

OHIO COURT OF APPEALS, TENTH APPELLATE DISTRICT

In re R.S.

2026-Ohio-731 · No. 25AP-518 · Decided March 5, 2026

SUMMARY

The Tenth District Court of Appeals of Ohio affirmed a juvenile court judgment granting Franklin County Children Services permanent custody of R.S. The court held that denying the father’s last-minute request for a continuance did not violate due process or constitute an abuse of discretion, given the case’s history, the child’s need for permanency, and the father’s minimal case-plan progress.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Ohio Court of Appeals, Tenth Appellate District                                                                                                                                                                                                                                                                                                    |
| WRITING FOR THE COURT | Jamison, J.; Beatty Blunt, J.; Leland, J.                                                                                                                                                                                                                                                                                                          |
| JURISDICTION          | Ohio Court of Appeals, Tenth Appellate District                                                                                                                                                                                                                                                                                                    |
| DECIDED               | March 5, 2026                                                                                                                                                                                                                                                                                                                                      |
| DOCKET                | 25AP-518                                                                                                                                                                                                                                                                                                                                           |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                           |
| PROCEDURAL POSTURE    | Father appealed the Franklin County Court of Common Pleas, Division of Domestic Relations and Juvenile Branch, judgment granting Franklin County Children Services permanent custody of R.S. The sole assignment of error challenged the denial of father's request to continue the permanent-custody hearing so that he could attend and testify. |
| STANDARD OF REVIEW    | A trial court's decision to grant or deny a continuance is reviewed for abuse of discretion. An abuse of discretion is an unreasonable, arbitrary, or unconscionable attitude in reaching the decision.                                                                                                                                            |
| PRECEDENTIAL VALUE    | Published Ohio Court of Appeals opinion                                                                                                                                                                                                                                                                                                            |
| PARTIES               | R.Sc., father v. Franklin County Children Services                                                                                                                                                                                                                                                                                                 |

TOPICS

- termination of parental rights
- family law procedure
- appellate procedure
- standard of review
- due process

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the trial court abused its discretion and violated father's due-process rights by denying his request to continue the permanent-custody hearing so that he could attend and testify.

## HOLDINGS

1. The trial court did not abuse its discretion or violate due process by denying father's last-minute request to continue the permanent-custody hearing. The circumstances favored prompt resolution, and father failed to show that a continuance likely would have changed the outcome.

## KEY QUOTATIONS

*“A decision to grant or deny a request for a continuance is entrusted to the broad, sound discretion of the trial court.” (¶ 36)*

*“There are no mechanical tests for deciding when a denial of a continuance is so arbitrary as to violate due process. The answer must be found in the circumstances present in every case, particularly in the reasons presented to the trial judge at the time the request is denied.” (¶ 37)*

## FACTUAL BACKGROUND

R.S., a child with significant special needs, was removed from father's care in February 2022 after father lacked stable housing and failed to ensure her schooling and medical needs were met. R.S. subsequently lived with her sister and then in FCCS placements after the sister could no longer care for her. Father worked out of state as a long-haul truck driver, lacked stable housing, made minimal progress on his case plan, and had only two in-person visits with R.S. in the year preceding the permanent-custody hearing. One week before the hearing, father requested a continuance because he could not attend due to work and claimed that a recently approved disability claim would allow him to obtain housing and care for R.S.

## PROCEDURAL HISTORY

The case began in Clark County after a dependency and neglect complaint was filed in March 2022. R.S. was initially placed in interim temporary custody, then in the temporary legal custody of J.L.; the matter was later transferred to Franklin County. After J.L. relinquished the child in March 2024, Franklin County Children Services obtained temporary custody and filed for permanent custody. The trial court denied father's last-minute continuance request, conducted the permanent-custody hearing without him, and granted permanent custody to FCCS. The Tenth District affirmed.

## DISPOSITION

affirmed

## CASES CITED

- State v. Ungar, 67 Ohio St.2d 65, 67 (1981)
- Blakemore v. Blakemore, 5 Ohio St.3d 217, 219 (1983)
- In re M.K., 2010-Ohio-2194, ¶ 14 (10th Dist.)
- Ungar v. Sarafite, 376 U.S. 575, 589 (1964)
- In re J.B., 2009-Ohio-3083, ¶ 26 (10th Dist.)
- In re C.W., 2025-Ohio-282, ¶ 50 (10th Dist.)
- In re J.C., 2011-Ohio-715, ¶ 46 (10th Dist.)
- In re J.J., 2022-Ohio-907, ¶¶ 22, 24
- In re K.J., 2018-Ohio-471, ¶¶ 22-23 (10th Dist.)
- In re B.G.W., 2008-Ohio-3693, ¶ 27 (10th Dist.)

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