[Cite as *In re R.F.*, 2026-Ohio-4471.]

STATE OF OHIO	)	IN THE COURT OF APPEALS
	)ss:	NINTH JUDICIAL DISTRICT
COUNTY OF SUMMIT	)	

IN RE: R.F.	C.A. No. 31915 31918
	APPEAL FROM JUDGMENT ENTERED IN THE COURT OF COMMON PLEAS COUNTY OF SUMMIT, OHIO CASE No. DN 24 03 0131

DECISION AND JOURNAL ENTRY

Dated: November 12, 2026

STEVENSON, Judge.

{¶1} Appellants, R.M. ("Mother") and T.F. ("Father), appeal from a judgment of the Summit County Court of Common Pleas, Juvenile Division, that terminated their parental rights and placed their minor child in the permanent custody of Summit County Children Services Board ("CSB"). This Court affirms.

I.

{¶2} Mother and Father are the biological parents of R.F., born February 11, 2024. Shortly after the child's birth, CSB filed a complaint to allege that R.F. was an abused and dependent child because of Mother's ongoing history of substance abuse including use of fentanyl, methadone, methamphetamine, and amphetamines while pregnant with R.F. and after the child's birth; the child's need for prolonged treatment in the neonatal intensive care unit for symptoms of drug withdrawal, including breathing, feeding, sensory, and sleeping problems; Mother's prior loss of custody of another child due to her substance abuse; and Father's history of illegal drug use and

refusal to work with CSB. CSB later amended the complaint to allege that each parent had an extensive criminal history and was then facing active warrants on additional felony and misdemeanor charges for drug and theft offenses.

{¶3} Mother and Father later waived their rights to a contested adjudicatory hearing. The juvenile court adjudicated R.F. as abused (endangered) under R.C. 2151.031(C) and dependent under R.C. 2151.04(B) and (C). The trial court later placed the child in the temporary custody of CSB and adopted the case plan as an order of the court. R.F. resided in the same foster home throughout this case. She became closely bonded with the entire family, and the foster parents expressed an interest in providing her with a permanent placement. The trial court eventually designated the foster family as a kinship placement for the child. *See* R.C. 2151.4118 - 2151.4120.

{¶4} For the remainder of this case, neither parent complied with the requirements of the case plan. They eventually obtained substance abuse assessments but did not engage in any recommended treatment. The parents rarely submitted to drug screens and, when they did, they tested positive for fentanyl, methamphetamine, and/or other illegal drugs. They also lacked stable income and housing throughout this case and failed to maintain consistent contact with the caseworker or guardian ad litem and did not regularly appear for scheduled court hearings.

{¶5} Despite the parents' lack of progress toward reunification, CSB requested and received one extension of temporary custody because the agency was exploring relatives for potential placements of the child. CSB initially investigated the paternal grandfather and his wife for placement because they lived in Summit County. They had a few visits with R.F. but, approximately seven months into this case, they decided that they were not prepared to provide a permanent home for the child.

{¶6} CSB then shifted its focus to the paternal grandmother ("Grandmother"), who lived in Alabama. CSB arranged for some in-person and video visits between R.F. and Grandmother and contacted the appropriate children services agency in Alabama to request an assessment of Grandmother and her home under the Interstate Compact for the Placement of Children ("ICPC"). The Alabama agency initially approved Grandmother's ICPC assessment but later withdrew its approval after it learned that Grandmother had failed to disclose her multiple prior convictions for domestic violence and driving under the influence of alcohol. The guardian ad litem also expressed concern after learning that Grandmother had placed her own two children in the custody of a relative when they were eight and nine years old because she was then involved in a violent relationship and unable to provide them with a safe and stable home. For all those reasons, CSB and the guardian ad litem opined that Grandmother would not be a suitable placement for R.F.

{¶7} On October 15, 2025, CSB moved for permanent custody of R.F., asserting that permanent custody was in the child's best interest and that several alternative first prong grounds existed in this case, including that the child had been in the agency's temporary custody for more than 12 months of a consecutive 22-month period and that both parents had failed to substantially remedy the conditions that had caused the child's initial and ongoing removal from the home. *See* R.C. 2151.414(B)(1)(a) and (d); R.C. 2151.414(E)(1). The parents did not seek legal custody as an alternative disposition. Instead, Father moved for the child to be placed in the legal custody of Grandmother. Mother supported that motion.

{¶8} After the final hearing, the trial court terminated parental rights and placed R.F. in the permanent custody of CSB. Mother and Father appeal and raise a total of six assignments of error. This Court will rearrange and consolidate some of their assigned errors to facilitate review.

II.

MOTHER'S ASSIGNMENT OF ERROR III

THE TRIAL COURT ERRED BY PROCEEDING ON THE PERMANENT CUSTODY TRIAL OVER MOTHER'S OBJECTION TO INSUFFICIENT SERVICE.

{¶9} This Court will address Mother's third assignment of error first because it pertains to whether her due process rights were violated prior to the final hearing. Specifically, she asserts that the trial court's permanent custody judgment must be reversed because she did not receive proper service of the permanent custody motion and summons. She asserts on appeal, as she did at the final hearing, that the trial court erred by serving her by mail without first complying with the specific service requirements of Civ.R. 4.6(C).

{¶10} In *In re Thompkins,* 2007-Ohio-5238, ¶ 10-14, the Ohio Supreme Court emphasized that the purpose of requiring service of a permanent custody motion on parents is to afford them due process prior to terminating their fundamental liberty interest in the care and custody of their child. Due process requires notice, which is reasonably calculated to apprise a parent of the permanent custody hearing, as well as an opportunity to appear and present objections at the hearing. *Id.* at ¶ 13. A defect in service of a permanent custody motion will constitute reversible error only if it deprives the parent of timely or sufficient notice and/or an opportunity to defend against the termination of her parental rights. *See id*. at ¶ 14.

{¶11} Mother has failed to demonstrate that she was denied due process in this case. She apparently received timely and actual notice of the permanent custody hearing, as she appeared at the hearing represented by counsel. *See In re A.H*., 2023-Ohio-2469, ¶ 15 (9th Dist.); *In re D.T.*, 2012-Ohio-3552, ¶ 18 (9th Dist.). Mother's due process rights were protected because she had the opportunity to fully participate in her defense against the motion. *Id*. Because Mother has failed

to demonstrate that any alleged defect in service of the permanent custody motion affected her due process rights or caused her to suffer any prejudice, she cannot demonstrate reversible error. *Id.* Mother's third assignment of error is overruled.

FATHER'S ASSIGNMENT OF ERROR I

> THE JUVENILE COURT VIOLATED FATHER'S RIGHTS TO DUE PROCESS OF LAW UNDER THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION AND ARTICLE I, SECTION 16 OF THE OHIO CONSTITUTION BY RELYING UPON AN UNDISCLOSED, UNADMITTED, AND JUDICIALLY UNREVIEWABLE ALABAMA ICPC DETERMINATION TO ELIMINATE THE PATERNAL GRANDMOTHER AS A LEGALLY SECURE PLACEMENT AND TO TERMINATE FATHER'S PARENTAL RIGHTS.

FATHER'S ASSIGNMENT OF ERROR II

> THE COURT'S DECISION TO GRANT PERMANENT CUSTODY TO [CSB] WAS NOT SUPPORTED BY CLEAR AND CONVINCING, COMPETENT EVIDENCE AND WAS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE.

FATHER'S ASSIGNMENT OF ERROR III

> FATHER WAS DENIED THE EFFECTIVE ASSISTANCE OF APPOINTED COUNSEL.

MOTHER'S ASSIGNMENT OF ERROR I

> THE TRIAL COURT ERRED BY CONCLUDING THAT THE DENIED ICPC MADE LEGAL CUSTODY TO GRANDMOTHER LEGALLY UNAVAILABLE.

{¶12} This Court will address Father's three assignments of error with Mother's first assignment of error because these arguments are all based on the same underlying premise. For different legal reasons, the parents assert that the trial court committed reversible error by denying Father's motion for legal custody to Grandmother based on Alabama's denial of Grandmother's ICPC assessment. Father also argues that his trial counsel was ineffective for failing to obtain, introduce, and challenge Grandmother's ICPC assessment at the permanent custody hearing.

{¶13} In the trial court, the parents argued under specific language of R.C. 5103.23 that Alabama's denial of Grandmother's ICPC assessment did not preclude the trial court from placing R.F. in her legal custody. On appeal, Father has raised several new arguments under R.C. 5103.20 that this Court will not address for the first time on appeal. Moreover, although the trial court briefly rejected the merits of the parents' ICPC argument, it did not base its denial of the legal custody motion solely on Alabama's denial of Grandmother's ICPC assessment. In its judgment entry, the trial court explicitly found that "even if the parents' position regarding the ICPC is correct, permanent custody is still in [R.F.'s] best interests." The trial court then proceeded to explain the evidentiary basis for its best interest decision.

{¶14} None of these assignments of error challenge the merits of the trial court's best interest determination. The arguments raised through these assigned errors are based on the faulty premise that the trial court denied the motion for legal custody to Grandmother solely because her ICPC assessment was not approved. As that premise is not supported by the explicit findings of the trial court, Father's assignments of error and Mother's first assignment of error are overruled.

MOTHER'S ASSIGNMENT OF ERROR II

> THE PERMANENT-CUSTODY JUDGMENT WAS AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE BECAUSE THE RECORD DID NOT CLEARLY AND CONVINCINGLY PROVE THAT PERMANENT CUSTODY OVER LEGAL CUSTODY WITH GRANDMOTHER WAS IN THE CHILD'S BEST INTEREST.

{¶15} Finally, Mother challenges the merits of the trial court's best interest finding. She argues that the court's finding that permanent custody was in R.F.'s best interest, rather than to be placed in the legal custody of Grandmother, was against the manifest weight of the evidence. In considering 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.

{¶16} When reviewing the trial court's best interest determination, this Court focuses primarily on the specific factors set forth in R.C. 2151.414(D). *In re M.S.*, 2023-Ohio-1558, ¶ 25 (9th Dist.). The trial court was required to consider the statutory best interest factors, which include: the interaction and interrelationships of the child, the child's wishes and custodial history, 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 also In re R.G.*, 2009-Ohio-6284, ¶ 11 (9th Dist.). None of the factors set forth in R.C. 2151.414(E)(7)-(11) applied in this case.

{¶17} Mother emphasizes that it was in the child's best interest to be placed with Grandmother because legal custody to Grandmother would have preserved the child's biological family. This Court has often emphasized that the first best interest factor, the interaction and interrelationship of the child with her family members and others, is "highly significant" and directly relevant to "whether there is a family relationship that should be preserved." *In re M.S.*, 2023-Ohio-1558, at ¶ 27 (9th Dist.), citing *In re C.M.*, 2003-Ohio-5040, ¶ 11 (9th Dist.). Despite Mother's argument about preserving the biological family in this case, there was no evidence before the trial court that two-year-old R.F. had a strong family bond with any of her biological relatives.

{¶18} Mother makes no argument on appeal about why this family relationship should be preserved. She fails to acknowledge the significance of her minimal effort to resolve her long-term substance abuse and other parenting problems and her failure to regularly visit her young child. This Court has highlighted that minimal parental efforts toward bonding or reunification with a child weigh against a determination that the family unit should be preserved. *See In re E.C.-A.*, 2024-Ohio-2152, ¶ 18 (9th Dist.), citing *In re M.S.* at ¶ 27 (9th Dist.).

{¶19} Similarly, Grandmother and R.F. had limited interaction during the child's entire two-year life. Throughout this case, Grandmother lived a considerable distance away in Alabama and did not even meet R.F. until this case had been pending for more than one year. Her interaction with R.F. was limited to a total of four in-person visits when Grandmother came to Ohio during May and September 2025, as well as some audio and FaceTime phone calls with the young child. Witnesses observed that the visits between Grandmother and R.F. went well, but there was a limited opportunity for a family bond to develop between Grandmother and R.F.

{¶20} Furthermore, "[a]ny custodial determination about the best interest of a child inherently requires the trial court to consider whether a proposed custodian can provide the child with appropriate care." *In re S.M.*, 2022-Ohio-1083, ¶ 21 (9th Dist.). The trial court also considered additional reasons why legal custody to Grandmother was not in R.F.'s best interest, including Grandmother's undisclosed history of domestic violence and driving while intoxicated and the fact that she surrendered her own two children to be raised by a relative for ten years because she had fled from a violent relationship and did not have a safe and stable home for her children.

{¶21} Because R.F. was too young to express her own wishes, the guardian ad litem spoke on her behalf. She opined that permanent custody was in the child's best interest because the

parents had made no progress on the case plan and continued to struggle with the same problems that brought R.F. into CSB's custody two years earlier. R.F. had spent her entire two-year life in a temporary foster home and needed a legally secure permanent placement. CSB had been unable to find a suitable relative who was willing to take custody of the child, and the parents did not dispute that they could not provide her with a safe and stable home.

{¶22} Consequently, the trial court did not lose its way in finding that it was in the best interest of R.F. to terminate parental rights and place R.F. in the permanent custody of CSB to be placed for adoption. Mother's second assignment of error is overruled.

III.

{¶23} The parents' 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.

SCOT STEVENSON
FOR THE COURT

FLAGG LANZINGER, P. J.
MANNING, J.
CONCUR.

APPEARANCES:

RONALD T. GATTS, Attorney at Law, for Appellant.

JASON JORDAN, Attorney at Law, for Appellant.

ELLIOT KOLKOVICH, Prosecuting Attorney, and ASHLEE JAMES, Assistant Prosecuting Attorney, for Appellee.

HOLLY FARAH, Guardian ad Litem.