

COURT OF APPEALS OF OHIO, FOURTH APPELLATE DISTRICT, SCIOTO COUNTY

In re X.P.

2026-Ohio-1222 · No. 25CA4149 · Decided March 25, 2026

SUMMARY

The Ohio Fourth District Court of Appeals reviews an appeal from a juvenile court judgment granting Scioto County Children Services permanent custody of a child. The biological father challenged the timing of the adjudicatory and permanent-custody hearings, the recording of proceedings, the best-interest determination, reunification efforts, guardian ad litem performance, and effectiveness of counsel. The opinion addresses the first several assignments of error, including forfeiture and the statutory consequences of missed hearing deadlines.

CASE DETAILS

COURT	Court of Appeals of Ohio, Fourth Appellate District, Scioto County
WRITING FOR THE COURT	Peter B. Abele; Smith, P.J.; Wilkin, J.
JURISDICTION	Ohio Court of Appeals, Fourth Appellate District, Scioto County
DECIDED	March 25, 2026
DOCKET	25CA4149
DISPOSITION	affirmed
PROCEDURAL POSTURE	Biological father appealed a juvenile court judgment granting Scioto County Children Services permanent custody of the child after the child had been adjudicated neglected or dependent and placed in the agency's temporary custody.
STANDARD OF REVIEW	For the permanent-custody determination, the court reviewed the judgment under the manifest-weight-of-the-evidence standard and examined whether competent and credible evidence supported the juvenile court's clear-and-convincing findings. The court reviewed claims of ineffective assistance under the Strickland deficient-performance and prejudice standard. Claims concerning forfeited procedural errors were reviewed, if at all, for plain error, a doctrine applied with great caution in civil cases.
PRECEDENTIAL VALUE	Published

PARTIES

D.T. v. Scioto County Children Services, Scioto County Department of Job and Family Services, Children Services Division

TOPICS[termination of parental rights](#)[parental rights](#)[family law procedure](#)[appellate procedure](#)[standard of review](#)**PRACTICE AREAS**[family law](#)[juvenile law](#)[child welfare](#)[appellate procedure](#)[termination of parental rights](#)**QUESTIONS PRESENTED**

1. Whether the juvenile court's failure to hold the adjudicatory hearing within the statutory period required reversal.
2. Whether the juvenile court's failure to hold the permanent-custody hearing within 120 days or journalize its decision within 200 days required reversal.
3. Whether the juvenile court's failure to record the adjudicatory and dispositional hearings required reversal.
4. Whether the juvenile court's determination that permanent custody served the child's best interest was against the manifest weight of the evidence.
5. Whether the juvenile court was required to determine that the child could not be placed with D.T. within a reasonable time or should not be placed with him when it relied on the 12-of-22-month ground.
6. Whether the agency made reasonable efforts toward reunification.
7. Whether the guardian ad litem's alleged failure to comply with Superintendence Rule 48 warranted reversal or prevented the court from considering the GAL's recommendation.
8. Whether D.T. received ineffective assistance of counsel.

HOLDINGS

1. A parent's failure to object in the juvenile court to the alleged violation of the adjudicatory-hearing deadline forfeits the issue on appeal; in any event, R.C. 2151.28(K) provides that failure to meet the deadline does not invalidate the court's orders or jurisdiction.
2. The alleged failure to meet the 120-day hearing deadline and 200-day decision deadline did not warrant reversal because D.T. forfeited the issue, did not establish plain error or prejudice, and R.C. 2151.414(A)(2) states that noncompliance does not invalidate the court's authority, jurisdiction, or orders.
3. D.T. forfeited his claim that the juvenile court failed to record the adjudicatory and dispositional hearings, and he failed to show that the alleged recording violation required reversal.
4. The juvenile court's determination that permanent custody served the child's best interest was not against the manifest weight of the evidence.

5. When the juvenile court relies on the 12-of-22-month ground in R.C. 2151.414(B)(1)(d), it need not also determine that the child cannot be placed with either parent within a reasonable time or should not be placed with either parent.
6. The juvenile court was not required to make a new reasonable-efforts finding at the permanent-custody hearing because the agency had made reasonable-efforts findings at earlier stages of the proceeding; D.T. also failed to support his argument with authority.
7. Alleged violations of Sup.R. 48.03(D) do not constitute reversible error, and the juvenile court did not abuse its discretion by considering the GAL's report and recommendation.
8. D.T. failed to establish ineffective assistance because he did not demonstrate a reasonable probability that the alleged deficiencies affected the outcome.

KEY QUOTATIONS

“The failure of the court to hold an adjudicatory hearing within any time period set forth in division (A)(2) of this section does not affect the ability of the court to issue any order under this chapter and does not provide any basis for attacking the jurisdiction of the court or the validity of any order of the court.” (¶ 50)

“A child’s best interest is served by placing the child in a permanent situation that fosters growth, stability, and security.” (¶ 77)

“A legally secure permanent placement is more than a house with four walls. Rather, it generally encompasses a stable environment where a child will live in safety with one or more dependable adults who will provide for the child’s needs.” (¶ 87)

FACTUAL BACKGROUND

The child was removed from the mother's care after the mother was arrested and admitted recent methamphetamine use, while the putative father in the home tested positive for multiple controlled substances. The child remained in the agency's temporary custody and lived with the same foster family from October 2021; he became bonded with the foster family and was reported to be thriving. D.T. learned in 2022 that he might be the child's biological father but delayed obtaining genetic testing and pursuing involvement in the case, resulting in limited and sporadic visitation and no meaningful bond with the child. The mother continued to struggle with substance abuse and lacked independent housing, while the agency concluded that permanent custody was in the child's best interest.

PROCEDURAL HISTORY

The juvenile court adjudicated the child neglected or dependent in January 2022 and placed him in the agency's temporary custody. After genetic testing confirmed D.T. was the biological father, the agency moved for permanent custody in February 2024. Following a hearing that began in July 2024 and resumed in January 2025, the juvenile court granted permanent custody to the agency on July 9, 2025. The Fourth District affirmed.

DISPOSITION

CASES CITED

- In re J.J., 2007-Ohio-535, ¶ 23 (8th Dist.)
- In re A.P., 2006-Ohio-2717, ¶ 13 (12th Dist.)
- In re T.D.S., 2024-Ohio-595, ¶ 36
- State v. Wintermeyer, 2019-Ohio-5156, ¶ 10
- State v. Rogers, 2015-Ohio-2459, ¶¶ 21-22
- State v. Barnes, 94 Ohio St.3d 21, 27 (2002)
- Schade v. Carnegie Body Co., 70 Ohio St.2d 207, 209 (1982)
- Rosales-Mireles v. United States, 585 U.S. 129, 135 (2018)
- Goldfuss v. Davidson, 79 Ohio St.3d 116, 121-23 (1997)
- Perez v. Falls Financial, Inc., 87 Ohio St.3d 371, 375 (2000)
- Jones v. Cleveland Clinic Found., 2020-Ohio-3780, ¶ 24
- Sizemore v. Smith, 6 Ohio St.3d 330, 332 fn. 2 (1983)
- Mark v. Mellott Mfg. Co., Inc., 106 Ohio App.3d 571, 589 (4th Dist. 1995)
- In re B.E., 2014-Ohio-3178, ¶ 27 (4th Dist.)
- In re R.S., 2013-Ohio-5569, ¶ 29 (4th Dist.)
- In re Z.C., 2023-Ohio-4703, ¶¶ 1, 18
- Eastley v. Volkman, 2012-Ohio-2179, ¶ 12
- State v. Thompkins, 78 Ohio St.3d 380, 387 (1997)
- Seasons Coal Co. v. Cleveland, 10 Ohio St.3d 77, 80 (1984)
- Davis v. Flickinger, 77 Ohio St.3d 415, 419 (1997)
- In re K.H., 2008-Ohio-4825, ¶ 43
- In re Estate of Haynes, 25 Ohio St.3d 101, 103-04 (1986)
- State v. Schiebel, 55 Ohio St.3d 71, 74 (1990)
- In re Holcomb, 18 Ohio St.3d 361, 368 (1985)
- In re B.C., 2014-Ohio-4558, ¶¶ 19-20
- In re Murray, 52 Ohio St.3d 155, 157 (1990)
- Santosky v. Kramer, 455 U.S. 745, 753 (1982)
- In re Perales, 52 Ohio St.2d 89, 97 (1977)
- In re Cunningham, 59 Ohio St.2d 100, 106 (1979)
- In re C.F., 2007-Ohio-1104, ¶¶ 29, 41-43, 55, 57
- In re M.B., 2016-Ohio-793, ¶ 56 (4th Dist.)
- In re Adams, 2007-Ohio-4840, ¶ 22
- In re A.P., 2025-Ohio-2125, ¶ 33 (4th Dist.)

- In re C.W., 2024-Ohio-4987, ¶ 50 (1st Dist.)
- In re C.H., Jr., 2026-Ohio-81, ¶¶ 74, 94 (4th Dist.)
- In re A.A., 2024-Ohio-224, ¶ 50 (10th Dist.)
- In re S.W., 2023-Ohio-793, ¶ 45 (4th Dist.)
- In re K.A., 2021-Ohio-1773, ¶ 47 (5th Dist.)
- In re Wingo, 143 Ohio App.3d 652, 666 (4th Dist. 2001)
- In re Heston, 129 Ohio App.3d 825, 827 (1st Dist. 1998)
- In re J.P.B., 2013-Ohio-787, ¶ 23 (4th Dist.)
- Hinton v. Alabama, 571 U.S. 263, 272-75 (2014)
- State v. Obermiller, 2016-Ohio-1594, ¶¶ 83-84
- State v. Jones, 2008-Ohio-968, ¶ 14 (4th Dist.)
- State v. Madrigal, 87 Ohio St.3d 378, 389 (2000)
- State v. Conway, 2006-Ohio-2815, ¶ 95
- State v. Taylor, 2008-Ohio-482, ¶ 10 (4th Dist.)
- State v. Smith, 17 Ohio St.3d 98, 100 (1985)
- State v. Bradley, 42 Ohio St.3d 136 (1989), paragraph three of the syllabus