

OHIO COURT OF APPEALS, NINTH JUDICIAL DISTRICT

In re J.E.

2022-Ohio-2403 (Ohio Ct. App. 2022) · No. C.A. No. 30174 · Decided July 13, 2022

SUMMARY

The Ohio Ninth District Court of Appeals affirmed an award of legal custody of J.E. to the child’s maternal grandmother. The court held that the custody decision was supported by the child’s best interests and was not against the manifest weight of the evidence. It also rejected the father’s argument that Summit County Children Services failed to make reasonable reunification efforts.

CASE DETAILS

COURT	Ohio Court of Appeals, Ninth Judicial District
WRITING FOR THE COURT	Lynne S. Callahan; Jennifer Hensal; Sutton
JURISDICTION	Ohio
DECIDED	July 13, 2022
DOCKET	C.A. No. 30174
DISPOSITION	affirmed
PROCEDURAL POSTURE	Father appealed from the Summit County Court of Common Pleas, Juvenile Division, judgment granting legal custody of J.E. to the child's maternal grandmother.
STANDARD OF REVIEW	A legal-custody decision is reviewed under the manifest-weight-of-the-evidence standard. The appellate court weighs the evidence and reasonable inferences, considers witness credibility, and asks whether the factfinder clearly lost its way and created a manifest miscarriage of justice.
PRECEDENTIAL VALUE	published appellate decision
PARTIES	Father v. Summit County Children Services Board, Grandmother

TOPICS

- child custody
- family law procedure
- standard of review
- appellate procedure

PRACTICE AREAS

- juvenile law
- child custody
- dependency proceedings
- child welfare

QUESTIONS PRESENTED

1. Whether the juvenile court abused its discretion or otherwise erred by awarding legal custody of J.E. to Grandmother.
2. Whether the juvenile court erred in finding that CSB used reasonable efforts to prevent J.E.'s continued removal and to reunify the child with Father.

HOLDINGS

1. The award of legal custody to Grandmother was not against the manifest weight of the evidence because the evidence supported the juvenile court's determination that placement with Grandmother, with J.E. remaining in the specialized intermediate-care facility, was in J.E.'s best interest.
2. The juvenile court correctly found that CSB used reasonable efforts to prevent J.E.'s continued removal and to make reunification with Father possible.

KEY QUOTATIONS

“In a reasonable efforts determination, the issue is not whether the agency could have done more, but whether it did enough to satisfy the reasonableness standard under the statute.” (¶ 29)

“Based on a thorough review of the record, this is not the exceptional case in which the trier of fact clearly lost its way and created a manifest miscarriage of justice by awarding legal custody to Grandmother.” (¶ 27)

FACTUAL BACKGROUND

J.E. was born with chromosomal anomalies, developmental delays, severe behavioral issues, and a need for around-the-clock supervision. Grandmother provided most of J.E.'s care from birth and previously held legal custody, but sought agency assistance when respite funding was exhausted and the child's care became overwhelming. Father had a history of domestic violence, alcohol abuse, incarceration, and pending criminal matters, and he threatened staff at an intermediate-care facility, resulting in J.E.'s discharge and relocation. J.E. was thriving in a subsequent facility that could provide long-term specialized care, while Grandmother supported that placement and facilitated family visitation.

PROCEDURAL HISTORY

Summit County Children Services Board initiated dependency proceedings involving J.E. in 2017, and J.E. was placed in Grandmother's legal custody in 2018. After Grandmother requested assistance because she could no longer provide the necessary care, the agency obtained temporary custody, developed a reunification case plan, and later moved for legal custody to Grandmother so that J.E. could remain in an appropriate intermediate-care facility. Following a final dispositional hearing, the juvenile court granted legal custody to Grandmother and ordered that J.E. remain in the facility. Father timely appealed, challenging the legal-custody award and the finding that CSB used reasonable reunification efforts.

DISPOSITION

affirmed

CASES CITED

- In re M.F., 9th Dist. Lorain No. 15CA010823, 2016-Ohio-2685, ¶ 7
- Eastley v. Volkman, 132 Ohio St.3d 328, 2012-Ohio-2179, ¶¶ 20-21
- In re K.H., 9th Dist. Summit No. 27952, 2016-Ohio-1330, ¶ 12
- In re B.B., 9th Dist. Lorain No. 15CA010880, 2016-Ohio-7994, ¶ 18
- In re N.P., 9th Dist. Summit No. 21707, 2004-Ohio-110, ¶ 23
- In re B.G., 9th Dist. Summit No. 24187, 2008-Ohio-5003, ¶ 9
- In re T.A., 9th Dist. Summit No. 22954, 2006-Ohio-4468, ¶ 17
- In re B.C., 9th Dist. Summit Nos. 26976 and 26977, 2014-Ohio-2748, ¶ 16
- In re K.A., 9th Dist. Lorain Nos. 15CA010850 and 15CA010860, 2017-Ohio-1, ¶ 17
- In re T.B.-W., 9th Dist. Summit No. 27544, 2015-Ohio-992, ¶ 15
- In re C.F., 113 Ohio St.3d 73, 2007-Ohio-1104, ¶ 28
- In re C.M., 9th Dist. Summit No. 24380, 2009-Ohio-943, ¶ 21
- In re B.D., 9th Dist. Summit Nos. 30194, 30195, and 30196, 2022-Ohio-1832, ¶ 33