

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT

In re M.L.

2026-Ohio-1815 · No. 2025 CA 00091 · Decided May 18, 2026

SUMMARY

The Fifth District Court of Appeals of Ohio affirmed a juvenile court judgment granting Licking County Job and Family Services permanent custody of two minor children. The court rejected the parents’ challenges concerning reliance on exhibits, ineffective assistance of counsel, access to agency records, reasonable reunification efforts, and the sufficiency and weight of the evidence supporting permanent custody. The court concluded that clear and convincing evidence supported the statutory findings and that permanent custody was in the children’s best interests.

CASE DETAILS

COURT	Ohio Court of Appeals, Fifth Appellate District
WRITING FOR THE COURT	Robert G. Montgomery; Andrew J. King; Craig R. Baldwin
JURISDICTION	Ohio Court of Appeals, Fifth Appellate District
DECIDED	May 18, 2026
DOCKET	2025 CA 00091
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mother and Father appealed the Licking County Court of Common Pleas, Juvenile Division's judgment granting Licking County Job and Family Services permanent custody of the children.
STANDARD OF REVIEW	Permanent-custody findings are reviewed under the manifest-weight-of-the-evidence standard; the appellate court determines whether competent, credible evidence supports the judgment and does not reweigh evidence or assess witness credibility. Evidentiary and discovery rulings are reviewed for abuse of discretion. Ineffective-assistance claims are reviewed under the deficient-performance and prejudice requirements of Strickland and Ohio precedent.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Mother, Father v. Licking County Job and Family Services

TOPICS

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parental rights

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the juvenile court improperly relied on State's Exhibits A through K because the exhibits allegedly were not formally admitted.
2. Whether Mother and Father's attorneys provided ineffective assistance of counsel in the permanent-custody proceedings.
3. Whether the juvenile court violated the parents' due-process rights by denying their request for SACWIS and Traverse records and proceeding to trial.
4. Whether the Agency made reasonable case-planning and diligent reunification efforts under R.C. 2151.414(E)(1) and whether the parents substantially remedied the conditions leading to removal.
5. Whether clear and convincing evidence supported the statutory grounds for permanent custody and the determination that permanent custody was in the children's best interests.

HOLDINGS

1. The exhibits were treated as admitted without objection, and, even assuming an evidentiary error, any error was harmless because substantial independent evidence supported the permanent-custody judgment.
2. The parents failed to establish ineffective assistance because they did not show objectively unreasonable performance or a reasonable probability that counsel's alleged errors affected the outcome.
3. The parents failed to demonstrate reversible error or prejudice from the juvenile court's denial of their request for Agency records.
4. Competent, credible evidence supported the finding that the Agency made reasonable case-planning and diligent reunification efforts and that the parents failed continuously and repeatedly to substantially remedy the conditions causing removal.
5. The parents forfeited any challenge to the juvenile court's findings under R.C. 2151.414(E)(4) and (E) (16), and the record independently supported those findings.
6. Competent, credible evidence supported the finding that permanent custody was in the children's best interests.

KEY QUOTATIONS

“Thus, R.C. 2151.414(B)(1) establishes a two-pronged analysis that the trial court must apply when ruling on a motion for permanent custody.” (¶ 32)

“Reasonable efforts mean that a children's services agency must act diligently and provide services appropriate to the family's need to prevent the child's removal or as a predicate to reunification.” (¶ 54)

“A child's best interests are served when the child is placed in a permanent situation which fosters growth, stability, and security.” (§ 65)

FACTUAL BACKGROUND

The Agency removed the children after police and Agency personnel observed the parents behaving as though under the influence and found pills, powder, a loaded firearm, identification cards, credit cards, phones, and jewelry in the parents' vehicle. The parents tested positive for multiple substances, including cocaine and fentanyl, and had a history of substance-abuse, criminal, mental-health, and safety concerns. Despite a reunification case plan, repeated positive drug screens, incomplete treatment, continued denial of substance use, and unresolved mental-health and safety concerns prevented sufficient progress. The children remained with the same foster family for nearly three years, were thriving there, and consistently expressed a desire to remain with the foster family and avoid contact with the parents.

PROCEDURAL HISTORY

The Agency removed the children in February 2023, obtained emergency and then temporary custody, and filed a case plan directed toward reunification. After the children were adjudicated dependent, the Agency moved for permanent custody in January 2024. Following a multi-day hearing, the juvenile court granted permanent custody on November 4, 2025. Mother and Father timely appealed, asserting five assignments of error concerning evidentiary exhibits, ineffective assistance of counsel, access to Agency records and due process, reasonable reunification efforts, and the statutory and best-interest findings.

DISPOSITION

affirmed

CASES CITED

- In re A.W., 2024-Ohio-5791, ¶ 15 (5th Dist.)
- In re V.C., 2024-Ohio-5153, ¶ 23 (4th Dist.)
- In re R.M., 2013-Ohio-3588, ¶ 55 (4th Dist.)
- Cross v. Ledford, 161 Ohio St. 469 (1954)
- State v. Schiebel, 55 Ohio St.3d 71, 74 (1990)
- Seasons Coal Co. v. Cleveland, 10 Ohio St.3d 77 (1984)
- In re M.K., 2023-Ohio-3786, ¶ 26 (5th Dist.)
- In re Murray, 52 Ohio St.3d 155 (1990)
- Stanley v. Illinois, 405 U.S. 645 (1972)
- In re R.M., Jr., 2018-Ohio-395, ¶ 23 (5th Dist.)
- In re Cunningham, 59 Ohio St.2d 100, 106 (1979)
- In re Smith, 77 Ohio App.3d 1, 16 (6th Dist. 1991)
- In re T.J., 2024-Ohio-110, ¶ 14 (5th Dist.)

- In re A.M., 2020-Ohio-5102, ¶ 18
- In re K.J., 2025-Ohio-4562, ¶ 19 (9th Dist.)
- In re William S., 1996-Ohio-182
- In re S.B., 2025-Ohio-2685, ¶ 17 (8th Dist.)
- In re Schafer, 2006-Ohio-5513
- In re E.H., 2022-Ohio-1682, ¶ 101 (5th Dist.)
- State v. Culbertson, 2026-Ohio-333, ¶ 28 (5th Dist.)
- In re Deters, 2020-Ohio-3518 (1st Dist.)
- United States v. Barrett, 111 F.3d 947, 951 (D.C. Cir. 1997)
- Gonzalez v. Spofford, 2005-Ohio-3415, ¶ 43 (8th Dist.)
- State v. Post, 32 Ohio St.3d 380, 384 (1987)
- State v. Eubank, 60 Ohio St.2d 183, 187 (1979)
- In re S.D.S., 2024-Ohio-255, ¶ 36 (8th Dist.)
- In re West Techs. Indus., 132 Ohio App.3d 145, 153 (10th Dist.)
- In re Utt Children, 2003-Ohio-4576 (5th Dist.)
- In re Wingo, 2001-Ohio-2477 (4th Dist.)
- In re Baby Girl O., 2023-Ohio-4323, ¶ 11 (5th Dist.)
- Lockhart v. Fretwell, 506 U.S. 364 (1993)
- Strickland v. Washington, 466 U.S. 668 (1984)
- State v. Bradley, 42 Ohio St.3d 136 (1989)
- Knowles v. Mirzayance, 556 U.S. 111 (2009)
- Mansfield v. Studer, 2012-Ohio-4840, ¶¶ 58-61 (5th Dist.)
- State v. Clayton, 62 Ohio St.2d 45, 48-49 (1980)
- State v. Mason, 82 Ohio St.3d 144, 157-58 (1998)
- State v. Fogle, 2026-Ohio-722, ¶ 58 (5th Dist.)
- State v. Short, 2011-Ohio-3641, ¶ 119
- State v. Perez, 2009-Ohio-6179
- State ex rel. Rhodes v. City of Chillicothe, 2013-Ohio-1858, ¶ 17 (4th Dist.)
- State v. Ginier, 2026-Ohio-415, ¶ 9 (5th Dist.)
- In re H.A., 2020-Ohio-2945, ¶ 46
- In re J.T., 2009-Ohio-6224, ¶ 67 (8th Dist.)
- In re M.K., 2023-Ohio-96, ¶ 49 (5th Dist.)
- In re H.M.K., 2013-Ohio-4317, ¶ 95 (3rd Dist.)
- In re D.A., 2012-Ohio-1104, ¶ 30 (6th Dist.)
- In re D.D., 2023-Ohio-4147, ¶ 23 (10th Dist.)
- In re N.K., 2026-Ohio-1087, ¶¶ 64-69 (5th Dist.)
- In re Wilson, 1999 WL 125749, *4 (8th Dist.)

- In re A.S., 2025-Ohio-2663, ¶ 26 (5th Dist.)
- Matter of L.T., 2024-Ohio-2700, ¶ 13 (5th Dist.)
- In re E.H., 2022-Ohio-1682, ¶ 101 (5th Dist.)

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