

COURT OF APPEALS OF OHIO, THIRD APPELLATE DISTRICT, ALLEN COUNTY

In re J.H.

2026-Ohio-1333 · No. 1-25-40 · Decided April 13, 2026

SUMMARY

The Ohio Third District Court of Appeals affirmed the judgment granting Allen County Children Services permanent custody of J.H., an adjudicated dependent and abused child. The court held that clear and convincing evidence supported the finding that permanent custody was in J.H.’s best interest and that the trial court did not abuse its discretion by denying the mother’s request for a temporary-custody extension.

CASE DETAILS

COURT	Court of Appeals of Ohio, Third Appellate District, Allen County
WRITING FOR THE COURT	Miller, J.; Mark C. Miller; William R. Zimmerman; Juergen A. Waldick
JURISDICTION	Ohio Court of Appeals, Third Appellate District, Allen County
DECIDED	April 13, 2026
DOCKET	1-25-40
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed the juvenile court's judgment granting the Allen County Children Services Board permanent custody of her child and denying her request for an extension of temporary custody.
STANDARD OF REVIEW	A permanent-custody decision is reviewed under the manifest-weight-of-the-evidence standard, with the appellate court determining whether the juvenile court's findings were supported by clear and convincing evidence and deferring to the trial court's credibility determinations. A decision whether to extend temporary custody is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published
PARTIES	Jessica W. v. Allen County Children Services Board

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the juvenile court's determination that permanent custody was in J.H.'s best interest was against the manifest weight of the evidence.
2. Whether the juvenile court abused its discretion by denying Jessica's request for a two-month extension of temporary custody to obtain suitable housing.

HOLDINGS

1. The permanent-custody award was supported by clear and convincing evidence and was not against the manifest weight of the evidence.
2. The juvenile court did not abuse its discretion by denying Jessica's request for a two-month extension.

KEY QUOTATIONS

“R.C. 2151.414(B)(1) establishes a two-part test for courts to apply when determining whether to grant a motion for permanent custody: (1) the trial court must find that one of the circumstances in R.C. 2151.414(B)(1)(a)-(e) applies, and (2) the trial court must find that permanent custody is in the best interest of the child.” (¶ 13)

“[T]he court may extend the temporary custody order of the child for a period of up to six months, if it determines at the hearing, by clear and convincing evidence, that the extension is in the best interest of the child, there has been significant progress on the case plan of the child, and there is reasonable cause to believe that the child will be reunified with one of the parents or otherwise permanently placed within the period of extension.” (¶ 42)

“Given the totality of the evidence presented at the permanent-custody hearing, the trial court did not abuse its discretion in denying Jessica’s oral motion for an extension.” (¶ 49)

FACTUAL BACKGROUND

J.H. was born in August 2023 after Jessica tested positive for amphetamine, cocaine, fentanyl, and marijuana and reported alcohol use during pregnancy; J.H.'s cord blood also tested positive for multiple substances, and he was treated for withdrawal. J.H. remained in the Agency's temporary custody from shortly after birth and was placed with a foster family, with a later placement with a relative before returning to the foster family. Although Jessica later completed substance-abuse treatment and increased visitation, she had three positive drug screens, lacked housing that could accommodate J.H., had not demonstrated the ability to meet his basic needs, and had missed six of seventeen possible visits.

PROCEDURAL HISTORY

The Agency obtained temporary custody of J.H. after his birth and filed a complaint alleging dependency and abuse. The juvenile court adjudicated J.H. dependent and abused, continued the Agency's temporary custody, and later granted the Agency's motion for permanent custody after a June 11, 2025 hearing. Jessica appealed, challenging the permanent-custody determination and the denial of a two-month extension.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The cause was remanded to the trial court solely for execution of the judgment for costs and issuance of the mandate.

CASES CITED

- In re Dn.R., 2020-Ohio-6794, ¶¶ 16-19 (3d Dist.)
- Eastley v. Volkman, 2012-Ohio-2179, ¶ 20
- Tewarson v. Simon, 141 Ohio App.3d 103, 115 (9th Dist. 2001)
- In re K.H., 2008-Ohio-4825, ¶ 43
- In re Estate of Haynes, 25 Ohio St.3d 101, 104, 25 Ohio B. 150 (1986)
- State v. Schiebel, 55 Ohio St.3d 71, 74 (1990)
- In re R.M., 2013-Ohio-3588, ¶ 55 (4th Dist.)
- In re S.D., 2016-Ohio-7057, ¶ 20 (5th Dist.)
- State v. Thompkins, 78 Ohio St.3d 380, 387 (1997)
- State v. Martin, 20 Ohio App.3d 172, 175, 20 Ohio B. 215 (1st Dist. 1983)
- In re Murray, 52 Ohio St.3d 155, 157 (1990)
- Stanley v. Illinois, 405 U.S. 645, 651, 92 S.Ct. 1208 (1972)
- Meyer v. Nebraska, 262 U.S. 390, 399, 43 S.Ct. 625 (1923)
- Santosky v. Kramer, 455 U.S. 745, 753, 102 S.Ct. 1388 (1982)
- In re Thomas, 2003-Ohio-5885, ¶ 7 (3d Dist.)
- In re Leveck, 2003-Ohio-1269, ¶ 6 (3d Dist.)
- In re N.R.S., 2018-Ohio-125, ¶¶ 12, 16 (3d Dist.)
- In re B.C., 2014-Ohio-4558, ¶ 26
- In re A.M., 2015-Ohio-2740, ¶ 13 (3d Dist.)
- In re Y.W., 2017-Ohio-4218, ¶ 10 (3d Dist.)
- In re K.M.S., 2017-Ohio-142, ¶¶ 23-24 (3d Dist.)
- In re H.M., 2014-Ohio-755, ¶ 27 (3d Dist.)
- In re H.S., 2023-Ohio-3210, ¶ 32 (3d Dist.)

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