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

IN RE: F.L., et al.	:	APPEAL NOS. C-110609 C-110610
	:	TRIAL NO. F99-449X
	:	*JUDGMENT ENTRY.*
	:	
	:	

We consider this expedited appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. See S.Ct.R.Rep.Op. 3(A); App.R. 11.1(E); App.R. 11.2(C); Loc.R. 11.1.1.

In these consolidated appeals, Michael Henderson and Queenacelistine Levy appeal the trial court's judgment that granted permanent custody of their children, M.H., M.L., and M.L., to the Hamilton County Department of Job and Family Services ("HCJFS"). We conclude that the parties' assignments of error do not have merit, so we affirm the judgment of the trial court.

On September 11, 2008, HCJFS received temporary custody of M.H. and M.L. On July 6, 2009, Levy agreed to allow HCJFS to take interim custody of another child with the initials M.L. On July 7, 2009, HCJFS filed a motion to modify temporary custody of the three children to permanent custody. Levy and Henderson were both represented during the dispositional hearing before a magistrate. At the conclusion of the hearing, the magistrate granted permanent custody of the children to HCJFS. Henderson and Levy objected to the magistrate's decision. After a hearing, the trial court accepted and approved the magistrate's decision.

Henderson and Levy each appealed the trial court's judgment. Both parties assert that the trial court erred when it granted HCJFS's motion to modify temporary custody of the children to permanent custody. Having reviewed the record, we conclude that the trial court considered the statutory factors, and that the trial court's judgment was based on competent, credible evidence that met the clear-and-convincing standard. R.C. 2151.414(B)(1). See *In re E.S.*, 1st Dist. Nos. C-100725 and C-100747, 2011-Ohio-586, ¶3. Levy's sole assignment of error and Henderson's second assignment of error are overruled.

Henderson asserts in his first assignment of error that he was denied the effective assistance of counsel because his appointed counsel failed to present evidence on his behalf and failed to object to prejudicial statements made during the hearing. To prevail on this assignment of error, Henderson must demonstrate "that his counsel's performance was deficient and that the deficient performance so prejudiced him that it denied him a proceeding whose result was reliable and fundamentally fair." *In re E.S.,* supra, at ¶24, citing *In re M.W.*, 8th Dist. No. 83409, 2005-Ohio-1305. We conclude that Henderson has not demonstrated that his counsel's performance was deficient. Henderson's first assignment of error is overruled.

Therefore, we affirm the trial court's judgment.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HILDEBRANDT, P.J., SUNDERMANN and **FISCHER, JJ.**

To the clerk:

Enter upon the journal of the court on December 21, 2011

per order of the court _____.
Presiding Judge