

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

IN RE: T.H. : APPEAL NO. C-150737  
TRIAL NO. F09-2555Z  
: JUDGMENT ENTRY.

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.*

T.H.'s father appeals the trial court's judgment terminating his parental rights and awarding permanent custody of T.H. to the Hamilton County Department of Job and Family Services ("HCJFS"). For the following reasons, we affirm.

In his single assignment of error, father maintains that the trial court's award of permanent custody to HCJFS was not supported by competent, credible evidence and was against the manifest weight of the evidence.

The termination of parental rights is governed by R.C. 2151.414. Before a juvenile court may terminate parental rights, it must first find that it is in the child's best interest to be placed in the permanent custody of the moving agency. R.C. 2151.414(B)(1) and (D). It must then find one of the four conditions listed in R.C. 2151.414(B)(1). The court must find both prongs by clear and convincing evidence. We will not substitute our judgment for that of the trial court where some competent

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and credible evidence supports the essential elements of the case. *See, e.g., In re A.B.*, 1st Dist. Hamilton Nos. C-150307 and C-150310, 2015-Ohio-3247, ¶ 14.

Under his assignment of error, father first argues that the trial court's decision should be reversed because HCJFS did not make a reasonable effort to reunify father with T.H. This argument is meritless. First, the Ohio Supreme Court has held that HCJFS does not have a duty to make reasonable efforts to reunify the family where the parent from whom the child was removed has had his parental rights involuntarily terminated with respect to a sibling of the child at issue. *In re C.F.*, 113 Ohio St.3d 73, 2007-Ohio-1104, 862 N.E.2d 816, ¶ 34; *see R.C. 2151.419(A)(2)*. Here, father had had his parental rights involuntarily terminated with respect to T.H.'s two younger siblings six months prior to the court awarding permanent custody of T.H. to HCJFS. Second, even if R.C. 2151.419(A)(2) did not apply in this case, the record demonstrates that HCJFS had made reasonable efforts to reunify the family. HCJFS offered services to father for several years prior to T.H. initially being placed in a permanent planned living arrangement, but he was uncooperative and failed to complete the recommended services.

Next, father contends that the trial court did not engage in the proper analysis before terminating father's parental rights and merely awarded permanent custody to HCJFS because T.H. wanted to be adopted by her foster family. While the trial court did consider T.H.'s wish to be adopted by her foster family, the trial court also looked at the remaining factors before determining that it was in T.H.'s best interest to award permanent custody to HCJFS. The court considered the strong bond that T.H. had with her foster family and that the foster family wanted to adopt her. The foster family was in the process of adopting T.H.'s younger siblings, and T.H. indicated her desire to be adopted as well so she could also be a "permanent"

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member of the family. A HCJFS caseworker, T.H.'s birth mother and T.H. all testified that they believed that the foster family would allow and encourage T.H. to maintain contact with her biological parents if she wished to do so. The court also considered father's history of abuse towards his children, that father chose not to complete the recommended services/case plan and that T.H. did not have a good relationship with father and had rarely seen him in the past two years. Finally, the trial court also made the finding, which is supported in the record, that T.H. had been in the care of HCJFS for 12 out of 22 consecutive months at the time the motion for permanent custody was filed. See R.C. 2151.414(B)(1)(d).

Based on the foregoing, we hold that the grant of permanent custody to HCJFS was supported by competent and credible evidence. Therefore, we overrule father's single assignment of error.

The judgment of the trial court is affirmed.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**FISCHER, P.J., MOCK and STAUTBERG, JJ.**

To the clerk:

Enter upon the journal of the court on March 4, 2016  
per order of the court \_\_\_\_\_.  
Presiding Judge