

**IN THE COURT OF APPEALS**  
**FIRST APPELLATE DISTRICT OF OHIO**  
**HAMILTON COUNTY, OHIO**

IN RE: A.J.<sup>1</sup> : APPEAL NO. C-220486  
 : TRIAL NO. F19-829Z  
 :  
 : *JUDGMENT ENTRY.*

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

A.J. appeals the juvenile court’s judgment which granted permanent custody of him to the Hamilton County Department of Job and Family Services (“HCJFS”). In a single assignment of error, he argues that the juvenile court’s best-interest determination was not supported by sufficient evidence and was against the manifest weight of the evidence. He seeks to be returned to mother’s care. Mother did not appeal the juvenile court’s judgment. HCJFS argues that A.J. lacks standing to bring this appeal as a result. However, we need not address the issue of standing as we hold that, even assuming arguendo that A.J. may bring this appeal, the juvenile court properly determined that a grant of permanent custody to HCJFS was in A.J.’s best interest.

The record shows that HCJFS was granted interim custody of A.J. on June 25, 2019. A.J. and his siblings were removed from mother’s care due to domestic-violence and substance-use concerns. A.J. was adjudicated dependent on December 5, 2019, and temporary custody was granted to HCJFS that same day. The juvenile court’s

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<sup>1</sup> We note that, while four children were originally involved in the case below, only A.J. is the subject of this appeal.

entry noted that the case-plan services for mother included completing diagnostic and domestic-violence assessments and following all recommendations, submitting to random drug screens, visiting consistently with the children, and obtaining and maintaining stable income and housing.

HCJFS ultimately moved for permanent custody of A.J. on February 17, 2021. Hearings were held before the magistrate on August 26, 2021, and October 18, 2021. Testimony was presented from mother, two HCJFS caseworkers, A.J.'s mental-health therapist from Central Clinic, and mother's counselor from Gateway. On May 12, 2022, the magistrate entered a decision granting permanent custody of A.J. to HCJFS after finding that A.J. had been in the temporary custody of HCJFS for 12 or more months of a consecutive 22-month period and that permanent custody to HCJFS was in A.J.'s best interest. Mother and A.J. filed objections to the magistrate's decision. However, the juvenile court overruled the objections and adopted the decision of the magistrate on August 29, 2022. A.J. now appeals.

Upon a motion filed pursuant to R.C. 2151.413, the juvenile court may grant permanent custody of a child to the agency if the court finds, by clear and convincing evidence, that it is in the child's best interest to grant permanent custody to the agency, and the child has been in the temporary custody of the agency for 12 or months of a consecutive 22-month period. R.C. 2151.414(B)(1)(d). A.J. does not dispute that he was in the temporary custody of HCJFS for 12 or more months of a consecutive 22-month period. Therefore, this court must only determine whether the juvenile court's best-interest determination was supported by the record. *See In re A.W.*, 1st Dist. Hamilton No. C-220248, 2022-Ohio-3715, ¶ 19-21.

When considering the best-interest factors under R.C. 2151.414(D)(1), the juvenile court acknowledged that mother and A.J. were well bonded and that A.J. wanted to return to mother's care. However, the court also found that A.J. had been out of mother's care for more than 12 months of a consecutive 22-month period and needed a legally secure placement that could not be achieved without a grant of permanent custody to HCJFS as mother had failed to remedy the substance-abuse issues that contributed to A.J.'s initial removal and failed to complete substance-abuse treatment. This is supported by the record. The record contains the results of ten drug screens, administered to mother between October 2019 and June 2021. Of those results, six were no shows and three were positive for methamphetamine, most recently in June 2021. Additionally, the HCJFS caseworker testified that he discussed a drug test with mother that was positive for methamphetamine in August 2021. Further, mother admitted to drinking in August 2021 prior to the first court hearing. The record also contains a judgment entry from the Darke County Municipal Court showing that mother was found guilty in August 2021 of a violation of R.C. 4511.194, which prohibits any person from having physical control of a vehicle while under the influence. Finally, mother's therapist from Gateway testified that, while mother did ultimately complete her group therapy addressing substance-use issues, she was discharged from her individual therapy for lack of engagement. Therefore, we cannot say that the juvenile court's best-interest determination was not supported by sufficient evidence or was against the manifest weight of the evidence. Accordingly, we overrule the sole assignment of error and affirm the judgment of the juvenile court.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**OHIO FIRST DISTRICT COURT OF APPEALS**

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**MYERS, P.J., ZAYAS and BERGERON, JJ.**

To the clerk:

Enter upon the journal of the court on December 28, 2022

per order of the court \_\_\_\_\_.

Administrative Judge