

COURT OF APPEALS OF OHIO, SECOND APPELLATE DISTRICT,
MONTGOMERY COUNTY

In re J.H.

2026-Ohio-4 · No. C.A. Nos. 30528, 30529, 30530, 30531, 30532 · Decided January 2, 2026

SUMMARY

The Second District Court of Appeals of Ohio affirmed a juvenile court judgment terminating the mother's parental rights and granting permanent custody of five children to the Montgomery County Department of Job and Family Services. The court held that the juvenile court did not abuse its discretion or violate due process by denying a continuance after technical problems prevented the incarcerated parents from participating in the permanent custody hearing by video. The court applied the balancing factors from State v. Unger and concluded that the children's need for permanency, the delay, and the inconvenience to other participants supported proceeding with the hearing.

CASE DETAILS

COURT	Court of Appeals of Ohio, Second Appellate District, Montgomery County
WRITING FOR THE COURT	Christopher B. Epley, Presiding Judge; Tucker, Judge; Lewis, Judge
JURISDICTION	Ohio Court of Appeals, Second Appellate District, Montgomery County
DECIDED	January 2, 2026
DOCKET	C.A. Nos. 30528, 30529, 30530, 30531, 30532
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed the juvenile court's judgment terminating her parental rights and granting permanent custody of five children to the Montgomery County Department of Job and Family Services. She challenged the denial of her oral motion to continue the permanent-custody hearing so she could participate virtually from prison.
STANDARD OF REVIEW	The denial of a continuance in a permanent-custody case is reviewed for abuse of discretion. An abuse of discretion occurs when the court's attitude is unreasonable, arbitrary, or unconscionable. The court applied the Unger balancing factors.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion

PARTIES

Mother v. Montgomery County Department of Job and Family Services—Children Services Division

TOPICS

family law procedure

termination of parental rights

parental rights

procedural due process

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the juvenile court abused its discretion by denying Mother's request to continue the permanent-custody hearing so she could participate virtually from prison.
2. Whether denial of the continuance violated Mother's constitutional right to due process.

HOLDINGS

1. The juvenile court did not abuse its discretion by denying Mother's request for a continuance. The court reasonably considered the technical uncertainty regarding a future video appearance, counsel's failure to ensure that video participation was available, the children's need for permanency, the substantial delay already associated with the pending custody motions, and the inconvenience to other participants.
2. The denial of Mother's continuance request did not violate due process.

KEY QUOTATIONS

“Parents have a constitutional right to be present at a permanent custody hearing, but this right is not absolute if the parent is incarcerated.” (¶ 18)

“Courts should consider (1) the length of the delay requested; (2) whether other continuances have been requested or received; (3) the inconvenience to the litigants, witnesses, opposing counsel, and the court; (4) whether the requested delay is for legitimate reasons or whether it is dilatory, purposeful, or contrived; (5) whether the movant contributed to the circumstances that gave rise to the request for a continuance; and (6) other relevant factors, depending on the unique facts of each case.” (¶ 20)

FACTUAL BACKGROUND

MCCS had been involved with the family because of concerns including parental mental health, substance abuse, domestic violence, criminal activity, incarceration, and living conditions. The five children had been in MCCS custody or placement outside the home for substantial periods, and all had lived together in the same foster home since October 2022. Mother and Father were incarcerated on drug-related charges when the permanent-custody hearing was scheduled; counsel attempted to arrange video participation, but technical and permission problems prevented the parents from appearing. The magistrate denied a continuance and proceeded with testimony from MCCS personnel, the foster mother, and the paternal grandmother.

PROCEDURAL HISTORY

The juvenile court magistrate conducted the permanent-custody hearing without Mother and Father after technical problems prevented their participation by video and denied their requests for a continuance. The magistrate granted MCCA permanent custody of all five children. The trial court overruled the parents' objections and entered judgment granting permanent custody to MCCA. Mother appealed; Father did not appeal.

DISPOSITION

affirmed

CASES CITED

- Troxel v. Granville, 530 U.S. 57, 65 (2000)
- In re C.F., 2007-Ohio-1104, ¶ 28
- In re L.C., 2016-Ohio-8188, ¶¶ 8-11, 29 (2d Dist.)
- State v. Unger, 67 Ohio St.2d 65, 67-68 (1981)
- In re K.S., 2024-Ohio-3312, ¶ 65 (8th Dist.)
- In re B.D., 2022-Ohio-2555, ¶ 19 (5th Dist.)
- Blakemore v. Blakemore, 5 Ohio St.3d 217, 219 (1983)
- In re D.K., 2015-Ohio-546 (2d Dist.)
- In re P.M.A., 2024-Ohio-1611, ¶ 16 (2d Dist.)
- In re C.B., 2023-Ohio-1578, ¶ 24 (8th Dist.)
- State v. Lawson, 2020-Ohio-6852, ¶ 26 (2d Dist.)
- Ungar v. Sarafite, 376 U.S. 575, 589 (1964)
- In re C.W., 2025-Ohio-282, ¶ 52 (10th Dist.)