

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

In re D.D.

2026-Ohio-1973 · No. 115605 and 115622 · Decided May 28, 2026

SUMMARY

The Ohio Eighth District Court of Appeals reviewed a consolidated appeal involving the termination of a mother's parental rights, termination of a maternal grandmother's legal custody rights, and an award of permanent custody of five children to the Cuyahoga County Division of Children and Family Services. The court dismissed the grandmother's appeal for lack of standing and affirmed the juvenile court's judgment as to the mother.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Eileen T. Gallagher; Lisa B. Forbes; Anita Laster Mays
JURISDICTION	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
DECIDED	May 28, 2026
DOCKET	115605 and 115622
DISPOSITION	other
PROCEDURAL POSTURE	Mother and maternal grandmother/former legal custodian appealed juvenile-court orders granting Cuyahoga County Division of Children and Family Services permanent custody of five minor children, terminating Mother's parental rights, terminating Grandmother's legal-custody rights as to three children, and denying Mother's motion for legal custody. The appeals were consolidated.
STANDARD OF REVIEW	Permanent-custody decisions are reviewed under sufficiency-of-the-evidence and manifest-weight-of-the-evidence standards, depending on the argument presented. For manifest weight, the appellate court weighs the evidence and reasonable inferences, considers witness credibility, and determines whether the juvenile court clearly lost its way and created a manifest miscarriage of justice. The juvenile court's factual determinations receive deference. Standing is reviewed as a threshold issue.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion

PARTIES

T.C., Mother, T.H., Grandmother/Former Legal Custodian v.
Cuyahoga County Division of Children and Family Services

TOPICS[termination of parental rights](#)[parental rights](#)[guardianships](#)[appellate procedure](#)[standard of review](#)**PRACTICE AREAS**[juvenile law](#)[family law](#)[child welfare](#)[termination of parental rights](#)[appellate procedure](#)**QUESTIONS PRESENTED**

1. Whether Grandmother had standing to challenge the termination of Mother's parental rights and the agency's permanent-custody order.
2. Whether clear and convincing evidence supported the statutory basis for granting CCDCFS permanent custody.
3. Whether Mother rebutted the consequence of her prior involuntary parental-rights terminations under R.C. 2151.414(E)(11) by proving that she could provide a legally secure permanent placement and adequate care.
4. Whether the juvenile court's determination that permanent custody was in the children's best interests was supported by clear and convincing evidence and was not against the manifest weight of the evidence.
5. Whether CCDCFS made reasonable efforts toward reunification.
6. Whether the juvenile court erred by denying Mother's motion for legal custody or by failing to select Mother or Grandmother as a less restrictive alternative to permanent custody.

HOLDINGS

1. A former nonparent legal custodian has standing to challenge termination of her own legal-custody rights, but Grandmother lacked standing to challenge the termination of Mother's parental rights because she was not aggrieved by that aspect of the judgment.
2. The juvenile court properly found a statutory predicate for permanent custody because the children had been in agency custody for twelve or more months of a consecutive twenty-two-month period under R.C. 2151.414(B)(1)(d).
3. Mother failed to meet her burden under R.C. 2151.414(E)(11) to prove by clear and convincing evidence that, notwithstanding the prior involuntary termination of her parental rights to two other children, she could provide a legally secure permanent placement and adequate care for the five children.
4. Because at least one R.C. 2151.414(E) factor was established by clear and convincing evidence as to Mother, the juvenile court was required to find that the children could not be placed with her within a reasonable time or should not be placed with her.

5. The juvenile court did not err in finding that CCDCFS made reasonable efforts to reunify Mother with the children.
6. Clear and convincing evidence supported the determination that permanent custody to CCDCFS was in the best interests of all five children, and the determination was not against the manifest weight of the evidence.
7. The juvenile court was not required to find that termination was the only option or that every suitable relative placement was unavailable before granting permanent custody, and it did not err in denying Mother's legal-custody motion.

KEY QUOTATIONS

"The issue is not whether the parent has substantially complied with the case plan, but whether the parent has substantially remedied the conditions that caused the child's removal." (Section II.D.1)

"The issue in a reasonable-efforts determination is not whether the agency could have done more, but whether the agency's case planning and efforts were reasonable and diligent under the circumstances of the case." (Section II.D.2)

"The statute does not make the availability of a placement that would not require a termination of parental rights an all-controlling factor." (Section II.D.3)

FACTUAL BACKGROUND

Five children were removed from the family home after concerns involving conflict and physical altercations between Mother and the older children, educational neglect, inappropriate discipline, poor housing conditions, and housing instability. The three oldest children had previously been in Grandmother's legal custody, while Mother had previously had her parental rights terminated as to two other children. After more than two years of agency custody and services, the adults continued to have difficulty providing stable housing, effectively parenting and disciplining the children, ensuring school attendance, and managing family conflict; the children were functioning with greater structure and stability in their placements.

PROCEDURAL HISTORY

CCDCFS filed a complaint in March 2023 alleging that three children were neglected and two were dependent and sought temporary custody. The juvenile court adjudicated the children neglected or dependent in August 2023 and committed them to the agency's temporary custody. After the children remained in agency custody for more than two years, the juvenile court granted the agency's motion to modify temporary custody to permanent custody, terminated Mother's parental rights and Grandmother's legal custody as to three children, and denied Mother's legal-custody motion. The appellate court dismissed Grandmother's appeal for lack of standing and affirmed the juvenile court's judgment as to Mother.

DISPOSITION

other

CASES CITED

- In re An.M., 2022-Ohio-2873, ¶ 23 (8th Dist.)
- State ex rel. Merrill v. Ohio Department of Natural Resources, 2011-Ohio-4612, ¶ 28
- Ohio Contract Carriers Assn., Inc. v. Public Utilities Commission, 140 Ohio St. 160 (1942)
- In re Th.W., 2005-Ohio-2852, ¶ 13 (8th Dist.)
- In re A.P., 2012-Ohio-3873, ¶¶ 17-35 (9th Dist.)
- In re E.E.D., 2022-Ohio-4014, ¶¶ 46-49 (8th Dist.)
- In re K.S., 2025-Ohio-4773, ¶ 16 (2d Dist.)
- In re C & C, 2022-Ohio-3751, ¶ 21 (1st Dist.)
- In re Ez.D., 2021-Ohio-3041, ¶¶ 16-17 (8th Dist.)
- In re Z.C., 2023-Ohio-4703, ¶¶ 7, 11, 13-14
- Cross v. Ledford, 161 Ohio St. 469 (1954), paragraph three of the syllabus
- In re N.B., 2015-Ohio-314, ¶¶ 53, 59 (8th Dist.)
- In re A.L., 2024-Ohio-1992, ¶ 31 (8th Dist.)
- In re Schaefer, 2006-Ohio-5513, ¶¶ 56, 64
- In re R.M., 2024-Ohio-1885, ¶ 60 (8th Dist.)
- In re Za.S., 2023-Ohio-1477, ¶ 60 (8th Dist.)
- In re M.A., 2025-Ohio-4473, ¶ 27 (8th Dist.)
- In re J.H., 2017-Ohio-940, ¶ 22 (8th Dist.)
- In re A.W., 2022-Ohio-3715, ¶ 23 (1st Dist.)
- In re M.J., 2024-Ohio-1261, ¶ 17 (9th Dist.)
- In re K.R., 2023-Ohio-936, ¶ 39 (8th Dist.)
- In re J.B., 2013-Ohio-1704, ¶ 90 (8th Dist.)
- In re R.D., 2022-Ohio-4519, ¶ 59 (8th Dist.)
- In re C.C., 2010-Ohio-780, ¶ 25 (8th Dist.)
- In re McKenzie, 1995 Ohio App. LEXIS 4618, *11 (9th Dist. Oct. 18, 1995)
- In re A.E., 2025-Ohio-1466, ¶ 14 (8th Dist.)
- In re L.V., 2024-Ohio-5917, ¶ 53 (8th Dist.)
- In re H.M.K., 2013-Ohio-4317, ¶ 95 (3d Dist.)
- In re D.A., 2012-Ohio-1104, ¶ 30 (6th Dist.)
- In re C.B.C., 2016-Ohio-916, ¶ 76 (4th Dist.)
- In re A.F., 2021-Ohio-4519, ¶ 35 (8th Dist.)
- In re J.B., 2020-Ohio-3675, ¶ 21 (8th Dist.)
- In re Lewis, 2003-Ohio-5262, ¶ 16 (4th Dist.)
- In re K.W., 2018-Ohio-3314, ¶ 45 (8th Dist.)
- In re C.F., ¶¶ 41, 43
- In re M.S., 2015-Ohio-1028, ¶ 11 (8th Dist.)

- In re Adoption of Ridenour, 61 Ohio St.3d 319, 324 (1991)
- In re C.J.F.-O., 2024-Ohio-6056, ¶ 31 (12th Dist.)
- In re B.K., 2023-Ohio-1820, ¶ 31 (8th Dist.)
- In re C.H., 2016-Ohio-26, ¶ 26 (8th Dist.)
- In re Z.D., 2025-Ohio-969, ¶ 20 (8th Dist.)
- In re D.E., 2025-Ohio-654, ¶ 15 (8th Dist.)
- In re T.S., 2024-Ohio-827, ¶ 61 (8th Dist.)
- In re E.J., 2023-Ohio-1376, ¶ 47 (8th Dist.)
- In re Mayle, 2000 Ohio App. LEXIS 3379, *20-21 (8th Dist. July 27, 2000)
- In re Z.F., 2024-Ohio-1698, ¶ 45 (1st Dist.)
- In re M.B., 2016-Ohio-793, ¶ 56 (4th Dist.)
- Seasons Coal Co., Inc. v. Cleveland, 10 Ohio St.3d 77, 80 (1984)
- Eastley v. Volkman, 2012-Ohio-2179, ¶¶ 20-21