

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT

In re A.W.

2026-Ohio-2401 · No. 2025 CA 00180, 2025 CA 00181, 2025 CA 00182, 2025 CA 00183 · Decided June 24, 2026

SUMMARY

The Ohio Fifth District Court of Appeals affirmed the Stark County Family Court’s judgment awarding permanent custody of four children to Stark County Job & Family Services and terminating their mother’s parental rights. The court held that clear and convincing evidence supported the finding that the youngest child could not or should not be returned to the mother within a reasonable time and that permanent custody was in the best interests of all four children.

CASE DETAILS

COURT	Ohio Court of Appeals, Fifth Appellate District
WRITING FOR THE COURT	David M. Gormley; Craig R. Baldwin; Robert G. Montgomery
JURISDICTION	Ohio Court of Appeals, Fifth Appellate District
DECIDED	June 24, 2026
DOCKET	2025 CA 00180, 2025 CA 00181, 2025 CA 00182, 2025 CA 00183
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed judgments awarding permanent custody of her four children to Stark County Job & Family Services and terminating her parental rights.
STANDARD OF REVIEW	The appellate court reviewed whether sufficient evidence supported the trial court's clear-and-convincing-evidence findings. It stated that, when clear and convincing proof is required, the reviewing court examines the record to determine whether the trier of fact had sufficient evidence to satisfy that degree of proof.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Eboni G. v. Stark County Job & Family Services

TOPICS

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

PRACTICE AREAS

family law

juvenile dependency

termination of parental rights

child welfare

QUESTIONS PRESENTED

1. Whether clear and convincing evidence supported the finding under R.C. 2151.414(B)(1)(a) and (E)(1) that A.W. could not or should not be placed with the mother within a reasonable time.
2. Whether the trial court properly determined under R.C. 2151.414(D)(1) that granting permanent custody of all four children to the agency was in their best interests.
3. Whether the permanent-custody judgments terminating the mother's parental rights should be affirmed.

HOLDINGS

1. Clear and convincing evidence supported the finding that A.W. could not be placed with the mother within a reasonable time because the mother failed continuously and repeatedly to substantially remedy the conditions causing A.W.'s removal.
2. The first prong was satisfied for the three older children because they had been in the agency's temporary custody for more than 12 months during a consecutive 22-month period; that factor was dispositive even apart from the additional findings that the children could not or should not be placed with the mother and had been abandoned.
3. Clear and convincing evidence supported the trial court's determination that permanent custody with Stark County Job & Family Services was in the best interests of all four children.

KEY QUOTATIONS

“That statutory provision, in short, “establishes a two-pronged analysis.”” (§14)

“Following the placement of the child outside the child’s home and notwithstanding reasonable case planning and diligent efforts by the agency to assist the parents to remedy the problems that initially caused the child to be placed outside the home, the parent has failed continuously and repeatedly to substantially remedy the conditions causing the child to be placed outside the child’s home.” (§23)

“Because both prongs of the permanent-custody test have been shown in this case, we find that the trial court properly terminated Eboni’s parental rights and appropriately placed the four children in the permanent custody of the Agency.” (§47)

FACTUAL BACKGROUND

The three older children were removed from temporary housing after authorities observed unsafe conditions and multiple burn marks, some of which the children attributed to their father. After the mother returned to Ohio with A.W., the agency removed A.W. because the child was living in a home with a registered sex offender and other safety concerns. Although the mother eventually obtained housing and employment, she repeatedly failed to complete a required parenting evaluation, did not substantiate claimed counseling participation, had a history of unstable housing and periods without contact with the older children, and displayed limited progress in case-plan services. The trial court found that permanent custody with the agency served the children's best interests based

on their custodial history, relationships, need for stability, and the mother's limited bond and inconsistent parenting.

PROCEDURAL HISTORY

The Stark County Court of Common Pleas, Family Court Division, adjudicated the three older children abused and the youngest child dependent, placed all four children in the agency's temporary custody, and later granted the agency's motion for permanent custody after a contested September 2025 dispositional hearing. The mother appealed, challenging the finding that A.W. could not or should not be returned to her within a reasonable time and the best-interest determination. The Fifth District affirmed.

DISPOSITION

affirmed

CASES CITED

- Matter of K.H., 2025-Ohio-21, ¶ 30 (5th Dist.)
- Cross v. Ledford, 161 Ohio St. 469 (1954)
- State v. Schiebel, 55 Ohio St.3d 71, 74 (1990)
- Matter of A.S., 2024-Ohio-2099, ¶ 36 (5th Dist.)
- In re C.P., 2025-Ohio-5705, ¶ 9 (5th Dist.)
- In re A.W., 2024-Ohio-5791, ¶ 19 (5th Dist.)
- In re J.G.S., 2019-Ohio-802, ¶ 27 (1st Dist.)
- In re Stephens, 2002-Ohio-3057, ¶ 27 (7th Dist.)
- In re M.W., 2020-Ohio-5199, ¶ 48 (10th Dist.)
- In re Schaefer, 2006-Ohio-5513, ¶ 56
- In re A.M., 2020-Ohio-5102, ¶¶31, 33
- In re M.K., 2023-Ohio-3786, ¶ 36 (5th Dist.)
- In re E.H., 2022-Ohio-1682, ¶ 101 (5th Dist.)
- In re M.B., 2016-Ohio-793, ¶ 56 (4th Dist.)
- In re H.D., 2025-Ohio-2440, ¶ 44 (5th Dist.)
- In re Brown, 60 Ohio App.3d 136, 139 (1st Dist. 1989)