# CAPTION: IN RE: THE S CHILDREN

**02-14-24**

APPEAL NOS: C-230579

C-230580

TRIAL NO: F16-2167Z

KEY WORDS: JUVENILE – SUBJECT-MATTER JURISDICTION – UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT – ABUSE – EXPERT TESTIMONY – NEGLECT – DEPENDENCY – CLEAR AND CONVINCING EVIDENCE – PERMANENT CUSTODY – R.C. 2151.413 – REASONABLE EFFORTS – BEST INTEREST

SUMMARY:

The juvenile court has jurisdiction over the children where the children have no home state under Ohio’s Uniform Child Custody Jurisdiction and Enforcement Act because the orders placing them with out-of-state relatives were dissolved and thus the relatives do not qualify as persons acting as parents under the Act, and where the children and parents have a significant connection to Ohio and substantial evidence is available in Ohio concerning the children’s care, protection, training, and personal relationships.

The juvenile court properly adjudicated a child as abused where there was conflicting expert testimony as to whether the child died by homicide or natural causes, the juvenile court credited the Hamilton County Department of Job and Family Services’ experts over the parents’ experts, and competent, credible evidence supported the juvenile court’s credibility determination.

The juvenile court properly adjudicated the children as neglected and dependent where the parents did not adequately care for the children, the children were on restrictive diets and gained healthy weight after leaving the parents care, and one child died by homicide in the home by a parent.

R.C. 2151.413 does not require the juvenile court to make a finding that there were reasonable efforts to reunify the family where the agency seeks permanent custody by complaint instead of by motion.

The juvenile court properly granted permanent custody to the agency where it made the required reasonable-efforts findings and clear and convincing evidence supported its findings that the children cannot or should not be placed with a parent and that a grant of permanent custody to the Hamilton County Department of Job and Family Services was in the best interest of the children.

JUDGMENT: AFFIRMED

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