

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

IN RE: K.W. : APPEAL NO. C-190632
TRIAL NO. F16-1535Z
: *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 mother has appealed from the juvenile court’s judgment granting permanent custody of her son K.W. to the Hamilton County Department of Job and Family Services (“HCJFS”), which will facilitate K.W.’s case plan goal of adoption. In her sole assignment of error, mother argues the trial court erred by granting permanent custody of K.W. to HCJFS and by denying the maternal aunt’s petition for custody.

Importantly, mother does not challenge the termination of her own parental rights to K.W., but instead argues that the court should have granted the maternal aunt’s petition for custody. The maternal aunt has not appealed the denial of her custody petition.

This court has repeatedly held that a parent has no standing to appeal an award of permanent custody to HCJFS and a denial of a relative’s custody petition where the parent does not challenge the termination of her parental rights and the relative did not appeal the denial of her custody petition. *In re K.C.*, 2017-Ohio-8383, 99 N.E.3d 1061,

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¶ 8 and 12 (1st Dist.), citing *In re A.W.*, 1st Dist. Hamilton No. C-120787, 2013-Ohio-909, ¶ 3; *In re T.W.*, 1st Dist. Hamilton No. C-130080, 2013-Ohio-1754, ¶ 8; *In re C.F.*, 1st Dist. Hamilton Nos. C-150454 and C-150469, 2015-Ohio-4706, ¶ 5.

Part of the rationale for this holding is that, under these circumstances, even where the parent has asserted injury to her residual parental rights, the appellate court could not effectively redress that injury because the appellate court cannot assume that the relative still desires to be awarded custody of the child. *In re K.C.* at ¶ 12.

In this case, mother no longer seeks custody of the child and neither does the aunt. Thus, mother has no standing to challenge the trial court's judgment granting permanent custody of K.W. to HCJFS and denying the aunt's custody petition.

Accordingly, we dismiss the appeal because mother lacks standing to raise the assignment of error.

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.

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

To the clerk:

Enter upon the journal of the court on February 5, 2020
per order of the court _____.
Presiding Judge