

COURT OF APPEALS OF OHIO
EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

IN RE M.R., ET AL.	:	
	:	No. 116272
[Appeal by A.R., Mother]	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED
RELEASED AND JOURNALIZED: October 22, 2026

Civil Appeal from the Cuyahoga County Court of Common Pleas
Juvenile Division
Case Nos. AD24906960 and AD24906961

Appearances:

Law Office of Anthony J. Richardson II, LLC, and Anthony
J. Richardson II, *for appellant*.

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

MARY J. BOYLE, J.:

{¶ 1} This appeal involves a child-custody matter regarding two minor children, M.A. and M.R., before the Cuyahoga County Juvenile Court in Case Nos. AD24906960 and AD24906961.¹ Appellant A.R. (“Mother”), appeals the decision

¹ Because the filings in both cases are nearly identical, citations to the record will be to Case No. AD24906960, unless a more specific citation is warranted.

of the trial court denying her motion for a second extension of temporary custody.

Mother raises the following single assignment of error for review:

The trial court committed reversible error by not granting an extension of time to [Mother] before granting legal custody to appellee-father.

{¶ 2} For the reasons set forth below, we affirm.

I. Facts and Procedural History

{¶ 3} On July 8, 2024, the appellee Cuyahoga County Division of Children and Family Services (“CCDCFS”) filed a complaint for abuse, dependency, and temporary custody alleging that M.A. and M.R. were abused and dependent and requesting a disposition of temporary custody to CCDCFS.² The complaint alleged that on July 5, 2024, there was a fire at the home where Mother and the children resided. The complaint further alleged that Mother was subsequently arrested and charged with aggravated arson and incarcerated. The children were present at the time of the fire and were then removed from Mother’s care and placed in CCDCFS custody. In December 2024, the children were adjudicated abused and dependent and committed to the temporary custody of CCDCFS due to the house fire, lack of housing, and Mother’s mental-health issues. Mother pled guilty to a lesser charge of vandalism and was later released from jail in April 2025.

{¶ 4} At the time of the children’s removal, Father resided in the state of Georgia. According to CCDCFS, Father expressed interest in obtaining custody of both children. M.R.’s alleged father did not establish paternity and was

² The complaint was later amended on October 22, 2024, to reflect that appellee Mac. A. (“Father”) had established paternity of M.A.

uncooperative in the case. The goal of Mother’s case plan was reunification and the concurrent plan was legal custody of the children to Father. Under the plan, Mother’s objectives included mental-health treatment and meeting the children’s basic needs, including safe and appropriate housing and financial stability. Father had only one objective — to establish a relationship with both children.

{¶ 5} On April 16, 2025, the juvenile court approved a case plan amendment to place the children with Father at his residence in Georgia while CCDCFS maintained temporary custody of the children. In May 2025, CCDCFS requested a first extension of temporary custody on the basis that Mother and Father had not yet met all objectives, but progress had been made, and CCDCFS expected to reunify the children with Mother by the end of the extension period, or would seek permanent or legal custody elsewhere. The juvenile court granted the motion. In November 2025, CCDCFS filed a motion to modify temporary custody to legal custody, requesting that both children be placed in the legal custody of Father, to which Mother objected. In December 2025, the court conducted an in camera interview of both children and the matter proceeded to trial before a magistrate on January 23, 2026. The CCDCFS caseworker Rebecca Semancik (“Semancik”), Father, and the children’s guardian ad litem (“GAL”) testified. The following evidence relevant to this appeal was adduced at trial.

{¶ 6} Semancik testified that during Mother’s nine-month incarceration a CCDCFS jail liaison observed Mother exhibiting behaviors that were described as “erratic, paranoid, and often not comprehensible” and there was “a period of time

where she did appear to be having a delusion or a hallucination where she was communicating with somebody who wasn't there or responding to some sort of internal stimuli." (Tr. 12.) As a result, Mother was transferred to the Northcoast Behavioral Healthcare Center because of her mental-health concerns and lack of cooperation. During Mother's time there, Mother seemed to be more lucid, but Semancik "did not see that the main concerns were addressed." (Tr. 14.)

{¶ 7} Mother was previously diagnosed with major depressive disorder, PTSD, and anxiety and sought treatment as part of proceedings related to her two other children she had with her ex-husband, who are now in the custody of their father. Semancik testified that she referred Mother to mental-health programs, and although Mother did engage in these services, she demonstrated "minimal positive behavior change" as noted in the reports received from the provider and through Semancik's own observations. (Tr. 24.) Semancik further testified that Mother was "not taking the mental health aspect seriously." (Tr. 39.) Concerns remained regarding Mother's mental-health issues given her ongoing behaviors and the fact that "[Mother] does not believe that there is a significant concern for mental health" and stated that "she does not believe that she needs [mental health services]." (Tr. 24; 42.) As an example of her concerns, Semancik explained that Mother continues to defend her choice to set fire to her home, where her children were present, due to her feeling of being unsafe in the home.

{¶ 8} As to Mother's case plan objectives of financial stability and provision of basic needs, Semancik referred Mother to several housing programs, which

resulted in Mother obtaining appropriate housing. Semancik also offered assistance with career preparation and employment, but Mother had not yet attained employment by the time of trial. Semancik indicated Mother was seeking social security income, but had not received a determination by the time of trial. In addition to Mother's lack of income, Semancik testified that Mother filed motions and affidavits as recently as a month before trial in an attempt to terminate her child support obligations to two other children, in which Mother claimed that her obligations should be waived "due to her being physically, financially, and mentally unstable." (Tr. 21.)

{¶ 9} As to Mother's progress towards reunification with the children, Semancik testified that during Mother's incarceration, Mother had no contact with the children except for one phone call in January 2025. Mother declined all other contact with the children, despite Semancik's continued offers to facilitate visits or calls. Eventually, about five months prior to trial, Mother requested visits with the children, but the children adamantly declined any contact with Mother. The children's refusal to have contact with Mother remained consistent through the time of trial.

{¶ 10} As to Father, Semancik testified that he achieved his goal of establishing a relationship with both children. During their placement with Father, the children received trauma therapy and were "doing very well overall." (Tr. 28.) In Georgia, the children lived in a home with Father, his long-term partner, and her three daughters. Semancik emphasized that both children have bonded with Father,

all members of the household, Father's other family members located in Georgia, and the children's friends. Semancik noted that the children regularly attended activities in their community with Father, including family events, sporting events, and carnivals. She also noted that, while M.R. is not Father's biological son, Father treats him no differently than M.A. Semancik also testified that both children have requested to stay with Father.

{¶ 11} Father also testified to the children's involvement with his family and community and that he cared for both M.A. and M.R. as infants when they originally lived in Georgia. Father explained his absence from the last six or seven years of their lives resulted only from Mother's moving with the children from Georgia to Ohio and blocking him from any form of contact.

{¶ 12} Following testimony, the GAL presented her report and recommendation that it is in the best interests of the children that the juvenile court grant legal custody of both children to Father.

{¶ 13} During closing arguments, Mother made an oral motion for a second extension of temporary custody on grounds that she had accomplished her objective of finding appropriate housing, had made progress toward mental-health treatment, and that further progress toward her mental health and reunification would be made in an additional extension period. The magistrate took the matter under advisement and indicated he would issue a ruling on the motion in his later decision.

{¶ 14} Following the conclusion of trial, the magistrate issued his written decision, recommending that Mother's motion for a second extension be denied and

the children be placed in the legal custody of Father. Mother filed multiple pro se objections in which she argued that the mental-health reports established she had met her case plan objectives, the children's wishes should not have been considered due to their diagnosed disabilities, and her trial counsel provided ineffective assistance of counsel.

{¶ 15} In March 2026, the trial court overruled Mother's objections in a written order, adopted the magistrate's report, and ordered the children placed in the legal custody of Father. The trial court also denied Mother's motion for a second extension for temporary custody. The court found that

there has not been significant progress on the case plan by Mother and progress has not been made in alleviating the cause for the removal of the child[ren] from the home concerning Mother.

....

There is not reasonable cause to believe that the child[ren] will be reunified with Mother within the period of any extension.

....

The Court finds that the child[ren]'s continued residence in or return to the home of [Mother], at this time, will be contrary to the child[ren]'s best interest.

....

The continued Temporary Custody of the child[ren] is not necessary and is not in the child[ren]'s best interest.

....

Mother's case plan objectives included mental health and meeting the child[ren]'s basic needs. Mother has safe and appropriate housing. Mother is not employed and is applying for Social Security benefits. Mother is unable to meet the child[ren]'s basic needs. Mother is engaged in mental health, but it is questionable if she is benefitting. Mother minimizes her mental health. Mother has not spoken with the child[ren] since January 2025. [CCDCFS] referred Mother to over

fifteen (15) housing programs. Mother stated to the case worker that she believes she does not need mental health services.

....

Father has established a strong relationship and is bonded with the child[ren]. Father is able to provide the basic needs for the child[ren].

(Journal entry, Mar. 17, 2026.)

{¶ 16} It is from this judgment that Mother now appeals, specifically challenging only the denial of her motion for a second extension of temporary custody.

II. Law and Analysis

{¶ 17} Within her sole assignment of error, Mother’s arguments focus on the juvenile court’s denial of her motion for a second extension of temporary custody, not the order granting legal custody to Father. Mother purports that it is her “God-given right” to maintain custody and care for her children; that extending temporary custody is in the children’s best interests; that she has made significant progress in her case plan; that reunification has stalled as a result of the children living in Georgia but would be accomplished within the additional extension period; and that Semancik’s trial testimony was not credible and improperly weighed by the juvenile court.

{¶ 18} Under R.C. 2151.415(D)(2) a juvenile court may grant a second extension of 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 children’s best interest, (2) there has been substantial additional progress since the original

extension on the case plan of the children, (3) there has been substantial additional progress since the original extension in reunification or permanent placement, and (4) there is reasonable cause to believe that the children will be reunified with one of the parents or otherwise permanently placed within the additional extension period.³

{¶ 19} “Notably the [extension of temporary custody] statute provides only that the juvenile court may extend the temporary custody order, not that it must do so.” *In re A.N.*, 2026-Ohio-939, ¶ 53 (8th Dist.), quoting *In re T.W.*, 2017-Ohio-8268, ¶ 25 (12th Dist.). A juvenile court’s decision to grant or deny an extension of temporary custody is therefore reviewed for abuse of discretion. *Id.* 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.

{¶ 20} Despite Mother’s claim of her “God-given right” to custody and care of her children, Ohio law makes clear that the crux of the inquiry is the best interests of the child, not the parent. *In re Cunningham*, 59 Ohio St.2d 100, 106 (1979) (“[I]t is plain that the natural rights of a parent are not absolute, but are always subject to the ultimate welfare of the child, which is the polestar or controlling principle to be observed.”), quoting *In re R.J.C.*, 300 So.2d 54, 58 (Fla.App. 1974). Moreover, this court has found that “where an award of permanent custody is in the child’s best

³ We note that while Mother cites to R.C. 2151.415(D)(1), which governs the first extension of temporary custody, R.C. 2151.415(D)(2) is the applicable standard because this is a motion for a second extension.

interest, a six-month extension of temporary custody necessarily is not.” *In re A.N.* at ¶ 54, citing *In re A Minor Child*, 2019-Ohio-4788, ¶ 43 (8th Dist.).

{¶ 21} In this case, the juvenile court found that granting Father legal custody was in the children’s best interests. Semancik and Father’s testimony demonstrated Father’s bond with both children, their connection with the other members of their household, his provision of their basic needs, and their active participation in their community all support the juvenile court’s determination that legal custody to Father was in the children’s best interests. Notably, Mother does not challenge or refute this finding, but instead recognizes that the children are doing well under Father’s care. On this basis alone, extension of temporary custody cannot be in the children’s best interests and the court did not abuse its discretion in denying her motion for a second extension under R.C. 2151.415(D)(2). *See In re A.N.* at ¶ 53.

{¶ 22} Furthermore, the trial testimony revealed that Mother had not and could not make substantial additional progress in the case plan and reunification. Semancik testified that Mother had not made substantial additional progress in her case plan objective of mental-health treatment and basic needs. Mother also concedes in her brief that she has not made substantial additional progress toward reunification. Mother initially declined to have contact with the children from July 2024 until August 2025, except for one phone call in January 2025, despite Semancik’s repeated offers to arrange visitation or phone calls with the children. Once she began requesting visits in August 2025, the children adamantly refused to

be in contact with her and continued to do so through the time of trial. Thus, the record supports the juvenile court's decision that Mother had not and could not make substantial additional progress in the case plan and reunification requirements under R.C. 2151.415(D)(2).

{¶ 23} Mother's argument that the children's residence across the country in Georgia and Father's reluctance to facilitate visitation prevented reunification is unpersuasive because Mother herself refused to have contact with the children and does not establish that she is entitled to an extension.

{¶ 24} Additionally, to the extent Mother asks this court to weigh Semancik's testimony differently than the juvenile court did, that is not this court's function. "It is for the trier of fact to resolve disputes of fact and to weigh the testimony and credibility of the witnesses, and where the evidence is susceptible of more than one construction, a reviewing court is bound to give it the interpretation most favorable to sustaining the judgment." *In re Z.C.*, 2023-Ohio-4703, ¶ 14.

{¶ 25} In light of the above, we find that the juvenile court did not abuse its discretion by denying Mother's request for a second extension of temporary custody, and Mother's sole assignment of error is overruled.

{¶ 26} 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.

MARY J. BOYLE, JUDGE

EILEEN T. GALLAGHER, P.J., and
ANITA LASTER MAYS, J., CONCUR