

COURT OF APPEALS OF OHIO, FIFTH APPELLATE DISTRICT

In re E.E.

2026-Ohio-821 · No. 25CA000043 · Decided March 11, 2026

SUMMARY

The Fifth District Court of Appeals of Ohio affirmed the Guernsey County Juvenile Court's judgment terminating the mother's parental rights and granting permanent custody of the child to Guernsey County Children Services. The court held that the child had been in agency custody for at least twelve of twenty-two consecutive months and that clear and convincing evidence supported the finding that permanent custody was in the child's best interest.

CASE DETAILS

COURT	Court of Appeals of Ohio, Fifth Appellate District
WRITING FOR THE COURT	Andrew J. King; Kevin W. Popham; David M. Gormley
JURISDICTION	Court of Appeals of Ohio, Fifth Appellate District
DECIDED	March 11, 2026
DOCKET	25CA000043
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed the Guernsey County Juvenile Court's judgment terminating parental rights and granting permanent custody of the child to Guernsey County Children Services.
STANDARD OF REVIEW	The appellate court reviewed the manifest weight of the evidence by examining the entire record, weighing the evidence and reasonable inferences, considering witness credibility, and determining whether the trial court clearly lost its way and created a manifest miscarriage of justice. The court also reviewed whether the record contained sufficient evidence to satisfy the clear-and-convincing-evidence standard, while presuming the trial court's factual findings were correct.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	K.P., appellant-mother v. Guernsey County Children Services

TOPICS

termination of parental rights

child custody

standard of review

appellate procedure

family law procedure

PRACTICE AREAS

family law

juvenile law

parental rights

appellate procedure

QUESTIONS PRESENTED

1. Whether the juvenile court's finding that permanent custody was in the child's best interest was supported by clear and convincing evidence.
2. Whether the juvenile court's best-interest determination and grant of permanent custody were against the manifest weight of the evidence.

HOLDINGS

1. The child's placement in the temporary custody of a public children-services agency for twelve or more months of a consecutive twenty-two-month period satisfied the first prong of the permanent-custody analysis.
2. The juvenile court's determination that permanent custody to Guernsey County Children Services was in the child's best interest was supported by sufficient clear and convincing evidence.
3. The juvenile court did not clearly lose its way or create a manifest miscarriage of justice in terminating the mother's parental rights and granting permanent custody to the agency.

KEY QUOTATIONS

"On review for manifest weight, the standard in a civil case is identical to the standard in a criminal case: a reviewing court is to examine the entire record, weigh the evidence and all reasonable inferences, consider the credibility of witnesses and determine "whether in resolving conflicts in the evidence, the jury [or finder of fact] clearly lost its way and created such a manifest miscarriage of justice that the conviction [decision] must be reversed and a new trial ordered."" (¶ 8)

"Clear and convincing evidence is that evidence "which will produce in the mind of the trier of facts a firm belief or conviction as to the facts sought to be established."" (¶ 12)

FACTUAL BACKGROUND

The child, born in February 2023, came to the attention of Guernsey County Children Services because of concerns regarding the mother's homelessness and the presence of inappropriate individuals around the child. The child entered emergency temporary custody in September 2023, was adjudicated dependent after the mother agreed to that finding, and remained in agency custody for more than 874 days. Evidence showed that the mother lacked safe and stable housing, had inconsistent mental-health treatment, had not substantially complied with her case plan, and struggled to provide basic care, while the child had medical and developmental needs and was thriving with foster caregivers.

PROCEDURAL HISTORY

Guernsey County Children Services filed a temporary-custody complaint after the child was placed in emergency temporary custody. Mother agreed to a dependency adjudication, and temporary custody continued through multiple review hearings. The agency later moved for permanent custody; after a hearing, the juvenile court terminated all parental rights and granted permanent custody to the agency. The Fifth District affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Martin, 20 Ohio App. 3d 172, 175 (1st Dist. 1983)
- State v. Thompkins, 78 Ohio St. 3d 380, 387 (1997)
- Eastley v. Volkman, 2012-Ohio-2179
- Cross v. Ledford, 161 Ohio St. 469, 477 (1954)
- In re Adoption of Holcomb, 18 Ohio St. 3d 361 (1985)
- In re Calhoun, 2008-Ohio-5458, ¶ 45 (5th Dist.)
- In re K.B., 2025-Ohio-2997, ¶ 45 (5th Dist.)

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