

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

In re H.C.

2026-Ohio-189 · No. No. 115276 · Decided January 22, 2026

SUMMARY

The Ohio Eighth District Court of Appeals affirmed juvenile-court judgments adjudicating H.C. abused and neglected and awarding temporary custody to the Cuyahoga County Division of Children and Family Services. The court held that clear and convincing evidence supported the adjudications and that temporary custody was in the child’s best interest. The court also rejected the mother’s evidentiary, ineffective-assistance, and cumulative-error arguments.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Kathleen Ann Keough; Eileen T. Gallagher, Presiding Judge; Eileen A. Gallagher
JURISDICTION	Ohio Court of Appeals, Eighth Appellate District, Cuyahoga County
DECIDED	January 22, 2026
DOCKET	No. 115276
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed the juvenile court's judgments overruling her objections to the magistrate's decisions adjudicating H.C. abused and neglected and awarding temporary custody to Cuyahoga County Division of Children and Family Services.
STANDARD OF REVIEW	The appellate court reviewed the sufficiency and manifest weight of the evidence supporting the abuse and neglect adjudications, reviewed the temporary-custody disposition for abuse of discretion, and reviewed preserved evidentiary rulings for abuse of discretion. Unpreserved evidentiary challenges were reviewed, if at all, for plain error.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Mother v. Cuyahoga County Division of Children and Family Services

TOPICS

child custody

family law procedure

hearsay

preservation of error

standard of review

PRACTICE AREAS

juvenile law

family law

child welfare

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether clear and convincing evidence supported adjudicating H.C. an abused child.
2. Whether clear and convincing evidence supported adjudicating H.C. a neglected child.
3. Whether awarding temporary custody to CCDCFS was in the child's best interest and constituted an abuse of discretion.
4. Whether the juvenile court improperly admitted or relied on hearsay in the child's medical records and witness testimony.
5. Whether Mother was deprived of effective assistance of counsel by counsel's failure to make additional evidentiary objections.
6. Whether cumulative error required reversal.

HOLDINGS

1. Parental fault and proof of the precise manner in which an injury occurred are not required to adjudicate a child abused under R.C. 2151.031(D); the agency must establish by clear and convincing evidence that the child exhibited an injury inflicted other than by accidental means or an injury at variance with the history given.
2. The neglect adjudication was supported by sufficient clear and convincing evidence and was not against the manifest weight of the evidence.
3. The juvenile court did not abuse its discretion by awarding temporary custody to CCDCFS; the disposition was in the child's best interest and supported by the record.
4. The juvenile court did not err in admitting or relying on the child's certified medical records because the records fell within recognized hearsay exceptions, and Mother either failed to object or invited any error.
5. Mother failed to establish ineffective assistance of counsel or cumulative error because the challenged evidence was not improperly admitted and no prejudicial error was shown.

KEY QUOTATIONS

“The plain language of R.C. 2151.031(D) clearly indicates that parental fault is not required for a finding of abuse.” (Section II.A.1)

“Mother's argument that she had not “failed any parts of her case plan while this case was pending” does not undermine the juvenile court's judgment because compliance with a case plan is just one factor that is considered in whether temporary custody is in the child's best interest.” (Section II.A.3)

“The erroneous admission of hearsay evidence is harmless if other evidence, apart from the erroneously admitted evidence, has been offered to prove that which the challenged evidence was offered to prove.”

FACTUAL BACKGROUND

H.C. suffered multiple unexplained fractures in her legs while in Mother's care, including fractures to both legs during an earlier period and a later fracture to the left femur. No fractures or other injuries occurred while the child was in agency custody. Mother attributed the injuries to osteogenesis imperfecta, or brittle bone disease, but genetic testing and medical testimony indicated that the child did not have the disease. The evidence also showed concerns about Mother's parenting, the child's weight, Mother's handling of the child, and her refusal to acknowledge the medical evidence regarding the cause of the injuries.

PROCEDURAL HISTORY

CCDCFS filed a complaint alleging that H.C. was abused and neglected and requesting temporary custody. After an adjudicatory hearing, the magistrate found the child abused and neglected; after a separate dispositional hearing, the magistrate awarded temporary custody to CCDCFS. The juvenile court overruled Mother's objections and adopted both decisions. The Eighth District affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Z.C., 2023-Ohio-4703, ¶¶ 7-8, 14
- Cross v. Ledford, 161 Ohio St. 469 (1954)
- State v. Schiebel, 55 Ohio St.3d 71, 74 (1990)
- Ford v. Osborne, 45 Ohio St. 1 (1887)
- Eastley v. Volkman, 2012-Ohio-2179, ¶ 20
- In re A.C., 2010-Ohio-4933, ¶ 43 (6th Dist.)
- In re Pitts, 38 Ohio App.3d 1 (5th Dist. 1987)
- In re E.B., 2020-Ohio-4139, ¶ 50 (8th Dist.)
- In re R.W., 2024-Ohio-2223 (3d Dist.)
- In re Riddle, 79 Ohio St.3d 259, 262 (1997)
- In re J.S., 2022-Ohio-1679, ¶ 12 (8th Dist.)
- In re K.E., 2022-Ohio-3333, ¶¶ 15, 17 (8th Dist.)
- In re Ka.C., 2015-Ohio-1148, ¶¶ 19-20 (8th Dist.)
- In re M.J.M., 2010-Ohio-1674, ¶ 9 (8th Dist.)
- In re R.A., 2021-Ohio-4126 (8th Dist.)
- In re A.G., 2025-Ohio-4371, ¶ 28 (8th Dist.)
- In re S.H., 2024-Ohio-4495, ¶ 47 (8th Dist.)
- In re S.D-S., 2024-Ohio-255, ¶¶ 36, 42, 47 (8th Dist.)

- In re Fountain, 2000 Ohio App. LEXIS 672, *18 (8th Dist. Feb. 24, 2000)
- In re M.H., 2022-Ohio-2968, ¶ 73
- State v. Armstrong, 2016-Ohio-2627, ¶ 69 (8th Dist.)
- State v. Trimble, 2009-Ohio-2961, ¶ 98
- Strickland v. Washington, 466 U.S. 668, 687 (1984)
- State v. Madrigal, 2000-Ohio-448, ¶ 49
- In re Wise, 96 Ohio App.3d 619, 627 (9th Dist. 1994)
- State v. McKelton, 2016-Ohio-5735, ¶ 321
- State v. Viceroy, 2012-Ohio-2494, ¶ 21 (8th Dist.)
- State v. Clark, 2008-Ohio-1404, ¶ 62 (8th Dist.)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/ohio-court-of-appeals-eighth-appellate-district-cuyahoga-county-court-of-appeals-of-ohio-eighth-appel/2026/in-re-h-c-u1483ku8>