

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

In re A.K.

2026-Ohio-1778 · No. 115840 · Decided May 14, 2026

SUMMARY

The Ohio Eighth District Court of Appeals affirmed the juvenile court’s grant of permanent custody of two minor children to the Cuyahoga County Division of Children and Family Services. The court held that clear and convincing evidence supported findings that the children could not or should not be placed with their mother within a reasonable time, based primarily on her unresolved substance-abuse and mental-health issues, inconsistent participation in services, incarceration, and lack of verified stable housing.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Eileen A. Gallagher, J.; Mary J. Boyle, P.J.; Michael John Ryan, J.
JURISDICTION	Ohio Court of Appeals, Eighth Appellate District, Cuyahoga County
DECIDED	May 14, 2026
DOCKET	115840
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed the juvenile court's judgments granting Cuyahoga County Division of Children and Family Services permanent custody of her children and terminating her parental rights.
STANDARD OF REVIEW	Permanent-custody determinations are reviewed under the sufficiency-of-the-evidence and manifest-weight-of-the-evidence standards, as appropriate to the arguments presented. In a 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. Appropriate deference is given to the juvenile court as the factfinder.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	A.V., Mother v. Cuyahoga County Division of Children and Family Services

TOPICS

termination of parental rights

parental rights

family law procedure

standard of review

appellate procedure

PRACTICE AREAS

juvenile law

family law

parental rights

child welfare

QUESTIONS PRESENTED

1. Whether the juvenile court's determination under R.C. 2151.414(B)(1)(a) that the children could not or should not be placed with either parent within a reasonable time was against the manifest weight of the evidence.
2. Whether the juvenile court's determination under R.C. 2151.414(D)(2) that permanent custody with CCDCFS was in the children's best interests was against the manifest weight of the evidence.

HOLDINGS

1. The juvenile court's finding under R.C. 2151.414(B)(1)(a) was supported by clear and convincing evidence and was not against the manifest weight of the evidence.
2. Because the four requirements of R.C. 2151.414(D)(2) were supported by clear and convincing evidence, permanent custody with CCDCFS was per se in the children's best interests and the juvenile court was required to commit the children to the agency's permanent custody.
3. The juvenile court did not clearly lose its way or create a manifest miscarriage of justice in granting permanent custody and terminating Mother's parental rights.

KEY QUOTATIONS

“Because the termination of parental rights is “‘the family law equivalent of the death penalty in a criminal case,’” it is “an alternative [of] last resort.”” (2026-Ohio-1778, ¶ 3)

““When reviewing for manifest weight, the appellate court must weigh the evidence and all reasonable inferences, consider the credibility of the witnesses, and determine whether, in resolving conflicts in the evidence, the finder of fact clearly lost its way and created such a manifest miscarriage of justice that the judgment must be reversed and a new trial ordered.”” (2026-Ohio-1778, ¶ 14)

“By contrast, ‘under R.C. 2151.414(D)(2), if the juvenile court makes [each of] the four enumerated findings, permanent custody is per se in the child’s best interest and the court “shall” commit the child to the permanent custody of the agency.’” (2026-Ohio-1778, ¶ 29)

FACTUAL BACKGROUND

Mother used fentanyl and cocaine during pregnancy, and S.A. required treatment for withdrawal symptoms after birth. The children were removed from Mother's care based on substance-abuse, mental-health, parenting, housing, and criminal-history concerns. Although Mother completed one inpatient substance-abuse program, she relapsed, failed to complete recommended outpatient treatment or consistently submit to drug screens, attended few mental-health appointments, remained intermittently incarcerated, and did not establish verifiable sobriety

or secure permanent housing. The children were bonded with Mother but were thriving in separate foster placements, and no suitable relative or other interested person was identified for legal custody.

PROCEDURAL HISTORY

CCDCFS initially obtained emergency temporary custody after alleging abuse, neglect, and dependency. The juvenile court adjudicated S.A. abused, neglected, and dependent and A.K. neglected and dependent, placed both children in the agency's temporary custody, and approved a reunification case plan. After approximately 25 months in agency custody, the juvenile court granted CCDCFS's motion to modify temporary custody to permanent custody and terminated Mother's parental rights. The Eighth District affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Murray, 52 Ohio St.3d 155, 156 (1990)
- Santosky v. Kramer, 455 U.S. 745, 753 (1982)
- In re N.B., 2015-Ohio-314, ¶ 67 (8th Dist.)
- In re Hayes, 79 Ohio St.3d 46, 48 (1997)
- In re L.D., 2017-Ohio-1037, ¶ 29 (8th Dist.)
- In re Cunningham, 59 Ohio St.2d 100, 106 (1979)
- In re J.B., 2013-Ohio-1704, ¶¶ 66, 111
- In re Hoffman, 2002-Ohio-5368, ¶ 14
- In re Gill, 2002-Ohio-3242, ¶ 21 (8th Dist.)
- In re M.S., 2015-Ohio-1028, ¶ 7
- In re Wise, 96 Ohio App.3d 619, 624 (9th Dist. 1994)
- In re Hitchcock, 120 Ohio App.3d 88, 102 (8th Dist. 1996)
- In re S.C., 2018-Ohio-2523, ¶ 20 (8th Dist.)
- Cross v. Ledford, 161 Ohio St. 469, 477 (1954)
- In re Z.C., 2023-Ohio-4703, ¶¶ 7, 11-14
- Eastley v. Volkman, 2012-Ohio-2179, ¶¶ 20-21
- Seasons Coal Co., Inc. v. Cleveland, 10 Ohio St.3d 77, 80 & fn. 3 (1984)
- In re A.V., 2014-Ohio-5348, ¶ 58 (8th Dist.)
- In re Ca.T., 2020-Ohio-579, ¶ 27 (8th Dist.)
- In re V.C., 2015-Ohio-4991, ¶ 42 (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 G.A., 2020-Ohio-2949, ¶ 61 (8th Dist.)

