

OHIO COURT OF APPEALS, NINTH JUDICIAL DISTRICT

In re M.D.

2026-Ohio-1910 · No. 25CA012398 · Decided May 26, 2026

SUMMARY

The Ninth District Court of Appeals affirmed a Lorain County Juvenile Court judgment placing M.D. in the legal custody of a maternal aunt and uncle. The court held that, following an abuse, neglect, and dependency adjudication, the legal-custody determination is based on the child’s best interest and does not require a separate finding of parental unsuitability under In re Perales. The court concluded that the decision was supported by the evidence, including the mother’s limited case-plan progress, prior termination of parental rights, and the child’s stable placement with the relatives.

CASE DETAILS

COURT	Ohio Court of Appeals, Ninth Judicial District
WRITING FOR THE COURT	Jill Flagg Lanzinger; Jennifer Hensal; Julie A. Sutton
JURISDICTION	Ohio Court of Appeals, Ninth Judicial District
DECIDED	May 26, 2026
DOCKET	25CA012398
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed a juvenile court judgment placing her child, M.D., in the legal custody of the child's maternal aunt and uncle after M.D. was adjudicated abused, neglected, and dependent.
STANDARD OF REVIEW	A legal-custody decision is reviewed under the manifest-weight-of-the-evidence standard. The appellate court weighs the evidence and reasonable inferences, considers witness credibility, and asks whether the trial court clearly lost its way and created a manifest miscarriage of justice, while remaining mindful of the presumption favoring the factfinder.
PRECEDENTIAL VALUE	published
PARTIES	A.J. (Mother) v. Lorain County Children Services Board, M.D., through the guardian ad litem, Maternal Aunt and Uncle

TOPICS

child custody

parental rights

family law procedure

standard of review

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PRACTICE AREAS

family law

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QUESTIONS PRESENTED

1. Whether Mother forfeited, absent plain error, her argument that the trial court was required to find her unsuitable under *In re Perales* before awarding legal custody to nonparents.
2. Whether the Perales parental-unsuitability standard applies in an abuse, neglect, and dependency proceeding after the child has been adjudicated abused, neglected, or dependent.
3. Whether the juvenile court's award of legal custody to the maternal aunt and uncle was in M.D.'s best interest and was supported by the manifest weight of the evidence.
4. Whether Mother's progress on the case plan required reunification or an extension of temporary custody.

HOLDINGS

1. Because Mother did not raise the alleged Perales error in her objections to the magistrate's decision, she forfeited all but plain error on appeal, and she did not articulate a plain-error argument.
2. The common-law requirement that a court find a parent unsuitable before awarding legal custody to a nonparent does not apply in an abuse, neglect, and dependency case after the child has been adjudicated abused, neglected, or dependent. In that circumstance, the legal-custody determination is based solely on the child's best interest.
3. The award of legal custody of M.D. to the maternal aunt and uncle was in M.D.'s best interest and was not against the manifest weight of the evidence.
4. A parent's case-plan progress is not dispositive of the child's best interest and does not itself require reunification or an extension of temporary custody.

KEY QUOTATIONS

“Following an adjudication of neglect, dependency, or abuse, the juvenile court’s determination of whether to place a child in the legal custody of a parent or a relative is based solely on the best interest of the child.” (§ 13)

“This Court has repeatedly emphasized that case plan progress is not dispositive of the child’s best interest.” (§ 14)

FACTUAL BACKGROUND

M.D. was born on December 26, 2023, and both she and Mother tested positive for fentanyl, morphine, and THC. M.D. required treatment for drug withdrawal, and Mother and Father did not visit her during her hospital stay. The juvenile court adjudicated M.D. abused, neglected, and dependent and placed her with a maternal aunt and uncle, where she remained throughout the case. Although Mother participated in medically assisted substance-abuse treatment, she did not consistently engage in substance-abuse, mental-health, or domestic-

violence treatment, maintain prescribed psychiatric medication, obtain stable housing or income, or maintain contact with Children Services and the custodians. Mother had previously lost custody of four other children, including an involuntary termination of parental rights involving her fourth child.

PROCEDURAL HISTORY

Lorain County Children Services filed an abuse, neglect, and dependency complaint after Mother and M.D. tested positive for drugs at M.D.'s birth. The juvenile court adjudicated M.D. abused, neglected, and dependent, placed her temporarily with Children Services, and adopted a case plan for Mother. Before the one-year sunset date, the agency sought legal custody for the maternal aunt and uncle; after a magistrate hearing, the juvenile court adopted the magistrate's decision, overruled Mother's objections, denied her requests for reunification or an extension of temporary custody, and granted the parents parenting time. The Ninth District affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Perales, 52 Ohio St.2d 89 (1977)
- In re T.W., 2003-Ohio-7185, ¶ 13 (9th Dist.)
- In re C.R., 2006-Ohio-1191, paragraph two of the syllabus
- In re K.H., 2016-Ohio-1330, ¶ 12 (9th Dist.)
- In re B.B., 2016-Ohio-7994, ¶ 18 (9th Dist.)
- In re N.P., 2004-Ohio-110, ¶ 23 (9th Dist.)
- In re A.M., 2025-Ohio-5029, ¶ 22 (9th Dist.)
- In re T.R., 2024-Ohio-3092, ¶ 24 (9th Dist.)
- In re J.W., 2019-Ohio-210, ¶ 15 (9th Dist.)
- In re B.G., 2008-Ohio-5003, ¶ 9 (9th Dist.)
- In re T.A., 2006-Ohio-4468, ¶ 17 (9th Dist.)
- In re R.G., 2009-Ohio-6284, ¶ 11 (9th Dist.)
- In re K.A., 2017-Ohio-1, ¶ 17 (9th Dist.)
- In re M.F., 2016-Ohio-2685, ¶ 7 (9th Dist.)
- Eastley v. Volkman, 2012-Ohio-2179, ¶¶ 20-21
- In re M.J., 2024-Ohio-1261, ¶ 16 (9th Dist.)