

OHIO COURT OF APPEALS, NINTH JUDICIAL DISTRICT

In re L.O.-D.

2026-Ohio-1745 · No. C.A. No. 31641 · Decided May 13, 2026

SUMMARY

The Ninth District Court of Appeals affirmed the juvenile court’s adjudication of L.O.-D. as a dependent child under R.C. 2151.04(C) and its award of temporary custody to Summit County Children Services. The court held that the adjudication and disposition were not against the manifest weight of the evidence, citing chronic truancy, domestic-violence exposure, untreated mental-health concerns, and unsafe cluttered living conditions.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Ohio Court of Appeals, Ninth Judicial District                                                                                                                                                                                                                                                                                                                                                                                                 |
| WRITING FOR THE COURT | Jill Flagg Lanzinger; Carr, P.J.; Stevenson, J.                                                                                                                                                                                                                                                                                                                                                                                                |
| JURISDICTION          | Ohio Court of Appeals, Ninth Judicial District                                                                                                                                                                                                                                                                                                                                                                                                 |
| DECIDED               | May 13, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| DOCKET                | C.A. No. 31641                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| PROCEDURAL POSTURE    | Mother appealed from the Summit County Court of Common Pleas, Juvenile Division, judgments adjudicating L.O.-D. dependent and placing the child in the temporary custody of Summit County Children Services Board.                                                                                                                                                                                                                             |
| STANDARD OF REVIEW    | The court reviewed the dependency adjudication and temporary-custody disposition under the manifest-weight-of-the-evidence standard, examining the entire record, weighing the evidence and reasonable inferences, considering witness credibility, and asking whether the juvenile court clearly lost its way and created a manifest miscarriage of justice. The reviewing court remained mindful of the presumption favoring the factfinder. |
| PRECEDENTIAL VALUE    | published opinion; precedential under Ohio law                                                                                                                                                                                                                                                                                                                                                                                                 |
| PARTIES               | Mother v. Summit County Children Services Board                                                                                                                                                                                                                                                                                                                                                                                                |

TOPICS

family law procedure

child custody

appellate procedure

standard of review

family law

## PRACTICE AREAS

juvenile law

family law

child welfare

## QUESTIONS PRESENTED

1. Whether the juvenile court's adjudication that L.O.-D. was a dependent child under R.C. 2151.04(C) was against the manifest weight of the evidence.
2. Whether the juvenile court's order placing L.O.-D. in the temporary custody of Summit County Children Services Board was against the manifest weight of the evidence and contrary to the child's best interest.

## HOLDINGS

1. The adjudication of dependency was not against the manifest weight of the evidence because clear and convincing evidence showed that the child's home environment, including chronic truancy combined with severe clutter, exposure to domestic violence, and Mother's unaddressed mental-health and behavioral concerns, warranted the state assuming guardianship in the child's interests.
2. The order placing L.O.-D. in the temporary custody of Summit County Children Services Board was not against the manifest weight of the evidence because the placement was in the child's best interest.

## KEY QUOTATIONS

*“A dependency finding under R.C. 2151.04(C) does not require specific parental fault; rather the focus is on the child’s situation to determine whether the child is without proper or adequate care or support.”* (§ 12)

*“Evidence of chronic truancy, with nothing more, is insufficient to establish a child’s dependency.”* (§ 14)

*“it has long been the precedent in Ohio that the overriding consideration in child custody matters is the best interest of the child.”* (§ 33)

## FACTUAL BACKGROUND

L.O.-D. had extensive school absences and tardies despite repeated interventions by school personnel and the children services agency. Mother had untreated mental-health concerns, exhibited erratic and aggressive behavior, failed housing inspections because of severe clutter and was evicted, and had exposed the child to domestic violence in the home. After moving with the child into a friend's similarly cluttered home, Mother continued to resist services and the child remained chronically truant. The child was placed with the maternal grandmother, where her school attendance and academic performance improved; shortly before the dispositional hearing, Mother also tested positive for methamphetamine and amphetamines.

## PROCEDURAL HISTORY

Summit County Children Services initially filed a dependency and neglect complaint in October 2024, left the child in Mother's legal custody under protective supervision, and later removed the child to the maternal grandmother's home. The agency dismissed the original complaint because of statutory time constraints and

refiled it on January 30, 2025. After a contested adjudicatory hearing, the magistrate found the child dependent but not neglected and later placed the child in the agency's temporary custody. The juvenile court overruled Mother's objections and adopted those decisions, after which Mother appealed on manifest-weight grounds.

## DISPOSITION

affirmed

## CASES CITED

- In re Hunt, 46 Ohio St.2d 378, 380 (1976)
- In re Adoption of Holcomb, 18 Ohio St.3d 361, 368 (1985)
- Cross v. Ledford, 161 Ohio St. 469 (1954), paragraph three of the syllabus
- In re R.L., 2017-Ohio-4271, ¶ 8 (9th Dist.)
- In re C.S., 2012-Ohio-2884, ¶ 5 (9th Dist.)
- In re A.W., 2011-Ohio-4490, ¶ 8 (9th Dist.)
- In re A.S., 2020-Ohio-1356, ¶ 10 (9th Dist.)
- In re I.T., 2016-Ohio-555, ¶ 32 (9th Dist.)
- In re M.O., 2010-Ohio-5107, ¶¶ 14-16 (9th Dist.)
- In re E.P., 2023-Ohio-2432, ¶ 13 (9th Dist.)
- Eastley v. Volkman, 2012-Ohio-2179, ¶¶ 20-21
- Clark v. Bayer, 32 Ohio St. 299, 310 (1877)
- In re L.R., 2019-Ohio-1152, ¶¶ 35-36 (9th Dist.)