

COURT OF APPEALS OF OHIO, TWELFTH APPELLATE DISTRICT,
CLINTON COUNTY

In re S.B.

2026-Ohio-947 · No. CA2025-10-040; CA2025-10-041 · Decided March 20, 2026

SUMMARY

The Twelfth District Court of Appeals of Ohio affirmed a juvenile court decision granting Clinton County Children Services permanent custody of a minor child. The biological mother and father argued that the decision was unsupported by sufficient evidence and was against the manifest weight of the evidence. The appellate court addressed the treatment of hearsay in permanent-custody proceedings and concluded that sufficient admissible evidence supported the award of permanent custody.

CASE DETAILS

COURT	Court of Appeals of Ohio, Twelfth Appellate District, Clinton County
WRITING FOR THE COURT	Matthew R. Byrne, Presiding Judge; Robert A. Hendrickson, Judge; Robin N. Piper, Judge
JURISDICTION	Ohio Court of Appeals, Twelfth Appellate District, Clinton County
DECIDED	March 20, 2026
DOCKET	CA2025-10-040; CA2025-10-041
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother and Father separately appealed the juvenile court's order granting Clinton County Children Services permanent custody of their minor child and terminating their parental rights.
STANDARD OF REVIEW	A permanent-custody decision is reviewed for sufficient credible evidence and may also be reversed if it is against the manifest weight of the evidence. The appellate court defers to the juvenile court's credibility and best-interest determinations and does not reweigh the evidence unless the juvenile court clearly lost its way and created a manifest miscarriage of justice.
PRECEDENTIAL VALUE	Published and precedential Ohio Court of Appeals opinion
PARTIES	Biological Mother, Biological Father v. Clinton County Children Services

TOPICS

termination of parental rights

child custody

hearsay

evidence

standard of review

PRACTICE AREAS

juvenile law

child welfare

termination of parental rights

evidence

QUESTIONS PRESENTED

1. Whether the juvenile court's award of permanent custody to Clinton County Children Services was supported by sufficient clear and convincing evidence.
2. Whether the permanent-custody judgment was against the manifest weight of the evidence.
3. Whether the statutory best-interest and second-prong requirements for permanent custody under R.C. 2151.414 were satisfied.
4. What effect, if any, the substantial amount of unobjected-to hearsay testimony had on appellate review of the permanent-custody decision.

HOLDINGS

1. The Rules of Evidence apply to permanent-custody hearings, and hearsay is inadmissible unless an applicable exception applies. Although the failure to object waives all but plain error, inadmissible hearsay warrants reversal only when the juvenile court relied on it in terminating parental rights. Because the record did not show reliance on inadmissible hearsay, the court excluded plainly inadmissible hearsay from its analysis but affirmed based on sufficient admissible evidence.
2. The juvenile court properly found that awarding permanent custody to the Agency was in the child's best interest under R.C. 2151.414(D)(1). The evidence supported the child's strong bond with and desire to be adopted by her placement, her poor or minimal relationships with Mother and Father, her improvement in the placement, her custodial history, and her need for a legally secure permanent placement.
3. The statutory requirements for permanent custody were satisfied because permanent custody was in the child's best interest and the child had been in the Agency's temporary custody for at least 12 of the preceding 22 months. Because one circumstance under R.C. 2151.414(B)(1)(a)-(e) is sufficient, the court did not need to review the alternative finding that the child could not or should not be placed with either parent within a reasonable time.
4. A parent's successful completion of the terms of a case plan is not dispositive of whether permanent custody should be awarded.

KEY QUOTATIONS

"The admission of hearsay evidence is considered prejudicial—and thus supportive of plain error—if "it is shown that the judge relied on improper evidence in making his decision."" (¶ 6)

"a case plan is simply a means to a goal and is not the goal itself." (¶ 112)

“The juvenile court's decision to grant permanent custody of Sara to the Agency was supported by clear and convincing evidence and was not against the manifest weight of the evidence.” (¶ 118)

FACTUAL BACKGROUND

The child was removed from Mother's care after the family experienced homelessness, domestic-violence concerns, and parental substance-use concerns. The Agency also identified educational, physical-health, mental-health, and online-safety concerns. Father minimally engaged in the case plan and was removed from it, while Mother completed its formal requirements but did not demonstrate sufficient behavioral change or accountability. The child had lived with her adult half-sister for more than two years, improved academically and physically, received mental-health treatment, and consistently expressed a desire to be adopted by that placement rather than reunified with either parent.

PROCEDURAL HISTORY

The Agency obtained emergency and then temporary custody of the child in March 2023, and the juvenile court adjudicated her dependent in May 2023. The Agency filed a permanent-custody motion in September 2024. After a two-day permanent-custody hearing, the juvenile court found that the child had been in Agency custody for at least 12 of the preceding 22 months, could not or should not be placed with either parent within a reasonable time, and that permanent custody was in her best interest. Mother and Father timely appealed, challenging the sufficiency and manifest weight of the evidence.

DISPOSITION

affirmed

CASES CITED

- In re M.G., 2023-Ohio-1316, ¶¶ 34-35 (12th Dist.)
- In re B.J. & L.J., 2016-Ohio-7440, ¶ 61 (12th Dist.)
- In re G.B., 2025-Ohio-5803, ¶¶ 28, 41 (12th Dist.)
- In re H.D., 2017-Ohio-1333, ¶ 8 (12th Dist.)
- In re K.B., 2014-Ohio-3654, ¶ 83 (12th Dist.)
- In re W.R., 2012-Ohio-382, ¶ 26 (12th Dist.)
- In re C.J., 2014-Ohio-2403 (8th Dist.)
- In re R.C., 2025-Ohio-5150, ¶ 1 fn. 1 (12th Dist.)
- In re J.K., 2025-Ohio-3190, ¶ 1 fn. 1 (12th Dist.)
- United States v. Varner, 948 F.3d 250, 254-258 (5th Cir. 2020)
- In re N.L., 2025-Ohio-2625, ¶¶ 20, 39 (12th Dist.)
- In re K.P., 2022-Ohio-1347, ¶ 17 (12th Dist.)
- In re M.H., 2022-Ohio-48, ¶ 35 (12th Dist.)
- In re R.B., 2022-Ohio-1705, ¶ 31 (12th Dist.)

- In re J.B., 2023-Ohio-2454, ¶ 13 (12th Dist.)
- In re C.S., 2020-Ohio-4414, ¶ 16 (12th Dist.)
- In re A.S., 2020-Ohio-4127, ¶ 19 (12th Dist.)
- In re G.A., 2023-Ohio-643, ¶ 18 (12th Dist.)
- In re F.S., 2021-Ohio-345, ¶¶ 61, 68 (12th Dist.)
- In re S.M., 2019-Ohio-198, ¶ 16 (12th Dist.)
- Eastley v. Volkman, 2012-Ohio-2179, ¶ 20
- In re R.K., 2021-Ohio-3074, ¶ 15 (12th Dist.)
- In re D.S., 2022-Ohio-998, ¶ 63 (12th Dist.)
- In re A.J., 2019-Ohio-593, ¶ 24 (12th Dist.)
- In re Z.B., 2024-Ohio-5387, ¶ 32 (12th Dist.)
- In re R.B., 2023-Ohio-3145, ¶ 51 (12th Dist.)
- In re J.N.L.H., 2022-Ohio-3865, ¶ 26 (12th Dist.)
- Moe v. Yost, 2025-Ohio-914, ¶ 1 (10th Dist.)
- United States v. Skrmetti, 605 U.S. 495 (2025)
- Mirabelli v. Bonta, 2026 U.S. LEXIS 1192, *9 (U.S. 2026) (Barrett, J., concurring)
- Suwareh v. Nwankwo, 2018-Ohio-3737, ¶ 29 (12th Dist.)
- Pater v. Pater, 63 Ohio St. 3d 393, 397 (1992)