

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

In re C.M., et al.

In re C.M., 2026-Ohio-2087 · No. No. 115711 · Decided June 4, 2026

SUMMARY

The Eighth District Court of Appeals of Ohio affirmed a juvenile court judgment awarding permanent custody of two minor children to the Cuyahoga County Division of Children and Family Services. The court rejected the mother's due-process challenges concerning denial of a continuance, same-day judgment after the custody hearing, and failure to appoint a guardian ad litem. It also held that the permanent-custody determination was supported by clear and convincing evidence and was not against the manifest weight of the evidence.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Eileen T. Gallagher, J.; Lisa B. Forbes, P.J.; Deena R. Calabrese, J.
JURISDICTION	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
DECIDED	June 4, 2026
DOCKET	No. 115711
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed juvenile-court judgment entries awarding permanent custody of her children to Cuyahoga County Division of Children and Family Services.
STANDARD OF REVIEW	A trial court's decision to grant or deny a continuance is reviewed for abuse of discretion. Permanent-custody determinations are reviewed under the sufficiency-of-the-evidence and/or manifest-weight-of-the-evidence standards, as appropriate. Under manifest-weight review, the appellate court weighs the evidence and reasonable inferences, considers witness credibility, and determines whether the factfinder clearly lost its way and created a manifest miscarriage of justice.
PRECEDENTIAL VALUE	Published appellate opinion
PARTIES	A.M., Mother v. Cuyahoga County Division of Children and Family Services

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QUESTIONS PRESENTED

1. Whether the juvenile court violated Mother's due-process rights by denying her first request for a continuance and conducting the permanent-custody trial in her absence.
2. Whether the juvenile court violated due process by entering judgment on the same day as trial without demonstrating independent judicial review after an alleged magistrate-conducted hearing.
3. Whether the juvenile court violated due process by failing to appoint a guardian ad litem for Mother.
4. Whether the juvenile court's finding that the statutory requirements for permanent custody were established by clear and convincing evidence was against the manifest weight of the evidence.

HOLDINGS

1. The juvenile court acted within its discretion and did not violate due process by denying Mother's same-day oral motion for a continuance and proceeding with the permanent-custody trial in her absence because counsel offered only an unexplained conflict, good cause was not shown, the requested delay would inconvenience the participants, and the matter had already been pending for nearly eight months.
2. The juvenile court did not violate due process by issuing the permanent-custody judgment on the same day as trial because the transcript's reference to a magistrate was a corrected clerical error and the assigned judge, rather than a magistrate, presided over the trial and ruled on the evidence.
3. The juvenile court was not required to appoint a guardian ad litem for Mother because she did not request one or object to its absence, the record did not establish that she was mentally incompetent, and a diagnosis of depression alone did not establish incompetence.
4. The first prong of Ohio's permanent-custody analysis was satisfied because the children had been in agency custody for twelve or more months of a consecutive twenty-two-month period.
5. The juvenile court's determination that permanent custody was in the children's best interests and that the statutory requirements were established by clear and convincing evidence was not against the manifest weight of the evidence.

KEY QUOTATIONS

"There are no mechanical tests for deciding when a denial of a continuance is so arbitrary as to violate due process." (Continuance section)

"Having a mental illness does not equate to mental incompetence." (GAL for Mother section)

"These two provisions 'are alternative means for reaching the best-interest determination.'" (Second Prong — Best Interest of the Child)

“Consideration is all the statute requires.” (Second Prong — Best Interest of the Child)

FACTUAL BACKGROUND

The children were removed from Mother's home in March 2023 because the home was described as deplorable, with garbage, vomit, cockroaches, and maggots. Mother's case plan addressed mental health, substance abuse, housing, parenting, and her ability to meet the children's basic needs, but she failed to consistently engage in services, maintain a suitable home, establish income, or visit the children regularly. The children remained in uninterrupted agency custody for approximately two and a half years, while the foster family met their needs and was willing to adopt them. No appropriate relative or other interested person was identified for legal custody.

PROCEDURAL HISTORY

CCDCFS filed a neglect complaint and obtained temporary custody of the children in March 2023. The children were adjudicated dependent, remained in agency custody, and CCDCFS moved for permanent custody in January 2025. After the juvenile court denied Mother's oral motion for a continuance, conducted the permanent-custody trial in her absence, and awarded permanent custody to CCDCFS, Mother appealed. The Eighth District affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Unger, 67 Ohio St.2d 65 (1981)
- Johnson v. Abdullah, 2021-Ohio-3304, ¶ 35
- In re M.W., 2016-Ohio-2948, ¶¶ 9, 11 (8th Dist.)
- In re Q.G., 2007-Ohio-1312, ¶ 12 (8th Dist.)
- In re T.S., 2009-Ohio-5496, ¶ 17 (8th Dist.)
- In re A.M., 2024-Ohio-1164, ¶ 47 (8th Dist.)
- In re S.F., 2023-Ohio-1900, ¶ 15 (8th Dist.)
- In re Z.T., 2007-Ohio-827, ¶ 19 (8th Dist.)
- In re T.R.-B., 2018-Ohio-3044, ¶ 26
- In re L.W., 2019-Ohio-1343, ¶ 20
- In re L.D., 2017-Ohio-1037, ¶ 29 (8th Dist.)
- In re Cunningham, 59 Ohio St.2d 100, 106 (1979)
- In re U.B., 2025-Ohio-1265, ¶ 22
- In re N.B., 2015-Ohio-314, ¶ 67 (8th Dist.)
- Venable v. Venable, 3 Ohio App.3d 421, 423 (8th Dist. 1981)
- In re S.C., 2018-Ohio-2523, ¶ 20 (8th Dist.)
- Cross v. Ledford, 161 Ohio St. 469, paragraph three of the syllabus (1954)

- In re Z.C., 2023-Ohio-4703, ¶¶ 7, 11, 14
- Eastley v. Volkman, 132 Ohio St.3d 328, 2012-Ohio-2179, 972 N.E.2d 517, ¶¶ 20-21
- Seasons Coal Co., Inc. v. Cleveland, 10 Ohio St.3d 77, 80 (1984)
- In re I.N., 2024-Ohio-950, ¶ 43 (8th Dist.)
- In re S.C., 2022-Ohio-356, ¶ 38 (10th Dist.)
- In re J.P., 2019-Ohio-1619, ¶¶ 39-40 (10th Dist.)
- In re Schaefer, 2006-Ohio-5513, ¶ 56
- In re A.M., 2020-Ohio-5102, ¶ 31

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