# CAPTION: IN RE: M.S.

**02-15-23**

APPEAL NOS.: C-220105

C-220119

TRIAL NO.: F-162337Z

KEY WORDS: CHILDREN — CUSTODY — R.C. 2151.414 — CONTINUANCE

SUMMARY:

The juvenile court did not err in granting permanent custody to the Hamilton County Department of Job and Family Services where the child had been in the custody of the agency for more than 12 months of a consecutive 22-month period, including noncontinuous periods of temporary custody, and permanent custody was in the child’s best interest because, though the child was bonded with mother and wished to be returned to her care after removal in 2016, mother was unable or unwilling to meet her own needs and was very unlikely to meet the significant mental-health issues of the child, issues that mother dismissed.

The trial court did not abuse its discretion when it denied a motion to continue the permanent-custody trial after mother failed to appear where mother, who had notice of the trial date from multiple sources and was responsible for prior continuances, never provided a reason for her absence, failed to express the length of the continuance requested, and failed to afford reasonable assurance that if a continuance were granted, she would appear for a new court hearing.

JUDGMENT: AFFIRMED

JUDGES: OPINION by WINKLER, J.; CROUSE, P.J., and BOCK, J., CONCUR.