

STATE OF OHIO)
)ss:
COUNTY OF MEDINA)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

IN RE A.S.

C.A. No. 2026CA0007-M

APPEAL FROM JUDGMENT
ENTERED IN THE
COURT OF COMMON PLEAS
COUNTY OF MEDINA, OHIO
CASE No. 2023 04 NE 0025

DECISION AND JOURNAL ENTRY

Dated: August 17, 2026

FLAGG LANZINGER, Presiding Judge.

{¶1} Appellant Mother appeals the judgment of the Medina County Court of Common Pleas, Juvenile Division, that terminated her parental rights and placed her child in the permanent custody of Medina County Job and Family Services (“JFS” or “the agency”). This Court affirms.

I.

{¶2} Mother and Father are the biological parents of A.S., born March 9, 2012. Father had no relationship with the child, waived his right to a permanent custody hearing below, and has not appealed.

{¶3} In 2019, when A.S. was seven years old, JFS removed the child from Mother’s home after he was losing weight and Mother had requested surgery to insert a feeding tube in the child. After hospital and school personnel reported that the child was always hungry and ate anything he was given, however, JFS filed a complaint alleging his dependency. The surgery was cancelled as unnecessary. Mother waived her right to an adjudicatory hearing and stipulated that

A.S. was a dependent child. The juvenile court made the following factual findings in support of dependency:

On or about April 18, 2019, the Agency received a call of concern regarding medical neglect and physical abuse. Specifically, that the child had been admitted to Akron Children's Hospital on April 15, 2019, due to losing weight, not eating, and dehydration, and that Mother was pushing staff for the insertion of a feeding tube, and that Mother was interfering with the child's eating. Mother reports that the child vomits after eating, refuses to eat and drink, and displays behavioral concerns during eating; however, hospital and school staff have observed no concerns with the child's feeding. Mother displayed behavioral concerns in regard to the child's feeding at the hospital. Mother has failed to meet the child's basic needs that are essential to the child's appropriate health. Mother continues to claim that the child has various illnesses; however, the hospital has excluded medical reasons for the failure to eat or drink. Mother lacks insight and protective capacity to provide appropriate nutrition and a nutritional environment for the child.

In re A.S., Medina Juv. No. 2019 04 NE 0019 (May 31, 2019).

{¶4} The juvenile court placed A.S. in JFS' temporary custody and adopted the agency's case plan as an order. Mother was required to obtain both psychiatric and parenting evaluations and follow the recommendations of each. Dr. Aimee Thomas, a licensed psychologist at Lighthouse Family Center, conducted Mother's parenting evaluation and made the following diagnostic impressions: depressive disorder not otherwise specified, obsessive compulsive tendencies, borderline intellectual functioning, and factitious disorder imposed on another ("FDIA", aka Munchausen syndrome by proxy).

{¶5} Dr. Thomas qualified Mother's FDIA diagnosis only because confirmation requires that the child be identified as a victim of medical abuse or neglect by a medical professional, and her collateral information indicated that Dr. McPherson of Akron Children's Hospital Care Center was still in the process of reviewing the child's medical records in detail. Nevertheless, Dr. Thomas found that Mother's behaviors "are consistent with an individual who meets the criteria for [FDIA]." She further made detailed recommendations focused on addressing Mother's

putative FDIA diagnosis, including weekly counseling, intensive parenting education, skilled in-home case management services, no unsupervised contact between Mother and the child, no reliance by medical providers for the child on Mother's reports or descriptions of the child's medical issues, and consideration of relative placement for the child given the poor prognosis for managing FDIA.

{¶6} After the child spent 16 months in the agency's temporary custody, the juvenile court returned A.S. to Mother's legal custody under JFS' protective supervision. Three months later, the trial court terminated the agency's protective supervision and closed the case in February 2021.

{¶7} Over the next couple years, A.S. exhibited serious behavioral issues that resulted in multiple school suspensions and two expulsions. Eventually, he engaged in an altercation with a teacher that led to a delinquency complaint against the child. When Mother and A.S. appeared for the child's competency evaluation relevant to those proceedings, the behaviors of both prevented the evaluation from going forward. Mother brought the child to the evaluation in a wheelchair, claiming he had mobility and stability issues. In addition, although no medical professional had yet diagnosed A.S. with autism, Mother claimed that the child was on the autism spectrum and had limited verbal skills. At a juvenile delinquency hearing shortly thereafter, the child's behaviors were so extreme that he had to be removed by deputies and taken to the detention center.

{¶8} Based on the child's aggressive and uncooperative behaviors, Mother's interference with the child's competency evaluation, Mother's present allegations of medical concerns regarding the child that were not supported by medical providers, and Mother's prior diagnosis of FDIA, JFS filed a complaint alleging A.S. to be a dependent child. Mother stipulated to probable cause for the child's removal and the agency obtained an emergency order of temporary custody.

Shortly thereafter, JFS placed A.S. in a Qualified Residential Treatment Program (“QRTTP”) at Northcutt Residential Treatment Facility (“Northcutt”). In addition, the juvenile court ordered no contact between Mother and A.S. until therapeutically recommended by the child’s service providers.

{¶9} Mother waived her right to an adjudicatory hearing and stipulated to the child’s dependency based on the agency’s allegations in the complaint. The factual basis underlying the juvenile court’s finding of dependency included the following:

Mother has been diagnosed with Munchausen Syndrome by Proxy, or Factitious Disorder Impose[d] on Another. Mother has a history of making medical excuses for child that then are not backed by his medical providers. In 2019, MCJFS previously filed a Complaint as mother was alleging feeding issues that nearly resulted in unnecessary surgery for the child. Currently, mother is alleging that child is autistic, is limited verbally, and has issues with walking and/or stability. Both child’s medical records and observations of the child do not appear to align with these claims.

{¶10} Mother waived her right to an initial dispositional hearing and agreed to the placement of the child in JFS’ temporary custody and the court’s adoption of the agency’s case plan. The juvenile court further ordered that the no contact order between Mother and the child is “hereby amended to be addressed through the case plan.” Mother’s case plan objectives required her to obtain a mental health assessment and parenting evaluation and follow all recommendations, participate in parenting education, and demonstrate the ability to meet the child’s basic needs. The basic needs objective included maintaining safe, stable, and secure independent housing; and a verifiable source of income. As for contact between Mother and A.S., the case plan provided that there were “No Visitation Plans” because the child was focusing on his own mental health.

{¶11} Prior to the first sunset date, JFS moved for a first six-month extension of temporary custody and to modify contact between Mother and the child to permit weekly supervised telephone calls in a therapeutic setting, as well as supervised in-person contact in accordance with

Mother's anticipated intensive parenting program guidelines. The juvenile court granted both motions.

{¶12} A.S. remained in QRTP at Northcutt for 16 months, after which JFS placed him in a foster home. At that time, the agency allowed Mother to have supervised visits one hour per week at the Children's Advocacy Center ("CAC"). As visits were going well and Mother was making some progress on her case plan objectives, JFS moved for a second six-month extension of temporary custody. As all parties were in agreement, the juvenile court granted the second extension.

{¶13} Three months into the second six-month extension of temporary custody, JFS moved for permanent custody. The guardian ad litem filed a notice of conflict between her best interest recommendations and the child's wishes. Accordingly, the juvenile court appointed counsel to represent A.S. The agency twice, and Mother once, moved to continue the permanent custody hearing. The trial court granted each continuance, and the hearing ultimately took place in October 2025.

{¶14} At the permanent custody hearing, Father waived his rights and asserted his agreement with the agency's motion. At the conclusion of the hearing, the juvenile court granted JFS' motion for permanent custody and terminated Mother's and Father's parental rights. Mother timely appealed and raises one assignment of error for review.¹

II.

ASSIGNMENT OF ERROR

THE TRIAL COURT ERRED AND ABUSED ITS DISCRETION BY
TERMINATING APPELLANT-MOTHER'S PARENTAL RIGHTS AND

¹ In its appellate brief, Appellee JFS misquotes Mother's assignment of error.

GRANTING PERMANENT CUSTODY OF HER CHILD TO [JFS], INSTEAD
OF GRANTING CUSTODY TO MOTHER[.]

{¶15} Mother argues that the juvenile court’s award of permanent custody of A.S. to JFS is against the manifest weight of the evidence. This Court disagrees.

{¶16} In determining whether the juvenile court’s judgment is against the manifest weight of the evidence, this Court “weighs the evidence and all reasonable inferences, considers the credibility of witnesses and determines 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 [hearing] ordered.” (Internal quotations and citations omitted.) *Eastley v. Volkman*, 2012-Ohio-2179, ¶ 20. When weighing the evidence, this Court “must always be mindful of the presumption in favor of the finder of fact.” *Id.* at ¶ 21.

{¶17} Before a juvenile court may terminate parental rights and award permanent custody of a child to a proper moving agency, it must find clear and convincing evidence of both prongs of the permanent custody test: (1) that the child is abandoned; orphaned; has been in the temporary custody of the agency for at least 12 months of a consecutive 22-month period; the child or another child of the same parent has been adjudicated abused, neglected, or dependent three times; or that the child cannot be placed with either parent, based on an analysis under R.C. 2151.414(E); and (2) that the grant of permanent custody to the agency is in the best interest of the child, based on an analysis under R.C. 2151.414(D)(1). R.C. 2151.414(B)(1) and 2151.414(B)(2); *see also In re William S.*, 75 Ohio St.3d 95, 98-99 (1996).

{¶18} The best interest factors include: the interaction and interrelationships of the child, the wishes of the child, the custodial history of the child, the child’s need for permanence and whether that can be achieved without a grant of permanent custody, and whether any of the factors outlined in R.C. 2151.414(E)(7)-(11) apply. R.C. 2151.414(D)(1)(a)-(e); *see In re R.G.*, 2009-

Ohio-6284, ¶ 11 (9th Dist.). Clear and convincing evidence is that which will “produce in the mind of the trier of facts a firm belief or conviction as to the facts sought to be established.” (Internal quotations omitted.) *In re Adoption of Holcomb*, 18 Ohio St.3d 361, 368 (1985), quoting *Cross v. Ledford*, 161 Ohio St. 469 (1954), paragraph three of the syllabus.

{¶19} JFS alleged multiple first-prong bases in its motion. “Although the agency might allege alternative first-prong grounds in support of its motion for permanent custody, it need only prove one.” *In re F.D.*, 2023-Ohio-706, ¶ 38 (9th Dist.).

{¶20} Mother does not challenge the trial court’s finding under R.C. 2151.414(B)(1)(a) that A.S. “cannot be placed with either of the child’s parents within a reasonable time or should not be placed with the child’s parents.” The juvenile court based its first-prong determination upon finding that JFS had proved by clear and convincing evidence three of the five Subsection (E) grounds it alleged. Specifically, the trial court found that Mother had failed to remedy the conditions underlying the child’s removal; she suffers from a chronic mental illness, chronic emotional illness, or other disability or dependency that is so severe that she is unable to provide an adequate permanent home for A.S. at present and, as anticipated, within one year; and she demonstrated a lack of commitment to the child by actions showing an unwillingness to provide an adequate permanent home for A.S. R.C. 2151.414(E)(1), (2), and (4). As Mother failed to challenge these findings on appeal, this Court limits its review to the issue of the best interest of the child.

{¶21} As an initial matter, Mother argues that, to the extent the juvenile court based its best interest determination on a finding that Mother had been diagnosed with FDIA, it erred. Specifically, Mother asserts that she “does not [] meet the criteria for diagnosis of such disorder[.]”

and FDIA is an “erroneous diagnosis from the past and present day.” This Court lacks jurisdiction to address this issue.

{¶22} Based on Mother’s stipulation during the adjudicatory hearing, the juvenile court adjudicated the child dependent, based in part on the finding that “Mother has been diagnosed with [FDIA].” Thereafter, the trial court placed A.S. in the temporary custody of JFS after the initial dispositional hearing. At that time, Mother could have appealed the judgment adjudicating the child. *In re C.M.*, 2019-Ohio-1877, ¶ 13 (9th Dist.), quoting *In re Murray*, 52 Ohio St.3d 155, 161 (1990) (holding that an adjudication, followed by an initial disposition, is a “final order” under R.C. 2505.02 and appealable under R.C. 2501.02(C)). She did not. “Therefore, the case proceeded based on the unchallenged and conclusive adjudication[]” of the child’s dependency based on the juvenile court’s findings. *See In re A.S.*, 2025-Ohio-2621, ¶ 10 (9th Dist.).

{¶23} Because A.S.’ adjudication became a final, appealable order when the juvenile court thereafter entered judgment placing the child in JFS’ temporary custody on September 27, 2023, Mother was required to appeal the adjudication within 30 days, to wit, no later than October 27, 2023. App.R. 4(A). As Mother failed to timely appeal from the adjudicatory judgment, “this Court lacks jurisdiction to reach the merits of her challenges to it.” *See In re B.B.*, 2016-Ohio-7994, 17 (9th Dist.). Accordingly, the unchallenged adjudication and underlying findings remain an established part of the record.

{¶24} Mother’s argument regarding the best interest of the child focuses on her case plan progress. Although case plan compliance is relevant to the best interest of the child, this Court has repeatedly recognized that it is not dispositive of that issue. *In re M.S.*, 2023-Ohio-1558, ¶ 24 (9th Dist.). In this case, while Mother had completed some objectives like her parenting evaluation and parenting education, she did not demonstrate the necessary insight she needed to gain from

either. Ongoing concerns regarding her ability to apply therapeutic strategies and parenting lessons, however, serve to amplify the core issue in this case, specifically Mother's inability to meet the child's basic needs. Here, JFS proved by clear and convincing evidence that Mother cannot provide the most basic of needs for A.S., that being secure housing.

{¶25} Mother receives \$848 in social security disability income per month. Prior to A.S.' removal, she received additional social security income on his behalf. That supplemental income stopped once the child was no longer in her custody. Mother and the child had lived in a home Mother purchased and financed through Habitat for Humanity ("Habitat") in 2015. Her monthly mortgage payment was \$641.

{¶26} JFS removed A.S. in April 2023. Mother made a full mortgage payment in May 2023, and then ceased making payments. Various churches and charities made some partial mortgage payments on Mother's behalf, but all payments stopped in the early fall of 2023. Thereafter, Habitat sent Mother monthly letters asking her to contact them to remedy the situation. The executive director of Habitat testified that he called Mother multiple times and went to her home once, but Mother did not respond to any of his efforts to address her failure to pay her mortgage. He emphasized that Mother's home is across the street from Habitat's office, so transportation issues posed no barrier to Mother meeting to discuss the matter.

{¶27} In March 2024, Habitat retained the services of an attorney who sent letters to Mother. Mother failed to respond to those, as well. In May 2024, Habitat filed a foreclosure action. Mother did not answer the complaint, and Habitat moved for default judgment in November 2024, which was granted in December 2024.

{¶28} In the fall of 2024, Mother finally told the caseworker that she was struggling financially. The caseworker provided Mother with a list of community resources to help pay her

mortgage. After those resources ran out, JFS made some payments on Mother's behalf in late 2024 and early 2025. The executive director of Habitat testified that once the foreclosure was approved by the trial court, it could no longer accept mortgage payments on Mother's behalf.

{¶29} However, in a final effort to allow Mother to maintain her housing, Habitat's attorney presented Mother with an opportunity in July 2025, to sign a deed in lieu of foreclosure to stop the Sheriff's sale on the property. In exchange for signing the deed, Habitat offered Mother a \$50,000 settlement, \$10,000 of which it would give Mother when she signed the agreement. Habitat also promised to dismiss the foreclosure from Mother's record with them. On August 1, 2025, Mother verbally agreed to sign the deed in lieu of foreclosure on August 15, 2025. On the scheduled date of signing, Mother failed to appear at the attorney's office. The attorney called Mother and offered to bring the agreement and check to Mother's home. Mother agreed. When the paralegal arrived at Mother's home, however, Mother refused to sign the documents. At that point, Habitat sought to proceed with the Sheriff's sale of the property. At the time of the hearing, the Sheriff's sale was imminent, after which Mother would be required to vacate the home within ten days.

{¶30} Mother admitted that she did not stay in touch with Habitat to address her delinquent mortgage, but she also blamed faulty mail delivery and lack of access to her phone at times for her failure to seek remediation. She also blamed JFS for failing to step in earlier to make her payments. She testified that she does not have a plan for obtaining new housing yet. As far as being able to pay for a home, she testified she would do that "[t]he same way I afford housing now." The record clearly established, however, that Mother could not afford to maintain her home at the time of the hearing and had not been able to do so for more than a year.

{¶31} Mother was on the brink of losing her home, with no plan for obtaining new housing. She failed to take advantage of the numerous opportunities presented by Habitat to come to a solution. Nevertheless, she failed to take responsibility for her role in losing her home and continued to blame JFS for not fixing the situation for her. Under these circumstances, JFS proved that Mother is not able to meet the child's basic needs.

{¶32} Mother does not address her housing situation in her appellate brief. Instead, in her best interest argument, she emphasizes her completion of a parenting evaluation and parenting education. Her case plan objectives, however, also required her to follow any recommendations arising out of those. Dr. Thomas made multiple recommendations designed to help Mother address the impact of her mental health diagnoses on her ability to parent A.S. in a safe and appropriate manner. Given the poor prognosis and high recidivism rate associated with FDIA, Dr. Thomas recommended weekly individual counseling with a therapist focused on FDIA, participation in an intensive parenting education program, and consideration by JFS of relative placements for the child.

{¶33} Mother had begun counseling in February 2022, prior to the commencement of the underlying case, at Renew Counseling Ministries ("Renew"). Her counselor there diagnosed and treated Mother for depression, anxiety, and PTSD. Although the counselor saw Dr. Thomas' 2019 evaluation concluding that Mother's behaviors were consistent with FDIA, the counselor did not change her focus of treatment. Moreover, even though Mother told her counselor about the 2023 parenting evaluation, her counselor found it irrelevant because she did not order it. Mother's counselor testified that she never addressed FDIA during her sessions with Mother. Accordingly, although Dr. Thomas recommended that Mother engage in counseling focused on addressing FDIA, Mother did not do so during the case.

{¶34} Mother did participate in an intensive parenting program emphasizing a child's developmentally appropriate behaviors and encouraging a child's independence, as recommended. The parenting program instructor testified that Mother completed the 11-week class that met three days a week for two-and-a-half hours of instruction and one day a week for supervised visitation to observe the parent-child engagement and the parent's utilization of learned skills. The program covered five assessment areas: visitation, acceptance of responsibility, individual goals, demonstrable lifestyle changes, and a home visit.

{¶35} Although Mother earned a "certificate of participation," the instructor remained concerned about Mother's ability to internalize some of the "heavier pieces" of the program, specifically regarding lifestyle changes and the instructor's observations during the home visit. The instructor testified that Mother struggled to accept the child's current, official diagnoses and medical care as adequate. The most serious issue, which the instructor described as "both dangerous and of grave concern[,] " was that Mother had kept all of A.S.' prior and outdated medications in her home "in case he needed it." In light of the underlying concerns regarding Mother's history of over medicating, over diagnosing, and misdiagnosing the child, the parenting instructor testified that Mother had not fully assimilated the training necessary to address the major assessment areas of the program.

{¶36} Although Mother completed both her parenting evaluation and intensive parenting program, the evidence demonstrated that she had not benefited in a meaningful way that would allow her to address the child's healthcare in a safe manner. She failed to follow the recommendations arising out of the evaluation or embrace the lessons aimed at addressing her parenting issues. Accordingly, Mother did not successfully complete her parenting evaluation and education objectives.

{¶37} In light of Dr. Thomas' third recommendation, JFS attempted to find a relative placement for the child but was unsuccessful. Mother reported various types of abuse she experienced throughout her childhood. Accordingly, she did not want A.S. placed with any of her family members. Despite JFS' investigation, no relatives or kin were viable options for placement.

{¶38} In consideration of the parties' relationship, there is no dispute that there are a strong love and bond between Mother and A.S. He consistently expressed his desire to live with Mother. Nevertheless, the guardian ad litem did not waver from the recommendation in her report after hearing the testimony in court. She opined that an award of permanent custody was in the child's best interest. The guardian ad litem testified that Mother had not developed greater insight or accountability, benefited from services, or remedied the agency's underlying concerns. On the other hand, the guardian ad litem reported that A.S. made significant progress directly upon his removal from Mother's care. The child's aggressive behaviors abated, his grades improved, he made friends easily, and he showed a cooperative attitude in his placements and schools.

{¶39} The guardian ad litem emphasized that JFS had been involved with the family twice, resulting in A.S.' removal from Mother's home for more than four years. On both occasions, the child's health and behaviors improved immediately.

{¶40} After two removals and Mother's failure to remedy concerns after two and a half years in the current case, A.S. needs a legally secure permanent placement. JFS proved by clear and convincing evidence that Mother is not able to provide for the child's basic needs including a safe and stable home environment, given the imminent loss of her home with no articulable plan for alternative housing, and her failure to develop the necessary insight relevant to her parenting deficiencies. There are no relatives or kin who are willing, able, and appropriate to take placement

of the child. Under these circumstances, the juvenile court's finding that an award of permanent custody was in the child's best interest is not against the manifest weight of the evidence.

{¶41} Based on a thorough review of the record, this is not the exceptional case in which the trier of fact clearly lost its way and committed a manifest miscarriage of justice by terminating parental rights and awarding permanent custody of A.S. to JFS. Accordingly, Mother's assignment of error is overruled.

III.

{¶42} Mother's sole assignment of error is overruled. The judgment of the Medina County Court of Common Pleas, Juvenile Division, is affirmed.

Judgment affirmed.

There were reasonable grounds for this appeal.

We order that a special mandate issue out of this Court, directing the Court of Common Pleas, County of Medina, State of Ohio, to carry this judgment into execution. A certified copy of this journal entry shall constitute the mandate, pursuant to App.R. 27.

Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(C). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30.

Costs taxed to Appellant.

JILL FLAGG LANZINGER
FOR THE COURT

SUTTON, J.
STEVENSON, J.
CONCUR.

APPEARANCES:

WESLEY JOHNSTON, Attorney at Law, for Appellant.

ELIZABETH SCOTT, Attorney at Law, for Appellee.

CANDACE L. BROWN, Guardian ad Litem.

MARK STOLARSKI, Attorney at Law, for Father.

IVAN PETROVIC, Attorney at Law, for Child.