

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

IN RE: MY.R. AND ME.R. : APPEAL NO. C-260035
: TRIAL NO. F/98/1756 X
:
:
: *JUDGMENT ENTRY*

KINSLEY, Presiding Judge.

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); Loc.R. 11.1.

Respondent-appellant M.M. (“Mother”) appeals the judgment of the Hamilton County Juvenile Court awarding permanent custody of her minor children, My.R. and Me.R., to the Hamilton County Department of Job and Family Services (“HCJFS”).

Mother raises two assignments of error. In the first, she contends that the juvenile court’s determination that permanent custody was in the children’s best interest was not supported by sufficient evidence and was against the manifest weight of the evidence. In particular, she argues that the juvenile court minimized the bond Mother enjoyed with Me.R. and My.R. in assessing the children’s interaction and interrelationship with their parents, siblings, relatives, foster caregivers, out-of-home providers, and other relevant persons under R.C. 2151.414(D)(1)(a).

In reviewing a juvenile court’s decision terminating parental rights under R.C. 2151.414, this court applies either a sufficiency of the evidence or a manifest weight of

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the evidence standard of review, depending upon the nature of the arguments raised. *In re Z.C.*, 2023-Ohio-4703, ¶ 11. “Sufficiency of the evidence and manifest weight of the evidence are distinct concepts[.]” *Id.* at ¶ 13.

When reviewing a challenge to the sufficiency of the evidence, the role of this court is to independently review the evidence to determine if the juvenile court’s decision is supported by clear and convincing evidence. *In re S.D.*, 2020-Ohio-3379, ¶ 12 (1st Dist.). Clear and convincing evidence is that “which will produce in the mind of the trier of facts a firm belief or conviction as to the facts sought to be established.” *In re K.H.*, 2008-Ohio-4825, ¶ 42, quoting *Cross v. Ledford*, 161 Ohio St. 469 (1954), paragraph three of the syllabus. Sufficient evidence exists where the evidence in support of the juvenile court’s permanent-custody findings satisfies this clear-and-convincing standard. *In re S.D.* at ¶ 12.

By contrast, when reviewing a challenge to the manifest weight of the evidence, 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 [juvenile] court 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 A.B.*, 2015-Ohio-3247, ¶ 16 (1st Dist.), citing *Eastley v. Volkman*, 2012-Ohio-2179, ¶ 12.

In its order awarding permanent custody to HCJFS, the juvenile court specifically noted that “Mother and the children are bonded” and took into consideration that My.R. desired to return to Mother’s care. It observed, however, that Mother’s bond with her children and My.R.’s wishes were merely two of many factors the court was required to consider in assessing the children’s best interest under R.C. 2151.414(D)(1).

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Thus, contrary to Mother's argument, the juvenile court credited the bond she shared with her children, but found it to be outweighed by other factors indicating that an award of permanent custody was in Me.R.'s and My.R.'s best interest. Notably, the juvenile court determined that the children's need for a legally secure placement could not be achieved without awarding permanent custody to HCJFS. In making this finding, the court relied on evidence demonstrating that Mother struggled to overcome a longstanding addictive disorder despite numerous treatment opportunities. The juvenile court also weighed the fact both Me.R. and My.R. had spent a significant amount of time in substitute care. These findings were supported by the record, as numerous witnesses testified to Mother's efforts at treatment, her ongoing positive drug tests, and her lack of stable income and housing.

The juvenile court's best interest findings regarding Mother's bond with her children were supported by sufficient evidence and were not against the manifest weight of the evidence. Mother's first assignment of error is accordingly overruled.

In Mother's second assignment of error, she argues that the juvenile court erred in finding that HCJFS was not required to make reasonable efforts at reunification. R.C. 2151.419(A)(2)(e) requires the juvenile court to excuse HCJFS from making reasonable efforts to return a child back home when the parent from whom the child was removed has previously had parental rights involuntarily terminated. This was the case with Mother; her parental rights were previously terminated with respect to Me.R.'s and My.R.'s older siblings. As a result, R.C. 2151.419(A)(2)(e) mandated a finding that reasonable efforts were not required. We accordingly find no error in the juvenile court's determination that HCJFS was excused from the reasonable efforts requirement.

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But even if there was error in the juvenile court’s determination, we agree with the juvenile court’s alternative finding that HCJFS did in fact provide reasonable efforts to reunify the children with Mother. HCJFS initially supported the children’s return to Mother’s care by placing Mother in a drug treatment program that included reunification components. HCJFS also implemented a detailed case plan with services to assist Mother in attaining sobriety and mental wellbeing. Thus, HCJFS provided reasonable efforts, even if it was not required to do so. Mother’s second assignment of error is overruled.

There is no doubt that Mother loves and cares for her children. Similarly, her efforts at overcoming her addictive disorder are valiant and worth recognizing. Nonetheless, because the juvenile court committed no error in excusing reasonable efforts and appropriately weighing Mother’s bond with her children in determining their best interest, we overrule Mother’s assignments of error and affirm the judgment of the juvenile court.

The court further orders that (1) a copy of this Judgment constitutes the mandate, (2) the mandate be sent to the trial court for execution under App.R. 27, and (3) costs shall be taxed under App.R. 24.

ZAYAS and MOORE, JJ., concur.

To the clerk:

Enter upon the journal of the court on 4/29/2026 per order of the court.

By:  _____
Administrative Judge