

COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT,
CUYAHOGA COUNTY

In re C.H., Jr.

2025-Ohio-5352 · No. 115194 · Decided November 26, 2025

SUMMARY

The Eighth District Court of Appeals of Ohio affirmed the Cuyahoga County Juvenile Court’s judgment terminating the mother’s parental rights and awarding permanent custody of C.H. to the Cuyahoga County Division of Children and Family Services. The court held that the statutory duration-of-custody requirement was satisfied and that permanent custody was in the child’s best interest under R.C. 2151.414(D)(2). The court also upheld the denial of the mother’s request for a continuance.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Mary J. Boyle; Eileen T. Gallagher; William A. Klatt
JURISDICTION	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
DECIDED	November 26, 2025
DOCKET	115194
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed a juvenile court judgment terminating her parental rights and awarding permanent custody of her child to the Cuyahoga County Division of Children and Family Services. She challenged the evidentiary basis and best-interest determination supporting permanent custody and the denial of her motion for a continuance.
STANDARD OF REVIEW	Permanent-custody determinations are reviewed under the sufficiency-of-the-evidence and manifest-weight-of-the-evidence standards, as appropriate. A juvenile court’s decision on a motion for a continuance is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Ohio appellate opinion
PARTIES	J.H., Mother v. Cuyahoga County Division of Children and Family Services

TOPICS

termination of parental rights

parental rights

family law procedure

standard of review

appellate procedure

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family law

juvenile law

parental rights

termination of parental rights

appellate procedure

QUESTIONS PRESENTED

1. Whether the juvenile court's award of permanent custody to the agency and termination of Mother's parental rights was supported by sufficient clear and convincing evidence and was not against the manifest weight of the evidence.
2. Whether the juvenile court abused its discretion by denying Mother's motion for a continuance based on her unexplained absence from the permanent-custody trial.

HOLDINGS

1. The first prong of Ohio's permanent-custody analysis was satisfied because C.H. had been in the temporary custody of a public children-services agency for 12 or more months of a consecutive 22-month period. Only one R.C. 2151.414(B)(1) factor is required.
2. Permanent custody was in C.H.'s best interest under R.C. 2151.414(D)(2), and the juvenile court was required to commit the child to the agency's permanent custody once the statutory conditions were established.
3. The juvenile court's decision to grant permanent custody to CCDCFS was not against the manifest weight of the evidence.
4. The juvenile court did not abuse its discretion by denying Mother's motion for a continuance.

KEY QUOTATIONS

“If the juvenile court makes the four enumerated findings under R.C. 2151.414(D)(2), “permanent custody is per se in the child’s best interest and the court ‘shall’ commit the child to the permanent custody of the agency.”” (2025-Ohio-5352, Section II.B.2)

“Based on the foregoing, we cannot say the juvenile court abused its discretion in denying Mother’s motion for continuance.” (2025-Ohio-5352, Section II.C)

FACTUAL BACKGROUND

C.H. was removed from Mother and Father in April 2022 because of the parents' substance-abuse issues, drug possession, unstable housing, and inability to provide appropriate care. C.H. remained continuously in agency custody for more than two years, while Mother failed to complete substance-abuse and mental-health services and Father remained incarcerated. The child had significant behavioral needs and was bonded with his foster placement, but no relative or other suitable person was identified to assume legal custody.

PROCEDURAL HISTORY

The child was removed from the parents in April 2022, and the agency obtained temporary custody after the complaint was refiled in June 2022. The juvenile court adjudicated the child dependent, granted extensions of temporary custody, and later granted the agency's motion for permanent custody following an April 2025 hearing. The juvenile court found by clear and convincing evidence that the child had been in agency custody for at least 12 of 22 consecutive months, could not or should not be placed with a parent within a reasonable time, and that permanent custody was in the child's best interest.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

A special mandate was ordered to issue directing the common pleas court, juvenile division, to execute the judgment.

CASES CITED

- In re C.H., 8th Dist. Cuyahoga No. 115187
- In re Murray, 52 Ohio St.3d 155, 156 (1990)
- Stanley v. Illinois, 405 U.S. 645, 651 (1972)
- Santosky v. Kramer, 455 U.S. 745, 753 (1982)
- In re Cunningham, 59 Ohio St.2d 100, 106 (1979)
- In re R.J.C., 300 So.2d 54, 58 (Fla.App. 1974)
- In re Z.C., 2023-Ohio-4703, ¶¶ 7, 14, 18
- Eastley v. Volkman, 2012-Ohio-2179, ¶¶ 20-21
- Seasons Coal Co., Inc. v. Cleveland, 10 Ohio St.3d 77, 80, 461 N.E.2d 1273 (1984)
- In re B.P., 2023-Ohio-1377, ¶ 27 (8th Dist.)
- In re S.C., 2018-Ohio-2523, ¶ 20 (8th Dist.)
- In re D.H., 2021-Ohio-3821, ¶ 27 (8th Dist.)
- In re L.W., 2017-Ohio-657, ¶ 28
- Cross v. Ledford, 161 Ohio St. 469 (1954)
- In re L.H., 2024-Ohio-2271, ¶ 34 (8th Dist.)
- In re A.V., 2014-Ohio-5348, ¶ 58 (8th Dist.)
- In re R.M., 2012-Ohio-4290, ¶ 14
- In re B.P., 2019-Ohio-2919, ¶ 13
- In re U.B., 2025-Ohio-1265, ¶¶ 27-28
- In re A.S., 2021-Ohio-3829, ¶¶ 42, 44, 48 (8th Dist.)
- In re G.A., 2020-Ohio-2949, ¶¶ 59, 61-62, 68 (8th Dist.)
- In re S.C., 2019-Ohio-3664 (8th Dist.)

- In re S.W., 2018-Ohio-1672 (11th Dist.)
- In re J.R., 2018-Ohio-1474, ¶ 41 (10th Dist.)
- State v. Unger, 67 Ohio St.2d 65, 67 (1981)
- Ungar v. Sarafite, 376 U.S. 575 (1964)
- State v. Bayless, 48 Ohio St.2d 73 (1976)
- Johnson v. Abdullah, 2021-Ohio-3304, ¶ 35

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