

OHIO COURT OF APPEALS, TENTH APPELLATE DISTRICT

In re A.J.

2014-Ohio-2734 (Ohio Ct. App. 2014) · No. Nos. 13AP-864 and 13AP-865 · Decided June 24, 2014

SUMMARY

The Ohio Tenth District Court of Appeals affirmed judgments terminating the parental rights of R.J. and granting Franklin County Children Services permanent custody of A.J. and C.D. The court held that the agency timely filed a motion under R.C. 2151.415(A), continuing the temporary-custody order, and that competent, credible evidence supported the finding that permanent custody was in the children's best interests.

CASE DETAILS

COURT	Ohio Court of Appeals, Tenth Appellate District
WRITING FOR THE COURT	Klatt, J.; Dorrian, J.; Luper Schuster, J.
JURISDICTION	Ohio
DECIDED	June 24, 2014
DOCKET	Nos. 13AP-864 and 13AP-865
DISPOSITION	affirmed
PROCEDURAL POSTURE	R.J., the mother of A.J. and C.D., appealed judgments of the Franklin County Court of Common Pleas, Division of Domestic Relations, Juvenile Branch, terminating her parental rights and awarding Franklin County Children Services permanent custody of the children.
STANDARD OF REVIEW	The appellate court reviews a permanent-custody best-interest determination to determine whether competent, credible evidence supports it.
PRECEDENTIAL VALUE	Published appellate decision; precedential under Ohio law.
PARTIES	R.J. v. A.J., Franklin County Children Services

TOPICS

[termination of parental rights](#) [parental rights](#) [family law procedure](#) [appellate procedure](#) [standard of review](#)

PRACTICE AREAS

[family law](#) [juvenile law](#) [termination of parental rights](#) [child welfare](#)

QUESTIONS PRESENTED

1. Whether FCCS's September 10, 2008 motion for termination of temporary custody and protective supervision was timely under R.C. 2151.415(A) and therefore continued temporary custody beyond the statutory sunset date.
2. Whether competent, credible evidence supported the juvenile court's determination that awarding FCCS permanent custody was in A.J.'s and C.D.'s best interests.

HOLDINGS

1. The temporary-custody order did not terminate because FCCS timely filed a motion for termination of temporary custody and protective supervision more than 30 days before the October 28, 2008 sunset date. That motion was one of the motions listed in R.C. 2151.415(A), and it continued temporary custody until disposition.
2. The award of permanent custody to FCCS was supported by competent, credible evidence and was in the best interests of A.J. and C.D.

KEY QUOTATIONS

“The passing of that date does not, however, divest the juvenile court of jurisdiction.” (¶ 10)

“Clear and convincing evidence is the measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the allegations sought to be established.” (¶ 16)

FACTUAL BACKGROUND

FCCS became involved with the family because of allegations of educational neglect and later removed the children following allegations that the mother physically abused another child. A.J. and C.D. remained in foster care from 2006 or 2007 through the permanent-custody proceedings while the mother was subject to a case plan addressing parenting skills, counseling, anger management, and the children's basic needs. The mother failed to complete significant portions of the case plan, including counseling and drug screens, and a caseworker testified that she had made little improvement in parenting or anger management.

PROCEDURAL HISTORY

The children were adjudicated dependent and placed in FCCS's temporary custody in January 2007. After extensions of temporary custody, FCCS filed a motion for protective supervision in September 2008 and a motion for permanent custody in November 2008. Following continuances and a mistrial, a multi-day trial occurred between September 2012 and July 2013; the juvenile court returned D.J. to the mother but granted FCCS permanent custody of A.J. and C.D. The appellate court affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Young Children, 76 Ohio St. 3d 632, 637, 669 N.E.2d 1140 (1996)
- In re A.W., 2008-Ohio-718, ¶ 8 (Ohio Ct. App. 2008)
- Troxel v. Granville, 530 U.S. 57, 65 (2000)
- In re Murray, 52 Ohio St. 3d 155, 157, 556 N.E.2d 1169 (1990)
- In re Cunningham, 59 Ohio St. 2d 100, 106, 391 N.E.2d 1034 (1979)
- In re E.G., 2007-Ohio-3658, ¶ 8 (Ohio Ct. App. 2007)
- In re Harmon, 4th Dist. No. 00CA2694 (Sept. 25, 2000)
- In re Wise, 96 Ohio App. 3d 619, 624 (9th Dist. 1994)
- In re K.J.D., 2013-Ohio-610, ¶ 7 (Ohio Ct. App. 2013)
- In re H.D., 2014-Ohio-228, ¶ 16 (Ohio Ct. App. 2014)
- In re A.P., 2009-Ohio-438, ¶ 9 (Ohio Ct. App. 2009)
- In re Abram, 2004-Ohio-5435 (Ohio Ct. App. 2004)
- In re Bray, 2005-Ohio-1540, ¶ 12 (Ohio Ct. App. 2005)
- In re G.B., 2005-Ohio-3141, ¶ 19 (Ohio Ct. App. 2005)