

COURT OF APPEALS OF OHIO, NINTH JUDICIAL DISTRICT

In re D.W.

2026-Ohio-1442 (Ohio Ct. App. 9th Dist. 2026) · No. C.A. No. 31586 · Decided April 22, 2026

SUMMARY

The Ninth District Court of Appeals of Ohio affirmed a juvenile court judgment granting legal custody of D.W. to the child's paternal grandmother and her partner. The court held that the award was supported by a preponderance of the evidence and was not against the manifest weight of the evidence or contrary to the child's best interests. The decision emphasized the mother's unresolved substance-abuse and mental-health issues, instability, and inability to provide a safe and permanent home, contrasted with the custodians' stable care.

CASE DETAILS

COURT	Court of Appeals of Ohio, Ninth Judicial District
WRITING FOR THE COURT	Jennifer Hensal; Flagg Lanzinger; Stevenson
JURISDICTION	Ohio Court of Appeals, Ninth Judicial District
DECIDED	April 22, 2026
DOCKET	C.A. No. 31586
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed the Summit County Juvenile Court's judgment granting legal custody of D.W. to the paternal grandmother and her long-term partner, arguing that the award was against the manifest weight of the evidence and not in the child's best interest.
STANDARD OF REVIEW	An award of legal custody will not be reversed if supported by a preponderance of the evidence. In reviewing a manifest-weight challenge, the appellate court weighs the evidence and reasonable inferences, considers witness credibility, and determines whether the factfinder clearly lost its way and created a manifest miscarriage of justice, while remaining mindful of the presumption in favor of the factfinder.
PRECEDENTIAL VALUE	Published opinion; precedential within the applicable Ohio Ninth District framework.
PARTIES	Mother v. Summit County Children Services Board

TOPICS

child custody family law procedure standard of review appellate procedure parental rights

PRACTICE AREAS

family law juvenile law child custody dependency proceedings

QUESTIONS PRESENTED

1. Whether the juvenile court's award of legal custody of D.W. to the paternal grandmother and Mr. B. was against the manifest weight of the evidence.
2. Whether the juvenile court properly determined that awarding legal custody to the paternal grandmother and Mr. B. was in D.W.'s best interest.

HOLDINGS

1. A legal-custody award will not be reversed when it is supported by a preponderance of the evidence; a manifest-weight challenge requires a showing that the factfinder clearly lost its way and created a manifest miscarriage of justice.
2. Following an adjudication of neglect, dependency, or abuse, the juvenile court determines whether to award legal custody to a parent or relative based solely on the child's best interest.
3. The juvenile court's award of legal custody to the paternal grandmother and Mr. B. was supported by the evidence, was in D.W.'s best interest, and was not against the manifest weight of the evidence.

KEY QUOTATIONS

“weighs the evidence and all reasonable inferences, considers the credibility of witnesses and determines whether in resolving conflicts in the evidence, the [finder of fact] clearly lost its way and created such a manifest miscarriage of justice that the [judgment] must be reversed and a new [hearing] ordered.” (¶ 14)

“Based on a thorough review of the record, this is not the exceptional case where the trier of fact clearly lost its way and created a manifest miscarriage of justice by awarding legal custody of D.W. to Grandmother and Mr. B.” (¶ 33)

FACTUAL BACKGROUND

D.W. was born after Mother tested positive for amphetamines and admitted using methamphetamine during pregnancy, while Father was incarcerated and paternity had not yet been established. Mother had a history of substance abuse, prior loss of custody of two older children, unstable housing, and limited cooperation with child-services interventions. After D.W. was removed, Mother made little progress on substance-abuse and mental-health case-plan objectives, continued associating with a drug-using boyfriend, and failed to establish stable housing and caregiving circumstances. D.W. was bonded with the paternal grandmother and Mr. B., who provided a safe and stable home, met the child's needs, and supported continued parental visitation.

PROCEDURAL HISTORY

Summit County Children Services removed D.W. from Mother's care under an emergency order after allegations of dependency and concerns regarding Mother's methamphetamine use, unstable housing, and the suitability of her live-in boyfriend. The juvenile court adjudicated D.W. dependent, and the Ninth District affirmed that adjudication in *In re D.W.*, 2025-Ohio-246. After temporary custody was extended and the case plan was amended to include a concurrent legal-custody plan, the magistrate and juvenile court awarded legal custody to the paternal grandmother and Mr. B.; the juvenile court overruled Mother's evidentiary objection. The Ninth District affirmed.

DISPOSITION

affirmed

CASES CITED

- *In re D.W.*, 2025-Ohio-246, ¶¶ 1, 23 (9th Dist.)
- *In re M.F.*, 2016-Ohio-2685, ¶ 7 (9th Dist.)
- *Eastley v. Volkman*, 2012-Ohio-2179, ¶¶ 20-21
- *In re K.H.*, 2016-Ohio-1330, ¶ 12 (9th Dist.)
- *In re B.B.*, 2016-Ohio-7994, ¶ 18 (9th Dist.)
- *In re N.P.*, 2004-Ohio-110, ¶ 23 (9th Dist.)
- *In re B.G.*, 2008-Ohio-5003, ¶ 9 (9th Dist.)
- *In re T.A.*, 2006-Ohio-4468, ¶ 17 (9th Dist.)
- *In re B.C.*, 2014-Ohio-2748, ¶ 16 (9th Dist.)
- *In re K.A.*, 2017-Ohio-1, ¶ 17 (9th Dist.)