



HCJFS had provided him with services aimed at reunification with his children. We disagree.

Father relies on a December 2013 juvenile court decision that granted father's objections to a January 2013 magistrate's decision concerning permanent custody and termination of parental rights. The trial court found father should have been given more time to comply with the services recommended by HCJFS before permanent custody was determined.

In March 2014, HCJFS filed a motion to modify temporary custody to permanent custody, which led to the magistrate's decision and trial court's judgment from which father now appeals.

Father's inability to take advantage of services available through HCJFS is largely attributable to his incarceration for much of the time since November 2013. A few weeks after being released from prison in April 2014, father was arrested and spent ten days in the Hamilton County Justice Center. Two days after being released from the justice center, father was arrested in Kenton County on a drug-paraphernalia charge. At the time of that arrest, it was discovered that father had had a pending drug-trafficking charge in Kenton County from September 2013. During the court's permanent-custody trial on October 15, 2014, father was incarcerated and awaiting sentencing. He expected to remain incarcerated until sometime in 2015.

HCJFS could not offer services to father while he was incarcerated. Moreover, even during times when father was not incarcerated in 2013, he failed to obtain services.

Based on these circumstances, we find that father was not denied due process of law when the trial court entered judgment terminating his parental rights and

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awarding permanent custody to HCJFS. Father's own actions and inactions created the facts and circumstances confronting the trial court, and the trial court's judgment was in the best interests of the children.

Father's sole assignment of error is overruled. The trial court's judgment is affirmed.

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.

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

To the clerk:

Enter upon the journal of the court on May 27, 2015

per order of the court \_\_\_\_\_.

Presiding Judge