

STATE OF OHIO)
)ss:
COUNTY OF SUMMIT)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

IN RE: I.R.

C.A. Nos. 31896
 31898

APPEAL FROM JUDGMENT
ENTERED IN THE
COURT OF COMMON PLEAS
COUNTY OF SUMMIT, OHIO
CASE No. DN 25 01 0019

DECISION AND JOURNAL ENTRY

Dated: October 21, 2026

SUTTON, Judge.

{¶1} Appellants Mother and Father appeal the judgment of the Summit County Court of Common Pleas, Juvenile Division, that terminated their parental rights and placed their child in the permanent custody of Summit County Children Services Board (“CSB” or “the agency”). This Court affirms.

I.

{¶2} Mother and Father are married and the biological parents of I.R., born May 27, 2020. They have another child, S.R., born in 2013, who is in the legal custody of his maternal uncle. CSB had removed S.R. from the parents’ home shortly after his birth. That child was adjudicated dependent based on concerns for Mother’s substance abuse and Father’s mental health.

{¶3} Sometime in 2024, Father had back surgery that left him substantially paralyzed. Since then, he has resided in a nursing home. Mother and I.R. lived with Father’s sister and her husband for a short time until Mother acquired a trailer home.

{¶4} CSB first received a report of concerns regarding I.R. after Mother brought the four-year-old child on a leash to visit Father. Nursing home staff were concerned that Mother appeared to be intoxicated during the visit and that she pulled the child around harshly by the leash. Mother initially refused to submit to a drug screen for the agency, but a later screen was negative for all substances except Suboxone, for which Mother claimed she had a prescription.

{¶5} Not long thereafter, police officers responded to Mother's 911 call in which she reported she had no working electricity or water. When officers arrived at the trailer, Mother's behavior led them to involuntarily commit her to a psychiatric hospital for assessment. The police removed I.R. from Mother's custody under Juv.R. 6.

{¶6} During a team decision meeting the next day at CSB, Mother admitted that she had relapsed into methamphetamine use two months earlier and was using the drug daily. She also admitted seeing and hearing things that did not exist while on methamphetamine and that I.R. was always with her when she used the drug. Mother demonstrated a lack of insight as to how her drug use impacted her ability to care for the child, particularly as I.R. had special needs. The then four-year-old child was nonverbal, autistic, and still in diapers.

{¶7} CSB filed a complaint alleging that I.R. was dependent and neglected. The agency obtained an emergency order of temporary custody. Both parents waived their rights to a shelter care hearing and stipulated to a finding of probable cause for the child's removal from home.

{¶8} Mother and Father again waived their hearing rights at both the adjudication and initial disposition of the child. CSB withdrew its allegation of neglect, and the parties agreed that I.R. was dependent as alleged in the complaint. Mother and Father stipulated to placement of the child in CSB's temporary custody and adoption of the agency's case plan as an order. The case plan required Mother to obtain a substance use assessment, follow all recommendations arising

therefrom, submit to random drug screens, engage in mental health services with her current provider, and participate in a specialized parenting program designed to address children with special needs and autism. In addition, the case plan required both Mother and Father to attend the child's sessions with service providers when those providers deemed it appropriate, and to demonstrate the ability to provide for the child's basic needs.

{¶9} Initially, Mother and Father had the opportunity to visit with I.R. weekly at the agency's Family Interaction Center ("FIC"). Six months into the case, however, the agency suspended Mother's in-person visits at the FIC after Mother became agitated during a visit, stormed out of the room, and punched a staff member in the back of the head. In the meantime, Mother was permitted to have virtual visits with the child until agency personnel could meet with Mother to discuss expectations for her behavior and a plan to reinstate in-person visits, while ensuring the safety of the child, agency personnel, and other families visiting at the FIC.

{¶10} Evidence at the first review hearing indicated that, while Mother had obtained an assessment, she was not participating consistently in the recommended counseling. Moreover, all her drug screens were positive for illicit drug use, including methamphetamine. She failed to show remorse or take accountability for her physical assault on the FIC supervisor. CSB was investigating relatives for potential placement of the child. In the meantime, I.R. was doing well in her therapeutic foster home, participating in speech and occupational therapy, and learning to use a tablet to communicate with others.

{¶11} Prior to the one-year sunset date, CSB moved for permanent custody. Mother and Father each moved for a first six-month extension of temporary custody based on Mother's alleged case plan progress.

{¶12} After a hearing on CSB’s motion for a judicial determination of reasonable efforts, the magistrate found that the agency had used reasonable efforts to finalize a permanency plan and prevent the continued removal of the child from home. Additionally, the magistrate found that Portage Path Behavioral Health (“PPBH”) had discharged Mother based on her noncompliance with services; that Mother continued to test positive for THC and methamphetamine, failed to appear for two scheduled meetings at the agency to discuss reinstating in-person visits, was not employed, and had been banned from Father’s nursing home based on inappropriate behavior; and that Father’s physical and mental health issues prevented reunification with the child within a reasonable time. Neither parent objected to the magistrate’s decision.

{¶13} The juvenile court held a hearing on the parties’ respective dispositional motions. Both parents appeared remotely: Father from his nursing home and Mother from jail pending resolution of a felony charge of assault. After the hearing, the juvenile court granted CSB’s motion for permanent custody, denied the parents’ motions for a six-month extension of temporary custody, and terminated Mother’s and Father’s parental rights to I.R. Mother and Father timely appealed, raising a total of three assignments of error for review. This Court consolidates the assignments of error to facilitate review. The juvenile court stayed its judgment pending resolution of the parents’ appeals.

II.

MOTHER’S ASSIGNMENT OF ERROR

THE TRIAL COURT COMMITTED REVERSIBLE ERROR AND PLAIN ERROR IN DENYING MOTHER’S MOTION FOR SIX-MONTH EXTENSION OF TEMPORARY CUSTODY AND GRANTING PERMANENT CUSTODY OF I.R. TO [CSB] AS THE TRIAL COURT’S DECISION WAS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE AND NOT SUPPORTED BY SUFFICIENT EVIDENCE.

FATHER’S ASSIGNMENT OF ERROR I

THE TRIAL COURT ERRED IN FAILING TO GRANT A SIX-MONTH EXTENSION.

FATHER’S ASSIGNMENT OF ERROR II

THE TRIAL COURT’S JUDGMENT IS NOT SUPPORTED BY THE MANIFEST [] WEIGHT OF THE EVIDENCE AND IS NOT SUPPORTED BY SUFFICIENT EVIDENCE.

{¶14} Mother and Father argue that the juvenile court’s judgment awarding permanent custody of I.R. to CSB was not supported by sufficient evidence and was against the manifest weight of the evidence. In addition, both parents argue that the trial court erred by denying their motions for a six-month extension of temporary custody. This Court disagrees.

{¶15} This Court recognizes the distinction between sufficiency and manifest weight within the context of a permanent custody determination. “Sufficiency and weight of the evidence are both quantitatively and qualitatively distinct.” *In re D.J.*, 2024-Ohio-1876, ¶ 19 (9th Dist.), citing *Eastley v. Volkman*, 2012-Ohio-2179, ¶ 23. “[S]ufficiency is a test of adequacy. Whether the evidence is legally sufficient to sustain a [judgment] is a question of law.” *In re D.J.* at ¶ 19 (9th Dist.), quoting *State v. Thompkins*, 78 Ohio St.3d 380, 386 (1997).

{¶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* at ¶ 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} As to the first prong of the permanent custody test, CSB alleged pursuant to R.C. 2151.414(B)(1)(a) that the child could not be placed with either parent within a reasonable time or should not be placed with either parent in consideration of various subsection (E) grounds. It is well settled that, while the agency may allege alternative first-prong grounds in support of its motion for permanent custody, it need only prove one. *In re P.W.*, 2023-Ohio-4830, ¶ 11 (9th Dist.), citing *In re T.B.*, 2020-Ohio-4040, ¶ 11 (9th Dist.). In this case, the juvenile court found

that the agency proved by clear and convincing evidence that the parents had failed to remedy the concerns underlying the child's removal under subsection (E)(1), which provides:

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.

{¶20} Father focuses on the agency's duty to use "reasonable case planning and diligent efforts" to facilitate reunification and argues that CSB "had no real case plan objectives [for Father], making it impossible for him to meet any goal which would permit return of his daughter." The case plan, adopted by the trial court at the initial disposition with the agreement of all parties, indicates, however, that Mother and Father worked with CSB to jointly develop the plan, and both agreed with its provisions. While Mother had more detailed objectives based on her circumstances, the case plan also set out specific objectives for Father, requiring him to attend the child's services when recommended by service providers and to demonstrate his ability to meet I.R.'s basic needs. Underlying concerns noted in CSB's complaint, to which Father stipulated, included his loss of custody of another child based on issues in the home involving both parents, Father's long-term residence in a nursing home and significant physical limitations, and the lack of appropriate relatives or kin whom the parents could enlist to provide appropriate care for I.R. in their absence. Those concerns are germane to the child's basic needs. Accordingly, CSB had crafted case plan objectives for Father that gave him "a meaningful chance to reunite with his daughter[.]" contrary to his assertion that he was denied that opportunity.

{¶21} CSB presented clear and convincing evidence that both parents “failed continuously and repeatedly to substantially remedy the conditions causing the child to be placed outside the child’s home.” *See* R.C. 2151.414(E)(1). Mother’s struggles with substance abuse, Father’s inability to meet even the child’s routine daily needs, and the parents’ lack of a support system of persons able to care for the child in their absence remained unresolved despite the admitted reasonable efforts of CSB throughout the case.

{¶22} Specifically, CSB facilitated a substance abuse assessment for Mother and made additional referrals for drug treatment services. Mother failed to participate consistently in her recommended counseling and intensive outpatient treatment. PPBH ultimately discharged her from their programs based on her noncompliance with services. Mother tested positive for methamphetamine and amphetamines on six of seven drug screens, and positive for THC on one screen, throughout the case. The caseworker testified that there were several additional times she did not screen Mother because Mother admitted those tests would be positive for illicit drug use. Mother demonstrated no sustained period of sobriety during the case and admitted that she only became sober after she was incarcerated one year into the case. Under these circumstances, Mother failed to remedy a key concern that prevented her from providing an appropriate environment for the child who required a heightened level of care based on her special needs.

{¶23} Father continued to reside in a nursing home throughout the case. He was not able to take care of his own daily needs. He was wheelchair-bound, had very limited use of his extremities, and suffered from many chronic physical and mental health issues. He was committed for psychiatric observation twice during the year for suicidal and/or homicidal ideations. Father required assistance for feeding, dressing, bathing, and transferring from bed to wheelchair. By the time of the hearing, he was able to stand within parallel bars, but he could not ambulate. Father

was not able to provide any physical care for I.R., who required help with feeding and toileting. While this Court recognizes that Father's physical limitations arose due to circumstances beyond his control, he was and would indefinitely remain unable to independently provide necessary care for the child.

{¶24} Moreover, the only people proposed by the parents to provide care for I.R. when they were unavailable were Father's sister and her husband ("Mrs. and Mr. B."). Mother and the child had lived with them for some time while Father was residing in the nursing home. Mother admitted that that is where she relapsed into methamphetamine use. Even after she moved out of that home and into her own trailer, Mother spent time with Mr. B. in his home, where she continued to use methamphetamine with him. In January 2026, while Mother and Mr. B. were smoking methamphetamine, Mother stabbed Mr. B. in the back with a knife, leading to Mother's arrest and incarceration for a felony. In proposing Mrs. and Mr. B., the parents demonstrated an ongoing lack of insight regarding appropriate caregivers for I.R. in their absence and failed to remedy their inability to ensure a safe environment for the child. Accordingly, the juvenile court did not err in its first-prong determination that I.R. could not or should not return to either parent's care based on Mother's and Father's failures to remedy the underlying concerns that led to the child's removal. *See* R.C. 2151.414(B)(1)(a)/(E)(1).

{¶25} Furthermore, CSB proved by clear and convincing evidence that an award of permanent custody to the agency was in the child's best interest. I.R. was in her parents' legal custody until the agency removed her when she was four years old. By the time of the permanent custody hearing, the child had been in CSB's temporary custody for 15 months.

{¶26} I.R. has a close bond with Mother. The child appears comfortable with Father, although he, an agency worker, or the guardian ad litem have to direct I.R. to engage with Father.

The child does not initiate interactions with him but is receptive to hugging or feeding Father upon his request.

{¶27} I.R. is nonverbal and autistic. CSB placed her in a therapeutic foster home with a couple who have experience caring for autistic children. I.R. is bonded with her foster parents and their two children and is thriving in their home, where she is engaged in counseling and educational services. Mother had not previously pursued autism services for I.R. The child uses a tablet to communicate which has greatly reduced her formerly high level of frustration associated with not being able to convey her needs and desires. I.R. is scheduled for a significant amount of dental work to address issues caused by excessive teeth grinding, the coping mechanism the child used when frustrated.

{¶28} Due to her age and difficulty communicating, I.R. was not able to express her wishes regarding custody. The guardian ad litem spoke on her behalf and opined that an award of permanent custody to CSB would be in the child's best interest. He testified that he had serious ongoing concerns about the parents' ability, at present and in the foreseeable future, to provide a safe and stable home where the child's basic and special needs would be met. The guardian ad litem referenced Father's global physical limitations, mental health struggles, and myriad diagnoses that impacted Father's stability and ability to care for any child, and particularly one with special needs requiring consistent and hands-on care. The guardian ad litem further expressed concerns regarding Mother's ability to safely parent the child, given Mother's ongoing and untreated mental health and severe substance abuse issues, as well as her unresolved felony criminal case. While the foster family was not able to commit to adopting I.R., they had not ruled out adoption and were willing to continue to provide a home for the child.

{¶29} As to Father, his social worker at The Arbors of Fairlawn testified that Father has very limited mobility and requires daily assistance in all areas. He has no estimated discharge date due to his ongoing need for care. After more than a year of physical and occupational therapies, Father recently became able to hold a cell phone and feed himself finger foods. He cannot dress or groom himself, transfer from bed to a wheelchair without assistance, prepare meals, or help the child with toileting. In the case of an emergency, Father would not be able to evacuate himself from the premises, let alone assist a young child. In addition, he suffers from a litany of medical and mental health issues, including adult failure to thrive, osteoarthritis in multiple joints, hyperlipidemia, shortness of breath, overactive bladder, repeated urinary tract infections, polyneuropathy, repeated fall history, hypertension, deep vein thrombosis and multiple embolisms, heart disease, kidney calculus and cysts, chronic pain syndrome, suicidal and homicidal ideations, and major depressive disorder. Given Father's extensive needs that he cannot manage independently, he is not in a position to render daily care for a young child who has both basic and special needs.

{¶30} As to Mother, CSB presented clear and convincing evidence of her inability to provide a safe and stable home for I.R. now and in the foreseeable future. The caseworker testified that Mother had not made any progress on her case plan objectives that were designed to alleviate the concerns underlying the child's removal, in particular substance abuse and mental health concerns.

{¶31} Mother obtained mental health and substance abuse assessments, both of which recommended counseling and participation in other services. Mother admitted that she did not consistently attend counseling and intensive outpatient treatment. Although Mother acknowledged that her substance abuse affected her financial, emotional, and physical ability to

parent the child, she agreed with the caseworker's testimony that she had not demonstrated a commitment to sobriety, explaining that she was still actively using methamphetamine and simply not ready to embrace recovery services. Moreover, Mother did not demonstrate any insight into her addiction, describing relapse as "a bump in the road[.]" Although she asserted that her use of Suboxone helped keep her sober, she admitted that it was not a recognized method for treating methamphetamine addiction. When she relapsed while using Suboxone, Mother testified that "[t]here's nothing wrong with that."

{¶32} The caseworker testified that Mother tested positive every month for methamphetamine use. PPBH terminated Mother's services for non-compliance. The caseworker referred her to Community Health Center ("CHC") for more specialized drug treatment and provided bus passes after Mother told her that she lacked transportation to CHC. Mother admitted that she did not take advantage of the referral and gave some bus passes to Father when he expressed the desire to escape from his nursing home.

{¶33} Throughout the case, Mother exhibited erratic and aggressive behaviors. She frequently left visits after getting upset when someone redirected her, punched a visitation supervisor in the head, and was arrested for stabbing her brother-in-law while they were smoking methamphetamine. On one occasion when Father urinated on himself during a visit, Mother got angry when visitation staff asked her to help clean up after her husband. She stormed out of the FIC, leaving I.R. confused and in tears. On other occasions, she got upset and left the room when the child needed to be changed out of wet clothing, when the visitation aide suggested not giving the child a can of soda in the morning, and when the aide refused to stop monitoring a visit and leave Mother and the child unsupervised. Mother admitted that she struggles with anger issues,

getting “really upset, explosive.” Nevertheless, she did not participate in mental health services consistently to address those concerns.

{¶34} Mother’s behavior resulted in both CSB and The Arbors banning her from their premises. The agency suspended Mother’s in-person visits but allowed her to have virtual visits with the child. The caseworker attempted to schedule a meeting with Mother to discuss expectations and plan to reinstate in-person visits, but Mother was not responsive for several months. When the caseworker was finally able to schedule a meeting, Mother showed up at the wrong time and left a message, yelling and cussing at the caseworker. The agency rescheduled the meeting, but Mother did not appear. She testified that she was probably using drugs with her brother-in-law Mr. B. at the time. CSB rescheduled the meeting a second time, but by then, Mother was in jail on a felony charge.

{¶35} Mother testified that there was no resolution pending in her criminal case. She had been in jail for three months by the time of the permanent custody hearing. Although Mother testified that her sister was making the monthly payments to the trailer park for rent and utilities as a loan that Mother would later pay back, the caseworker had concerns that Mother’s housing was in jeopardy. Mother was not employed during the case and relied on Father’s disability income to pay for her living expenses. It was not clear why Mother had not arranged for Father to give money to someone to continue paying Mother’s rent instead of accruing a debt she would have to repay. The caseworker testified, however, that a guardianship action had been filed with regard to Father, so that he might no longer be the payee of his disability benefits, thereby limiting Mother’s access to her sole source of financial support.

{¶36} After a thorough review, this Court concludes that the record demonstrates that the evidence is legally sufficient to support an award of permanent custody of I.R. to CSB. *See*

Eastley, 2012-Ohio-2179, at ¶ 11, quoting *Thompkins*, 78 Ohio St.3d at 386. In addition, this is not the exceptional case indicating that the juvenile court clearly lost its way and created a manifest miscarriage of justice in finding that CSB met its burden of proof regarding both prongs of the permanent custody test. *See Eastley* at ¶ 20. The evidence established that neither Mother nor Father was in a position to provide an appropriate home for I.R. Mother had not addressed her mental health or severe substance abuse issues. She admitted that she had not attained the motivation to pursue sobriety. Mother was in jail on a felony assault charge, leaving her unavailable to provide physical care for the child. Father was in a nursing home where he would reside indefinitely, relying on assistance for his own daily needs. He is and will remain unable to provide any physical care for I.R. due to his extensive medical issues. Pending guardianship proceedings regarding Father would remove Father as payee relative to his disability benefits. As those benefits comprise the family's sole source of income, Mother's ability to access those funds to provide housing and other basic needs for the child is at risk. I.R. has special needs, in addition to her basic needs; and neither parent can meet those within a reasonable period. Under the circumstances, the juvenile court did not err by finding that Mother and Father had failed to remedy the concerns underlying the child's removal and that an award of permanent custody was in the child's best interest.

{¶37} This Court further rejects Mother's and Father's arguments that the juvenile court erred by denying their motions for a first six-month extension of temporary custody. Neither parent met his or her respective burden of proving that an extension was warranted.

{¶38} The juvenile court "may" extend temporary custody for up to six months under certain circumstances. R.C. 2151.415(D). We review the trial court's decision to grant or deny a request for an extension for an abuse of discretion. *In re P.H.*, 2021-Ohio-3726, ¶ 25 (9th Dist.),

citing *In re A.S.*, 2017-Ohio-8984, ¶ 11 (9th Dist.). The juvenile court abuses its discretion when it acts in an unreasonable, arbitrary, or unconscionable manner. *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219 (1983). The trial court has authority to exercise its discretion to grant a first six-month extension of temporary custody, however, only if the moving party has proved by clear and convincing evidence all of the following: “the extension is in the best interest of the child, there has been significant progress on the case plan of the child, and 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.” R.C. 2151.415(D)(1); *In re A.S.* at ¶ 11 (9th Dist.). As the requirements are conjunctive, the failure of proof on any precludes the juvenile court from granting the extension. See *In re A.G.*, 2024-Ohio-3091, ¶ 54 (9th Dist.).

{¶39} This Court concluded above that the juvenile court did not err by finding that an award of permanent custody was in the child’s best interest. Accordingly, extending the agency’s temporary custody and maintaining the child in custodial limbo necessarily was not in the best interest of I.R. See *In re P.W.*, 2023-Ohio-4830, at ¶ 22 (9th Dist.). Moreover, the evidence established that neither Mother nor Father made significant progress on their case plan objectives. In fact, their progress was minimal, at best. Given Mother’s and Father’s lack of progress toward remedying the concerns underlying the child’s continued removal from home, there was no reasonable cause to believe I.R. could be reunified with either parent during the period of extension. Based on a thorough review of the record, this Court concludes that Mother and Father failed to meet their burden of proving by clear and convincing evidence that a first six-month extension of temporary custody was warranted under R.C. 2151.415(D)(1). Accordingly, the juvenile court had no authority to exercise its discretion to grant the parents’ request.

{¶40} Based on the above discussion, the juvenile court did not err by denying the parents' motions for a six-month extension of temporary custody and instead granting CSB's motion for permanent custody and terminating Mother's and Father's parental rights to I.R. Mother's and Father's assignments of error are overruled.

III.

{¶41} Mother's sole and Father's two assignments of error are overruled. The judgment of the Summit 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 Summit, 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.

BETTY SUTTON
FOR THE COURT

HENSAL, P. J.
MANNING, J.
CONCUR.

APPEARANCES:

SHUBHRA N. AGARWAL, Attorney at Law, for Appellant.

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