

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT

In re A.F. and R.F.

2026-Ohio-2998 · No. 2026CA00046 & 2026CA00047 · Decided August 3, 2026

SUMMARY

The Ohio Court of Appeals for the Fifth Appellate District affirmed the termination of S.F.'s parental rights and the grant of permanent custody of A.F. and R.F. to the Stark County Department of Job and Family Services. The court held that the children had been in temporary custody for at least 12 of 22 consecutive months and that permanent custody was in their best interests. The court also rejected the mother's claim that the children were entitled to independent counsel, finding no plain error in the trial court's failure to appoint counsel.

CASE DETAILS

COURT	Ohio Court of Appeals, Fifth Appellate District
WRITING FOR THE COURT	Andrew J. King, P.J.; Kevin W. Popham, J.; David M. Gormley, J.
JURISDICTION	Ohio
DECIDED	August 3, 2026
DOCKET	2026CA00046 & 2026CA00047
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed a juvenile court judgment terminating her parental rights and granting permanent custody of A.F. and R.F. to the Stark County Department of Job and Family Services.
STANDARD OF REVIEW	Permanent-custody decisions are reviewed under the sufficiency-of-the-evidence and/or manifest-weight standards, depending on the nature of the arguments. Unpreserved civil errors are reviewed, if at all, for plain error, which applies only in extremely rare cases involving exceptional circumstances and a manifest miscarriage of justice.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	S.F., mother v. Stark County Department of Job and Family Services

TOPICS

- termination of parental rights
- child custody
- standard of review
- preservation of error
- appellate procedure

PRACTICE AREAS

juvenile law

family law

child welfare

QUESTIONS PRESENTED

1. Whether the juvenile court erred by failing to appoint independent counsel for the minor children.
2. Whether the juvenile court's finding that permanent custody was in the children's best interests was supported by the evidence and was not against the manifest weight of the evidence.

HOLDINGS

1. The trial court properly granted permanent custody to SCJFS because the children had been in temporary custody for at least 12 months of a consecutive 22-month period, appropriate kinship placements were unavailable or unsuitable, reunification with mother was not in the children's best interests, and the decision was supported by competent, credible evidence.
2. The juvenile court did not commit plain error by failing to appoint independent counsel for the children.

KEY QUOTATIONS

"In appeals of civil cases, the plain error doctrine is not favored and may be applied only in the extremely rare case involving exceptional circumstances where error, to which no objection was made at the trial court, seriously affects the basic fairness, integrity, or public reputation of the judicial process, thereby challenging the legitimacy of the underlying judicial process itself." (§ 40)

"The plain error doctrine originated as a criminal law concept. In applying the doctrine of plain error in a civil case, reviewing courts must proceed with the utmost caution, limiting the doctrine strictly to those extremely rare cases where exceptional circumstances require its application to prevent a manifest miscarriage of justice, and where the error complained of, if left uncorrected, would have a material adverse effect on the character of, and public confidence in, judicial proceedings." (§ 40)

FACTUAL BACKGROUND

SCJFS became involved after mother permitted C.P., a convicted and registered sex offender who was R.F.'s father and A.F.'s uncle, to reside with the children despite agency warnings and a risk assessment recommending only professionally supervised contact with R.F. and no contact with A.F. Mother failed to make meaningful progress on her case plan, remained uncooperative with the agency, continued to support C.P. after A.F.'s sexual-assault allegations against him were substantiated, and failed to provide stable housing information. The children adapted to their separate placements, while proposed kinship placements were found unsuitable or unavailable.

PROCEDURAL HISTORY

Stark County Department of Job and Family Services filed dependency and neglect proceedings in December 2023 after learning that a convicted Tier III sex offender was residing in the home with the children. Mother stipulated to dependency, and the children were placed in the agency's temporary custody. After case-plan services, periodic reviews, and continuances, the agency moved for permanent custody. Following a February 2, 2026 hearing, the trial court found the children had been in temporary custody for at least 12 of 22 consecutive

months, could not be placed with mother within a reasonable time, and that permanent custody was in their best interests. The appellate court affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Z.C., 2023-Ohio-4703, ¶ 11
- Bryan-Wollman v. Domonko, 2007-Ohio-4918, ¶ 3
- State v. Thompson, 78 Ohio St.3d 380, 386 (1997)
- State v. Martin, 20 Ohio App.3d 172, 175 (1st Dist. 1983)
- Eastley v. Volkman, 2012-Ohio-2179
- Seasons Coal Co., 10 Ohio St.3d 77, 80 (1984)
- C.E. Morris Co. v. Foley Construction Co., 54 Ohio St.2d 279, 280-281 (1978)
- In re C.W., 2004-Ohio-6411, ¶ 22
- In the Matter of A.S., V.S., and Z.S., 2013-Ohio-4018 (5th Dist.)
- Matter of L.G., 2021-Ohio-743, ¶ 36 (5th Dist.)
- Goldfuss v. Davidson, 79 Ohio St.3d 116 (1997)

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