

OHIO COURT OF APPEALS, TWELFTH APPELLATE DISTRICT, BUTLER
COUNTY

In re J.E.

2026-Ohio-137 · No. CA2025-08-090 · Decided January 16, 2026

SUMMARY

The Twelfth District Court of Appeals of Ohio affirmed the juvenile court’s judgment granting Butler County Children Services permanent custody of two minor children. The court held that legal custody with the maternal grandparents was not an available alternative because no motion for such custody had been filed, and it rejected the father’s ineffective-assistance and due-process arguments. The court concluded that the children’s abandonment, time in agency custody, and best interests supported the permanent-custody order.

CASE DETAILS

COURT	Ohio Court of Appeals, Twelfth Appellate District, Butler County
WRITING FOR THE COURT	Robin N. Piper; Matthew R. Byrne, Presiding Judge; Robin N. Piper, Judge; Melena S. Siebert, Judge
JURISDICTION	Ohio Court of Appeals, Twelfth Appellate District, Butler County
DECIDED	January 16, 2026
DOCKET	CA2025-08-090
DISPOSITION	affirmed
PROCEDURAL POSTURE	Father appealed from a juvenile court judgment granting permanent custody of his minor children to Butler County Children Services. He challenged the court's failure to award or consider legal custody to the maternal grandparents and alleged ineffective assistance of trial counsel.
STANDARD OF REVIEW	The court applied the Strickland two-tier test to Father's ineffective-assistance claim, requiring deficient performance and prejudice. The opinion does not identify a separate standard of review for the permanent-custody determination.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Father v. Butler County Children Services

TOPICS

termination of parental rights

child custody

family law procedure

appellate procedure

due process

PRACTICE AREAS

juvenile law

family law

parental rights

child custody

appellate procedure

QUESTIONS PRESENTED

1. Whether the juvenile court erred by failing to grant or independently pursue legal custody of the children to their maternal grandparents when no motion for legal custody to the grandparents had been filed.
2. Whether Father's trial counsel provided ineffective assistance by failing to secure Father's greater participation, failing to seek legal or temporary custody for the maternal grandparents, and failing to object to certain magistrate findings.

HOLDINGS

1. Legal custody to the maternal grandparents was not an available dispositional alternative because neither grandparent nor any party filed a motion requesting that disposition or identified the grandparents as proposed legal custodians in a qualifying filing. The juvenile court therefore did not err by granting permanent custody to the Agency.
2. Father failed to establish ineffective assistance or prejudice based on counsel's failure to pursue greater participation by Father in the permanent-custody hearing.
3. Counsel was not ineffective for failing to move for legal custody to the maternal grandparents because the grandparents had not sought that disposition, supported permanent custody to the Agency, and legal custody to them was not legally available.
4. Counsel was not ineffective for failing to remind the juvenile court to grant temporary custody to the maternal grandparents because the parties had agreed to the Agency's temporary custody at the adjudicatory and dispositional hearing, and no prejudice was shown.
5. Counsel was not ineffective for failing to object to the magistrate's findings because the challenged findings were either unnecessary to the statutory ground actually used or were supported by facts relevant to the children's best interests, and Father failed to show prejudice.

KEY QUOTATIONS

“The motion requirement is mandatory.” (¶ 12)

“An attorney is not ineffective for failing to make futile requests.” (¶ 19)

“In light of the foregoing, we conclude the juvenile court did not err in finding that it was in Jacob and Jeff's best interest to grant permanent custody to the Agency. We also conclude that Father's trial counsel was not ineffective, and Father was not prejudiced by counsel's decisions not to raise certain arguments and objections.” (¶ 28)

FACTUAL BACKGROUND

Father's adopted daughter suffered extensive injuries consistent with choking and other abuse, and the children at issue were removed from the home. Father pleaded guilty to felonious assault and endangering children and was sentenced to six to nine years in prison; Mother also pleaded guilty to offenses relating to the abuse and later surrendered her parental rights. The children were placed with their maternal grandparents, who supported permanent custody to the Agency and intended to pursue adoption, while Father did not participate in his case-plan services and never attempted to resume them.

PROCEDURAL HISTORY

The children were removed from the parents' care, adjudicated dependent, and placed in the Agency's temporary custody. The Agency moved for permanent custody, and after a magistrate granted the motion, Father and his cousin filed objections. The juvenile court overruled the objections, adopted the magistrate's decision with one date correction, and Father appealed.

DISPOSITION

affirmed

CASES CITED

- In re D.P., 12th Dist. Clermont Nos. CA2022-08-043 and CA2022-08-044, 2022-Ohio-4553, ¶ 1, fn. 1
- In re C.J.F.-O., 2024-Ohio-6056, ¶¶ 29, 31 (12th Dist.)
- In re B.L., 2018-Ohio-547, ¶ 25 (12th Dist.)
- In re B.M., 2023-Ohio-1112, ¶ 72 (12th Dist.)
- In re B.J., 2016-Ohio-7440, ¶ 68 (12th Dist.)
- Strickland v. Washington, 466 U.S. 668 (1984)
- In re G.W., 2014-Ohio-2579, ¶¶ 12-13 (12th Dist.)
- In re L.J., 2015-Ohio-1567, ¶ 33 (12th Dist.)
- In re C.S., 2018-Ohio-4786, ¶ 34 (12th Dist.)
- Mathews v. Eldridge, 424 U.S. 319, 333 (1976)
- In re Sprague, 113 Ohio App.3d 274, 276 (12th Dist. 1996)
- In re J.F., 2019-Ohio-3172, ¶ 16 (12th Dist.)
- In re K.T., 2015-Ohio-2304, ¶ 16 (12th Dist.)
- In re L.D., 2025-Ohio-2892, ¶ 72
- State v. Brown, 2018-Ohio-4939, ¶ 11 (12th Dist.)
- In re L.W., 2024-Ohio-3228, ¶¶ 16, 23 (12th Dist.)