

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

IN RE: R.A.M. : APPEAL NO. C-190596
 : TRIAL NO. F08-1750x
 :
 : *JUDGMENT ENTRY.*
 :

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Appellant R.A. (“Father”) appeals the decision of the Hamilton County Juvenile Court awarding permanent custody of his daughter, R.A.M., to appellee Hamilton County Department of Job and Family Services (“JFS”). In Father’s sole assignment of error, he argues that the juvenile court erred as a matter of law in granting JFS’s motion for permanent custody of R.A.M.

A juvenile court will only grant permanent custody to a children’s services agency if it finds by clear and convincing evidence that (1) one of the conditions enumerated in R.C. 2151.414(B)(1)(a) through (e) exists, and (2) granting permanent custody to the agency is in the best interests of the child. R.C. 2151.414.

As to the first prong, the juvenile court proceeded under R.C. 2151.414(B)(1)(a), which requires the court to consider the factors outlined in R.C. 2151.414(E) in finding that R.A.M. cannot be placed with either parent within a reasonable time and should not be placed with either of R.A.M.’s parents.

With respect to Father, the juvenile court determined that R.C. 2151.414(E)(1), (4), and (16) applied. The juvenile court determined that Father had failed to substantially remedy the conditions causing R.A.M. to be placed outside the home. *See* R.C. 2151.414(E)(1). Specifically, Father did not engage in individual therapy, and he did not receive any consistent mental-health treatment. Father also continued to use marijuana throughout the case, and he remained unemployed for most of the case, except for a very brief period. The juvenile court also determined that Father had shown a lack of commitment to R.A.M. by failing to provide any support for her. *See* R.C. 2151.414(E)(4). Finally, the court determined that other factors applied, namely that Father had some intellectual-functioning limitations that impacted his understanding of an appropriate role of a parent, and even Father acknowledged at trial that he could not parent on his own at that time. *See* R.C. 2151.414(E)(16).

As to the second prong of R.C. 2151.414, the juvenile court must determine whether granting permanent custody to the agency is in the best interest of the child. *See* R.C. 2151.414(B)(1). The best-interest factors are laid out in R.C. 2151.414(D)(1).

The juvenile court considered all of the best-interest factors. As to Father specifically, the court considered the interaction and interrelationship of R.A.M. with her Father and her foster family. *See* R.C. 2151.414(D)(1)(a). The court determined that although Father loved his daughter and wanted the best for her, Father still required facilitation during his visits with his daughter and even he recognized his own limitations with respect to parenting. By contrast, R.A.M. was very bonded to her foster family, and they wished to adopt her. Although R.A.M. was too young to express her wishes with regard to placement, the juvenile court considered the

recommendation of R.A.M.'s guardian ad litem, who testified that R.A.M.'s best interests would be served by a grant of permanent custody. *See* R.C. 2151.414(D)(1)(b); *In re: B/K Children*, 1st Dist. Hamilton No. C-190681, 2020-Ohio-1095. The juvenile court also considered R.A.M.'s custodial history. *See* R.C. 2151.414(D)(1)(c). The court determined that R.A.M. had been in the custody of JFS for her entire life, almost two years, and she had been placed with the same foster family. The juvenile court also considered R.A.M.'s need for a legally-secure placement. *See* R.C. 2151.414(D)(1)(d). The court determined that although Father had engaged in some of the required services and had attended his visitations, Father, by his own admission, could not care for R.A.M. at the time of trial.

Father argues that the trial court should have extended JFS's temporary custody of R.A.M. to give Father more time to get mental-health treatment and to take parenting classes. The decision to grant or deny an extension of temporary custody lies in the discretion of the juvenile court. *In Matter of A.R.*, 5th Dist. Stark No. 2018CA00091, 2019-Ohio-389, ¶ 17. The evidence presented at trial does not support Father's argument that he could have remedied the conditions in a substantial way in a matter of a few months, or that the best interests of R.A.M. would have differed in the span of a temporary extension. Given the evidence presented at trial, the trial court did not abuse its discretion in refusing to extend temporary custody.

After reviewing the record, we determine that the judgment of the juvenile court is supported by sufficient evidence and is not against the manifest weight of the evidence. *See In re A.B.*, 1st Dist. Hamilton No. C-150307, 2015-Ohio-3247, ¶ 14.

OHIO FIRST DISTRICT COURT OF APPEALS

Therefore, we overrule Father's assignment of error and affirm the judgment of the juvenile court.

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

MOCK, P.J., MYERS and WINKLER, JJ.

To the clerk:

Enter upon the journal of the court on April 8, 2020

per order of the court _____.

Presiding Judge