d 1273 (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).

In re Z.C. at ¶ 14.

{¶ 38} The juvenile court’s standard of proof when conducting permanent-custody proceedings is clear and convincing evidence. *See* R.C. 2151.414(B)(1). 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 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 A.M.*, 2024-Ohio-1168, ¶ 15 (8th Dist.), quoting *In re Awkal*, 95

Ohio App.3d 309, 315 (8th Dist. 1994), citing *Lansdowne v. Beacon Journal Publishing Co.*, 32 Ohio St.3d 176 (1987).

{¶ 39} There are also two statutory requirements before ordering that a child be placed in the permanent custody of a children's services agency pursuant to a motion for permanent custody. First, the juvenile court must find the existence of one of the five conditions listed in R.C. 2151.414(B)(1)(a)-(e). Once the trial court has determined that any one condition exists, it then must determine by clear and convincing evidence that permanent custody is in the best interest of the child pursuant to R.C. 2151.414 (D). *In re Z.C.* at ¶ 7.

{¶ 40} In this matter, the trial court made a finding in each child's case, pursuant to R.C. 2151.414(B)(1)(a) as follows:

The child is not abandoned or orphaned or has not been in the temporary custody of a public children services agency or private child placing agency under one or more separate orders of disposition for twelve or more months of a consecutive twenty-two month period, if as described in division (D)(1) of section 2151.413 of the Ohio Revised Code, the child was previously in the Temporary Custody of an equivalent agency in another state, and the child cannot be placed with either of the child's parents within a reasonable time or should not be placed with the child's parents.

{¶ 41} The juvenile court also made a R.C. 2151.414(B)(1)(a) finding that pursuant to R.C. 2151.414(E), each of the children "cannot be placed with either of the child's parents within a reasonable time or should not be placed with the child's parents." Father disputes the juvenile court's finding that the children could not or should not be placed with a parent within a reasonable time. The juvenile court's R.C. 2151.414(E) findings regarding the children will be discussed below.

C. R.C. 2151.414(E) Findings

{¶ 42} In each case, the juvenile court made findings that the children could not be placed with Father within a reasonable time or should not be placed with Father pursuant to R.C. 2151.414(E). “[A] court need only find that one of the R.C. 2151.414(E) factors applies to support a finding that a child cannot or should not be placed with her parent.” *In re E.W.*, 2025-Ohio-5052, ¶ 38 (8th Dist.).

{¶ 43} This court has previously found that

[a] parent can successfully complete the terms of a case plan yet not substantially remedy the conditions that caused the children to be removed — the case plan is simply a means to a goal, but not the goal itself. Hence, the courts have held that the successful completion of case plan requirements does not preclude a grant of permanent custody to a social services agency. *In re J.L.*, 8th Dist. No. 84368, 2004-Ohio-6024, at ¶ 20; *In re Mraz*, 12th Dist. Nos. CA2002-05-011, CA2002-07-014, 2002-Ohio-7278.

In re C.C., 2010-Ohio-780, ¶ 25 (8th Dist.).

{¶ 44} Pertinent to this case, the juvenile court found that multiple R.C. 2151.414(E) factors were present regarding each of the children. The juvenile court’s findings, in relevant part, are as follows:

Pursuant to O.R.C. 2151.414(E): The Court finds 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.

(1) The parent has failed continuously and repeatedly to substantially remedy the conditions causing the child to be placed outside the child’s home. *Applies to Father and Mother.*

(16) Any other factor the Court considers relevant: *Father is still legally married to Mother. Father lives next to the maternal grandmother despite knowing that is a huge barrier to his relationship and visitation with his children. Grandmother has open access to Father's home and has walked in door in presence of*

CCDCFS worker and tries to interact with children when present. Father loves children but prioritizes relationship with mother and her family over the best interest of his children. Father has exercised no protective capacity in regards to establishing boundaries with Mother or her family. None of the children want a relationship with Mother or her family due to past history and traumas. Father has substance abuse challenges. See Ex. 11.

(Emphasis in original.)

{¶ 45} Father challenges the trial court's finding pursuant to R.C. 2151.414(E)(1) that the conditions that led to the removal of the children had not been remedied. Father specifically asserts that the testimony and evidence presented at the permanent-custody hearing established that he completed case-plan services by completing substance-abuse treatment and parenting classes, maintaining employment and appropriate housing, and that his visits with the children were appropriate. However, Father does not challenge the juvenile court's R.C. 2151.414(E)(16) finding. As stated above, a finding of any one R.C. 2151.414(E) factor is sufficient to support a finding that the children cannot or should not be placed with Father. Thus, the juvenile court's R.C. 2151.414(E)(16) finding is sufficient for a finding that the first statutory requirement was present.

{¶ 46} Nevertheless, we will consider the trial court's finding pursuant to R.C. 2151.414(E)(1) that the conditions that led to the removal of the children had not been remedied. The record reveals that Father continued to test positive for cocaine even after completing substance-abuse treatment two times. In addition, Father did not take necessary measures to eliminate Mother's access to the children. These events support the juvenile court's finding pursuant to R.C. 2151.414(E)(1)

that Father has not benefitted from case-plan services and continues to make inappropriate decisions. Therefore, we find that there was clear and convincing evidence from which the trier of fact could have determined that the children could not or should not be placed with Father within a reasonable time pursuant to R.C. 2151.414(E)(1). For these reasons, we find that the juvenile court did not err when it found that the children could not or should not be placed with Father within a reasonable time.

{¶ 47} Having found that the juvenile court did not err when it found the first statutory requirement was present, we consider the second statutory requirement, best interest, below.

D. Best Interest

{¶ 48} The second step in the analysis is determining if permanent custody is in the best interest of the children. The juvenile court looks to the factors laid out in R.C. 2151.414(D). The juvenile court is required to make findings under one of two alternative provisions as set forth at subparagraphs (D)(1) and (D)(2) of the statute. Here, the juvenile court made findings pursuant to R.C. 2151.414(D)(1) in each child's case. R.C. 2151.414(D)(1) requires that when determining the best interests of a child, the court shall consider all relevant factors found in subsections (a) through (e).

{¶ 49} Here, in accordance with R.C. 2151.414(D)(1), the juvenile court made the following findings in each case:

With respect to the best interest of the child, the Court has considered the following factors under O.R.C. 2151.414(D)(1):

(a) The interaction and interrelationship of the child with the child's parents, siblings, relatives, and foster caregivers and out-of-home providers, and any other person who may significantly affect the child. *Father has positive supervised visitation and relationship with 3 youngest children. The father has no visitation or relationship by choice of oldest two children with them.*

(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. *The Court held an in camera interview with the two oldest children and is aware of their wishes. The Court also considered the recommendation of the guardian ad litem. The Court is also aware of the position of the three youngest children who were represented by counsel at trial.*

(c) The custodial history of the child, including whether the child has been in temporary custody of a public children services agency or private child placing agency under one or more separate orders of disposition for twelve or more months of a consecutive twenty-two-month period.

(d) The child's need for a legally secure permanent placement and whether that type of placement can be achieved without a grant of permanent custody. *The children were removed and returned to Father previously. See Exhibits 1-4.*

(e) Whether any factors in divisions (E)(7) to (11) of this section apply in relation to the parents and the child.

(Emphasis in original.)

{¶ 50} Although R.C. 2151.414(D)(1) requires the juvenile court to consider all of the relevant factors in the subsection, “only one of these enumerated factors needs to be resolved in favor of the award of permanent custody.” *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).

{¶ 51} Father does not challenge the juvenile court's R.C. 2151.414(D)(1) best-interest findings; thus, we do not address them in further detail here.

{¶ 52} For the reasons stated above, we find that the juvenile court considered the relevant statutory factors in granting permanent custody, its findings were supported by competent, credible evidence, and CCDCFS presented sufficient evidence to satisfy its burden at trial. Accordingly, Father's second assignment of error is overruled.

E. In Camera Interview

{¶ 53} In his third assignment of error, Father asserts that the trial court erred when it did not conduct an in camera interview of the three youngest children before making its best-interest determination pursuant to R.C. 2151.414(D).

{¶ 54} During the permanent-custody hearing, counsel for the three youngest children made an oral motion for an in camera interview to be held for those three children. The children's GAL objected to an in camera interview of the three youngest children, stating that it was not in their best interest and that their wishes were made known to the court through herself and by their counsel. The juvenile court held the motion in abeyance during the hearing and expressly denied the motion in the March 19, 2026 order that granted permanent custody of the children to CCDCFS.

{¶ 55} As stated above, R.C. 2151.414(D)(1)(b) mandates that when considering the best interest of the child in a permanent-custody determination, the juvenile court is to consider "[t]he 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." "The statute unambiguously gives the trial court the choice of considering the child's wishes directly from the child or through the guardian ad litem." *In re C.F.*, 2007-Ohio-1104, ¶ 55.

{¶ 56} In this case, the juvenile court was aware of, and considered, the wishes of the three youngest children. This is indicated in the juvenile court's order that states "[t]he [c]ourt is also aware of the position of the three youngest children who were represented by counsel at trial." The record also reveals that counsel was appointed to represent the three youngest children because their wishes conflicted with the recommendation of the GAL. In addition, Father's appellate brief concedes that a juvenile court has discretion to determine whether to conduct an in camera interview of the children. The record reflects that the juvenile court considered the wishes of the three youngest children as required by R.C. 2151.414(D)(1)(b). We find no error in the juvenile court's decision not to conduct an in camera interview of the three youngest children. Therefore, Father's third assignment of error is overruled.

F. Legal Custody

{¶ 57} In his fourth assignment of error, Father asserts that the trial court erred when it denied his motion for legal custody.

{¶ 58} Pursuant to R.C. 2151.353(A)(3), the juvenile court may grant legal custody to any person who files a motion or who is identified as a proposed legal custodian in a complaint or motion requesting legal custody of the child prior to the

dispositional hearing. *In re Ry.T.*, 2023-Ohio-12, ¶ 29 (8th Dist.). “Legal custody” is defined as

a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities.

R.C. 2151.011(B)(21).

{¶ 59} This court has previously found that if permanent custody is in the best interest of the child, legal custody necessarily is not. *In re D.E.*, 2025-Ohio-654, ¶ 15 (8th Dist.), citing *In re Y.F.*, 2024-Ohio-5605, ¶ 34 (8th Dist.).

{¶ 60} Given the concerns that were raised, the juvenile court did not err in finding that legal custody to Father was not in the children’s best interest. Moreover, we find no error in the juvenile court’s denial of Father’s motion for legal custody of the children. Accordingly, Father’s fourth assignment of error is overruled.

{¶ 61} For the reasons stated above, the juvenile court’s orders terminating Father’s parental rights and granting permanent custody of the children to CCDCFS and denying Father’s motions to amend the case plan and for legal custody are 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.

DEENA R. CALABRESE, JUDGE

EMANUELLA D. GROVES, P.J., and
EILEEN A. GALLAGHER, J., CONCUR

