



doing so, it is clear the juvenile court's decision was supported by the evidence, so we affirm its decision.

The juvenile court based its decision to grant HCJFS's motion for permanent custody of S.S., born in June 2022, on two alternative grounds. First, it concluded S.S. was abandoned under R.C. 2151.414(B)(1)(b). Second, it concluded S.S. could not or should not be placed with Parents under R.C. 2151.414(B)(1)(a). Combined with its conclusion that placing S.S. in the permanent custody of HCJFS was in the child's best interest under R.C. 2151.414(D)(1), either of these grounds, if supported by the record, sufficed for it to grant HCJFS's motion.

Father challenges the permanent custody decision by broadly asserting the juvenile court erred in divesting him of his parental rights. We construe his argument as challenging the decision as against the manifest weight of the evidence. Under this standard of review, we "must weigh the evidence and all reasonable inferences, consider the credibility of the witnesses, and determine whether, in resolving conflicts in the evidence, the finder of fact clearly lost its way and created such a manifest miscarriage of justice that the judgment must be reversed and a new trial ordered." *In re Z.C.*, Slip Opinion No. 2023-Ohio-4703, ¶ 14, citing *Eastley v. Volkman*, 132 Ohio St.3d 328, 2012-Ohio-2179, 972 N.E.2d 517, ¶ 20.

A child is "presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days." R.C. 2151.011(C); see *In re P/W Children*, 1st Dist. Hamilton No. C-200103, 2020-Ohio-3513, ¶ 31. Father had not seen, communicated with, or provided any support to S.S. since October 2022, nearly a year prior to the permanent custody decision. His failure to engage in S.S.'s life stemmed in part from his repeated refusal to sign a release of information that would have allowed for more visitation

options in addition to his failure to attend and fully participate in visitation sessions shortly after S.S. was born.

Furthermore, the record supports the juvenile court's determination that S.S. could not or should not be placed with Parents. Against medical advice, Parents removed S.S. from the hospital less than three hours after she was born, refusing recommended testing. When a social worker checked in on the child the next day, she was malnourished and was taken to the hospital for treatment pursuant to an emergency ex parte order. Parents then refused case planning services, inconsistently attended visitation and were not fully attentive at those visits, and, per a magistrate's findings, made no efforts to alleviate the court's concerns about their mental and behavioral health, sobriety, and their unstable housing and financial situation. By the time the court granted HCJFS temporary custody, Parents had not supported S.S. for more than six months, a pattern that continued through the permanent custody proceedings.

Accordingly, we see no reason to disturb the juvenile court's determinations that S.S. was abandoned, that she could not or should not be placed with Parents, and that it was in S.S.'s best interest to be placed in HCJFS's permanent custody. We overrule father's assignment of error raising this argument.

Finally, we briefly address father's other assignments of error, in which he claims various evidentiary and procedural errors. Regarding his challenge to the juvenile court's decision to deny admission of 22 exhibits emailed to the court, the record demonstrates that the court carefully reviewed the submitted exhibits, but ultimately struck them from the record, stating various concerns related to authentication, certification, and relevancy. Because the exhibits lacked identifying information and did not comply with the basic rules of evidence as to authentication and certification, and because they mostly related to the temporary custody decisions and not to the permanent custody motion, the juvenile court did not err in excluding

**OHIO FIRST DISTRICT COURT OF APPEALS**

---

them. Additionally, we see no merit in father's other assignments of error, on which we are especially constrained by his lack of citations to the record and legal authority and his failure to develop any legal arguments. As best we can understand these assignments, we see no error in the juvenile court's decision. We accordingly overrule all of father's assignments of error and affirm the juvenile court's decision granting permanent custody of S.S. to HCJFS.

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

**BOCK, P.J., BERGERON and CROUSE, JJ.**

To the clerk:

Enter upon the journal of the court on March 8, 2024,  
per order of the court \_\_\_\_\_.

Administrative Judge