

OHIO COURT OF APPEALS, THIRD APPELLATE DISTRICT

In re K.J.

2026-Ohio-2986 · No. 1-25-56 · Decided August 3, 2026

SUMMARY

The Ohio Third District Court of Appeals affirmed the denial of Brandon J.'s motion to vacate a judgment awarding legal custody of K.J. to relatives. The court held that the filing of a timely motion under R.C. 2151.415 continued temporary custody by operation of law and preserved the juvenile court's subject-matter jurisdiction, and that the appellant's challenge was additionally barred by res judicata.

CASE DETAILS

COURT	Ohio Court of Appeals, Third Appellate District
WRITING FOR THE COURT	Mark C. Miller; William R. Zimmerman; John R. Willamowski
JURISDICTION	Ohio
DECIDED	August 3, 2026
DOCKET	1-25-56
DISPOSITION	affirmed
PROCEDURAL POSTURE	Father-appellant appealed the denial of his motion to vacate the magistrate's legal-custody decision on the asserted ground that the juvenile court lacked subject-matter jurisdiction.
STANDARD OF REVIEW	De novo review applies to a juvenile court's determination of subject-matter jurisdiction.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion; precedential under applicable Ohio law.
PARTIES	Brandon J. v. Allen County Children Services Board

TOPICS

- subject matter jurisdiction
- child custody
- statutory interpretation
- appellate procedure
- res judicata

PRACTICE AREAS

- juvenile law
- child welfare
- family law

QUESTIONS PRESENTED

1. Whether the juvenile court retained subject-matter jurisdiction to decide the Agency's motion for legal custody after the statutory temporary-custody sunset date had passed.
2. Whether the Agency's June 21, 2021 motion was valid under R.C. 2151.353(G) and R.C. 2151.415(A) even though the Agency allegedly no longer held temporary custody when the motion was filed.
3. Whether any alleged statutory or procedural violation rendered the legal-custody judgment void and permitted a later motion to vacate, or instead rendered the judgment merely voidable and subject to res judicata.

HOLDINGS

1. The passing of the statutory sunset period did not divest the juvenile court of subject-matter jurisdiction because a timely and valid R.C. 2151.415 motion was pending and temporary custody continued by operation of law until the court issued a dispositional order.
2. The June 21, 2021 motion was timely and complied with the statutory requirements sufficiently to preserve the juvenile court's dispositional authority.
3. Because the juvenile court had subject-matter jurisdiction, any alleged procedural or statutory violations rendered the judgment voidable rather than void.
4. Res judicata barred Brandon's current challenge because he did not raise the jurisdictional and procedural arguments in a direct appeal from the final legal-custody judgment.

KEY QUOTATIONS

“ “[J]uvenile courts are courts of limited jurisdiction whose powers are created solely by statute.” ” (¶ 17)

“ “ “[t]he passing of the statutory time period (“sunset date”) pursuant to R.C. 2151.353(F) does not divest juvenile courts of jurisdiction to enter dispositional orders.” ” ” (¶ 19)

“ “The Supreme Court emphasized that unless a statute explicitly states that a time limitation is jurisdictional, such requirements are presumptively procedural.” ” (¶ 28)

“ “ “[U]nless it is vacated on appeal, a voidable judgment has the force of a valid legal judgment, regardless of whether it is right or wrong.” ” ” (¶ 29)

“ “ “Res judicata bars relitigation of a matter that was raised or could have been raised on direct appeal when a final, appealable order was issued in accordance with the law at the time.” ” ” (¶ 30)

FACTUAL BACKGROUND

The Agency filed a dependency complaint alleging concerns about illegal substance use in K.J.'s home and a domestic incident. K.J. was adjudicated dependent and was later placed in the temporary custody of great-aunt and great-uncle Matt and Marcie Roberts. The Agency filed a motion for legal custody and termination of the case before the statutory sunset deadline, but hearings were delayed by the parents' continuance requests, Brandon's arrest, Jasmine's military-service stay, and the appointment of counsel for K.J. The magistrate ultimately recommended legal custody to the Roberts, and the trial court adopted that recommendation.

PROCEDURAL HISTORY

The Allen County Children Services Board filed a dependency complaint concerning K.J. in 2020. The juvenile court initially placed K.J. under protective supervision, later ordered temporary custody to Matt and Marcie Roberts, and then granted them legal custody and terminated the case. After the trial court adopted the magistrate's recommendation, Brandon did not challenge the legal-custody judgment by direct appeal. Nearly two years later, he moved to vacate the magistrate's decision for lack of subject-matter jurisdiction; the trial court denied the motion, and the court of appeals affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The cause was remanded solely for execution of the judgment for appellate costs; the trial court's legal-custody judgment and denial of the motion to vacate were affirmed.

CASES CITED

- In re J.D., 2007-Ohio-3279
- Carnes v. Kemp, 2004-Ohio-7107
- In re J.L.M., 2018-Ohio-2175
- State ex rel. Mowen v. Mowen, 2008-Ohio-4759
- In re Young Children, 76 Ohio St. 3d 632 (1996)
- In re B.D., 2023-Ohio-4052
- In re Wright, 2002 Ohio App. LEXIS 360
- In re A.J., 2014-Ohio-2734
- In re K.K., 2022-Ohio-3888
- Pratts v. Hurley, 2004-Ohio-1980
- State v. Henderson, 2020-Ohio-4784
- State v. Griffin, 2013-Ohio-5481