

OHIO COURT OF APPEALS, NINTH JUDICIAL DISTRICT

In re G.H.

2025-Ohio-5317 · No. 31406 · Decided November 26, 2025

SUMMARY

The Ninth District Court of Appeals of Ohio affirmed a Summit County juvenile court judgment awarding legal custody of G.H. to the maternal grandparents. The court held that the juvenile court did not abuse its discretion by denying Mother's oral request for a continuance after she failed to appear at the dispositional hearing.

CASE DETAILS

COURT	Ohio Court of Appeals, Ninth Judicial District
WRITING FOR THE COURT	Jill Flagg Lanzinger; Sutton, J.; Stevenson, J.
JURISDICTION	Ohio Court of Appeals, Ninth Judicial District
DECIDED	November 26, 2025
DOCKET	31406
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed the Summit County Juvenile Court's judgment awarding legal custody of G.H. to the maternal grandparents after the court denied counsel's oral motion to continue the final dispositional hearing.
STANDARD OF REVIEW	A juvenile court's decision to grant or deny a continuance is reviewed for abuse of discretion. The reviewing court considers the reasons presented to the trial judge when the request was denied.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Mother v. Summit County Children Services Board, Grandparents

TOPICS

- family law procedure
- child custody
- appellate procedure
- standard of review
- civil procedure

PRACTICE AREAS

- family law
- juvenile law
- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether the juvenile court abused its discretion by denying Mother's counsel's oral motion to continue the final dispositional hearing when Mother failed to appear.
2. Whether the denial of the continuance constituted reversible or plain error.

HOLDINGS

1. The juvenile court did not abuse its discretion in denying the oral motion for a continuance because Mother had notice of the hearing, counsel did not establish an emergency or unforeseen circumstance requiring delay, the other participants were present and prepared, and the case had already been pending beyond the anticipated statutory resolution period.

KEY QUOTATIONS

“In making its determination, the trial court must balance “any potential prejudice to a [party against] concerns such as a court’s right to control its own docket and the public’s interest in the prompt and efficient dispatch of justice.”” (¶ 12)

“A reviewing court must focus on “the reasons presented to the trial judge at the time the request [for a continuance] is denied” when considering whether the trial court abused its discretion.” (¶ 12)

FACTUAL BACKGROUND

G.H. was removed from Mother's home in 2019 and again in 2022 after similar concerns about the home environment arose. Following a period of agency temporary custody and reunification under protective supervision, the juvenile court again found G.H. unsafe in Mother's custody and returned the child to agency custody, with placement with the maternal grandparents. Mother had notice of the November 15, 2024 final dispositional hearing but did not appear; counsel stated that she could not reach Mother and believed Mother's phone was broken. The court denied a continuance and awarded legal custody to the grandparents after an evidentiary hearing.

PROCEDURAL HISTORY

Summit County Children Services Board removed G.H. from Mother's home, and Mother stipulated that G.H. was dependent and agreed to agency temporary custody. After reunification and a subsequent removal, the juvenile court scheduled a final dispositional hearing concerning custody. Mother failed to appear, counsel requested a continuance, and the magistrate denied the request; following an evidentiary hearing, the magistrate awarded legal custody to the grandparents. The juvenile court overruled Mother's objection and affirmed the custody award, and Mother appealed.

DISPOSITION

affirmed

CASES CITED

- In re E.G., 2024-Ohio-1153, ¶ 11 (9th Dist.)
- Blakemore v. Blakemore, 5 Ohio St.3d 217, 219 (1983)
- State v. Unger, 67 Ohio St.2d 65, 67-68 (1981)
- Ungar v. Sarafite, 376 U.S. 575, 589 (1964)

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