

COURT OF APPEALS OF OHIO, TENTH APPELLATE DISTRICT

In re A.S.

2026-Ohio-1292 · No. 25AP-582 · Decided April 9, 2026

SUMMARY

The Ohio Tenth District Court of Appeals affirmed a judgment terminating the mother’s parental rights and awarding permanent custody of A.S. to Franklin County Children Services. The court held that the trial court did not abuse its discretion by denying the mother’s request for a continuance, considering the case’s procedural history, the child’s time in agency custody, and the absence of demonstrated prejudice. The opinion also addresses the mother’s claims concerning due process and ineffective assistance of counsel.

CASE DETAILS

COURT	Court of Appeals of Ohio, Tenth Appellate District
WRITING FOR THE COURT	Edelstein, J.; Beatty Blunt, J.; Mentel, J.
JURISDICTION	Ohio Court of Appeals, Tenth Appellate District
DECIDED	April 9, 2026
DOCKET	25AP-582
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother appealed the judgment terminating her parental rights and placing the child in the permanent custody of Franklin County Children Services. She challenged the denial of a trial continuance and alleged ineffective assistance of counsel.
STANDARD OF REVIEW	Denial of a continuance is reviewed for abuse of discretion. Ineffective-assistance claims are evaluated under Strickland v. Washington, requiring deficient performance and resulting prejudice.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	L.S., Mother v. Franklin County Children Services

TOPICS

- termination of parental rights
- parental rights
- family law procedure
- appellate procedure
- due process

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion and violated due process by denying mother's request for a continuance on the first day of the permanent-custody trial.
2. Whether mother was denied effective assistance of counsel when assigned counsel was absent on the first day of trial and substitute counsel proceeded without adequate preparation.

HOLDINGS

1. The trial court did not abuse its discretion by denying mother's request for a continuance made on the first day of the permanent-custody trial.
2. Mother did not establish ineffective assistance of counsel because she failed to demonstrate prejudice from substitute counsel's representation on the first day of trial.

KEY QUOTATIONS

“Because termination of parental rights “has been described as ‘the family law equivalent of the death penalty in a criminal case,’ ” parents “ ‘must be afforded every procedural and substantive protection the law allows.’ ”” (¶ 27)

“There are no mechanical tests for deciding when a denial of a continuance is so arbitrary as to violate due process.” (¶ 31)

FACTUAL BACKGROUND

A.S. was removed from mother's care after reports of sexual assault, violence, mother's medication ingestion and mental-health crises, and concerns regarding substance use and home instability. A.S. remained in the same kinship placement from March 2023, where the child was bonded with the caregivers and was considered to be thriving. Mother made limited progress on her case plan, missed many visits and drug screens, lacked stable housing and consistent mental-health treatment, and ultimately testified that she was not seeking custody of A.S.

PROCEDURAL HISTORY

FCCS filed a dependency complaint, obtained temporary custody, and later moved for permanent custody. After several continuances, the trial court conducted a two-day permanent-custody trial, granted FCCS permanent custody, and terminated both parents' parental rights. The mother timely appealed, and the appellate court affirmed.

DISPOSITION

affirmed

CASES CITED

- In re B.C., 2014-Ohio-4558, ¶ 19

- Troxel v. Granville, 530 U.S. 57, 65 (2000)
- In re Murray, 52 Ohio St.3d 155, 157 (1990)
- In re Cunningham, 59 Ohio St.2d 100, 105-06 (1979)
- In re D.A., 2007-Ohio-1105, ¶ 11
- In re Hayes, 79 Ohio St.3d 46, 48 (1997)
- In re Smith, 77 Ohio App.3d 1, 16 (6th Dist. 1991)
- In re K.H., 2008-Ohio-4825, ¶ 42
- In re Z.C., 2023-Ohio-4703, ¶ 7
- Cross v. Ledford, 161 Ohio St. 469, paragraph three of the syllabus (1954)
- In re Schaefer, 2006-Ohio-5513, ¶ 56
- In re J.R., 2024-Ohio-5619, ¶¶ 6-8 (10th Dist.)
- In re J.B., 2009-Ohio-3083, ¶ 26 (10th Dist.)
- Blakemore v. Blakemore, 5 Ohio St.3d 217, 219 (1983)
- State ex rel. Deblase v. Ohio Ballot Bd., 2023-Ohio-1823, ¶ 27
- State v. Woods, 2010-Ohio-1586, ¶ 24 (10th Dist.)
- In re M.K., 2010-Ohio-2194, ¶ 14 (10th Dist.)
- Ungar v. Sarafite, 376 U.S. 575, 589 (1964)
- In re J.C., 2011-Ohio-715, ¶ 46
- In re J.M., 2015-Ohio-3988, ¶ 26 (10th Dist.)
- In re K.J., 2018-Ohio-471, ¶ 22 (10th Dist.)
- In re K.R., 2023-Ohio-359, ¶ 18
- In re J.J., 2022-Ohio-907, ¶ 24
- In re A.P., 2009-Ohio-438, ¶¶ 5-6 (10th Dist.)
- In re Baby Boy N., 2021-Ohio-1272, ¶¶ 41-42 (10th Dist.)
- State ex rel. Heller v. Miller, 61 Ohio St.2d 6, paragraph two of the syllabus (1980)
- In re Brooks, 2004-Ohio-3887, ¶ 24
- State v. Spaulding, 2016-Ohio-8126, ¶ 77
- State v. Sallie, 81 Ohio St.3d 673, 675 (1998)
- State v. Frazier, 61 Ohio St.3d 247, 255 (1991)
- State v. Bradley, 42 Ohio St.3d 136, 141-42 (1989)
- State v. Wade, 2021-Ohio-4090, ¶ 19
- State v. Cosolis, 2002-Ohio-4302, ¶ 53 (10th Dist.)
- State v. Williams, 2025-Ohio-1151, ¶ 57 (10th Dist.)