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

KEITH LOVE,	:	APPEAL NO. C-260017 TRIAL NO. A-2504211
Plaintiff-Appellant,	:	
vs.	:	*JUDGMENT ENTRY*
HAMILTON COUNTY BOARD OF COMMISSIONERS,	:	
Defendant-Appellee.	:	

This cause was heard upon the appeal, the record, and the briefs.

For the reasons set forth in the Opinion filed this date, the judgment of the trial court is affirmed.

Further, the court holds that there were reasonable grounds for this appeal, allows no penalty, and orders that costs be taxed under App.R. 24.

The court further orders that (1) a copy of this Judgment with a copy of the Opinion attached constitutes the mandate, and (2) the mandate be sent to the trial court for execution under App.R. 27.

To the clerk:

Enter upon the journal of the court on 9/23/2026.

Pursuant to App.R. 30, the clerk is directed to send all parties, or their counsel if represented, a copy of the court's judgment and note such action on the docket.

By: Jennifer Hunsley
Administrative Judge

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

KEITH LOVE,	:	APPEAL NO. C-260017 TRIAL NO. A-2504211
Plaintiff-Appellant,	:	
vs.	:	*O P I N I O N*
HAMILTON COUNTY BOARD OF COMMISSIONERS,	:	
Defendant-Appellee.	:	

Civil Appeal From: Hamilton County Court of Common Pleas

Judgment Appealed From Is: Affirmed

Date of Judgment Entry on Appeal: September 23, 2026

Keith Love, pro se,

Connie Pillich, Hamilton County Prosecuting Attorney, *Amanda Bent* and *Matthew Miller-Novak,* Assistant Prosecuting Attorneys, for Defendant-Appellee.

CROUSE, Judge.

{¶1} After the Hamilton County Department of Job and Family Services ("HCJFS") substantiated an allegation of child neglect that had been lodged against plaintiff-appellant Keith Love, Love's name was placed on a statewide registry that listed alleged perpetrators of child abuse and neglect. Love subsequently sued defendant-appellee the Hamilton County Board of Commissioners ("HCBC") alleging, pursuant to 42 U.S.C. 1983, that the proceedings before HCJFS did not afford Love due process of law in violation of his rights under the Fourteenth Amendment to the United States Constitution.

{¶2} The trial court dismissed Love's complaint after determining that (1) it lacked jurisdiction to consider the complaint because HCFJS's disposition on a child-abuse allegation was not appealable under R.C. 2506.01, and (2) even if the court had jurisdiction, Love's claim was filed outside of the applicable statute of limitations.

{¶3} Love now raises four assignments of error challenging the trial court's dismissal of his complaint. Following our review of the record, we find that Love invoked the trial court's jurisdiction to review his 42 U.S.C. 1983 claim pursuant to R.C. 2305.01 and Section 4, Article IV, of the Ohio Constitution. Thus, the trial court erred in determining that it lacked jurisdiction to consider the complaint. But the trial court properly held that Love filed his 42 U.S.C. 1983 claim outside of the applicable limitations period, and we therefore affirm the court's judgment dismissing Love's complaint.

I. Factual and Procedural History

{¶4} Love filed his complaint against HCBC on August 27, 2025. The complaint alleged that HCJFS had initiated an investigation into child-neglect allegations involving Love on July 22, 2022, that an agency caseworker erroneously

substantiated the allegations, and that as a result of HCJFS's actions, "false and damaging statements" were "entered into the child abuse/neglect registry." It further alleged that HCJFS's actions "severely harmed [Love's] reputation and employability, particularly in roles involving children," and that Love "has been denied employment opportunities as a direct result of the substantiated disposition." According to the complaint, HCJFS took these actions without affording Love due process of law, in violation of his rights under the Fourteenth Amendment to the United States Constitution.

{¶5} The complaint sought (1) a declaratory judgment under R.C. Ch. 2721 that the substantiated disposition entered by HCJFS was void as a matter of law, (2) injunctive relief ordering HCBC to remove Love's name from the child-abuse-and-neglect registry and to refrain from disseminating false information about Love, (3) expungement of all records related to the erroneous substantiated disposition, and (4) damages for loss of employment, harm to reputation, and loss of enjoyment of life.

{¶6} Love attached several documents to the complaint. These documents included a motion for temporary and permanent injunctive relief, a letter from HCJFS notifying Love that the allegations of child neglect against him were substantiated, a decision denying Love's appeal of the substantiated allegations, and an affidavit from Love.

{¶7} HCBC filed a motion in opposition to Love's motion for injunctive relief, and it also moved to dismiss Love's complaint pursuant to Civ.R. 12(B)(6) on three grounds. First, HCBC argued, in reliance on *Kyser v. Summit Cty. Children Servs.*, 2024-Ohio-2898, that a county determination of neglect is not appealable because it does not determine an individual's "rights, duties, privileges, benefits or legal relationships." Second, it argued that Love's complaint should be dismissed because

HCBC was immune from any state tort claims, "[t]o the extent that Love was attempting to seek any tort liability." And third, HCBC argued that Love failed to state a due-process claim because he did not allege that Hamilton County had a policy or custom that caused a constitutional violation.

{¶8} Love filed a memorandum in support of his motion for injunctive relief. He argued that he was likely to succeed on the merits of his claim because HCBC was not entitled to immunity, and that he would suffer irreparable harm absent injunctive relief because he continues to experience harm to his reputation and to his ability to obtain employment, particularly in fields involving children.

{¶9} The trial court granted HCBC's motion to dismiss. It found that it lacked jurisdiction to consider Love's complaint because an agency's disposition on a child-abuse allegation does not determine a person's rights, duties, privileges, benefits, or legal relationships and is not appealable under R.C. 2506.01. The trial court further found that, even if it had jurisdiction, Love's complaint must be dismissed because it was time-barred. The court explained that the "events giving rise to Plaintiff's action occurred on or about July 22, 2022" and that Love "filed his Complaint on August 27, 2025," which was "more than one year over the applicable two-year statute of limitations provided by R.C. 2305.10."

{¶10} Love now appeals, raising four assignments of error for our review. We address his assignments out of order.

II. Jurisdiction

{¶11} In his fourth assignment of error, Love argues that the trial court erred by characterizing his claim as an improper collateral attack on an administrative action and determining that it was without jurisdiction pursuant to R.C. 2506.01. We agree.

{¶12} R.C. 2506.01(A) provides that "every final order, adjudication, or decision of any . . . department . . . of any political subdivision of the state may be reviewed by the court of common pleas of the county in which the principal office of the political subdivision is located." R.C. 2506.01(C) defines the term "final order, adjudication, or decision" as one "that determines rights, duties, privileges, benefits, or legal relationships of a person." The trial court found that it lacked jurisdiction pursuant to R.C. 2506.01 because HCFJS's decision substantiating the allegation of neglect did not determine Love's "rights, duties, privileges, benefits, or legal relationships."

{¶13} But Love never sought to invoke the trial court's jurisdiction pursuant to R.C. 2506.01. Rather, Love asserted a claim under 42 U.S.C. 1983 and invoked the trial court's jurisdiction "pursuant to R.C. Chapter 2721 (Declaratory Judgments), R.C. 2305.01, and the Ohio Constitution."

{¶14} A court of common pleas has jurisdiction to hear a Section 1983 claim pursuant to the Ohio Constitution, Section 4, Article IV, and R.C. 2305.01. *See Schwarz v. Bd. of Trustees*, 31 Ohio St.3d 267, 273 (1987); *Jackson v. Kurtz*, 65 Ohio App.2d 152, 156 (1st Dist. 1979). This includes jurisdiction to issue prospective injunctive relief and damages. *Schwarz* at 273; *Jackson* at 156. The trial court, therefore, had jurisdiction to rule on Love's complaint, and it erred in finding an absence of jurisdiction based on R.C. 2506.01.

{¶15} Love's fourth assignment of error is sustained.

III. Statute of Limitations

{¶16} We next consider Love's third assignment of error, in which he argues that the trial court erred in dismissing his complaint on statute-of-limitations grounds.

{¶17} A Civ.R. 12(B)(6) motion to dismiss for failure to state a claim upon

which relief can be granted tests the sufficiency of the complaint and any materials incorporated into it. *Jones v. Morgan*, 2026-Ohio-3054, ¶ 8 (1st Dist.). When ruling on a Civ.R. 12(B)(6) motion, the trial court is confined to the allegations in the complaint. *Thomas v. Othman*, 2017-Ohio-8449, ¶ 18 (1st Dist.). It must accept the complaint's factual allegations as true and must draw all reasonable inferences in favor of the nonmoving party. *Id.* We review the trial court's ruling on a Civ.R. 12(B)(6) motion de novo. *Jones* at ¶ 7. "A complaint should not be dismissed for failure to state an actionable claim unless it appears beyond doubt from the complaint that the plaintiff can prove no set of facts entitling him to recovery." *Thomas* at ¶ 19.

{¶18} Love's complaint asserts a claim under 42 U.S.C. 1983 alleging that HCJFS did not afford him due process of law when substantiating the allegations against him and placing and keeping him on the child-abuse-and-neglect registry in violation of his rights under the Fourteenth Amendment to the United States Constitution.

{¶19} A Section 1983 claim is subject to the two-year statute of limitations set forth in R.C. 2305.10. *Nadra v. Mbah*, 2008-Ohio-3918, ¶ 31 ("R.C. 2305.10 is Ohio's general statute of limitations for personal injury applicable to all claims under Section 1983, Title 42, U.S.Code, filed in state court."). R.C. 2305.10(A) provides that "an action for bodily injury or injuring personal property shall be brought within two years after the cause of action accrues."

{¶20} "[T]he accrual date of a § 1983 cause of action is a question of federal law that is *not* resolved by reference to state law." (Emphasis in original.) *Wallace v. Kato*, 549 U.S. 384, 388 (2007); *see Davis v. Canton*, 2014-Ohio-195, ¶ 24 (5th Dist.). With respect to when a Section 1983 claim accrues under federal law, the Sixth Circuit stated,

> Conversely, federal law determines when a § 1983 claim accrues to trigger the running of this state statute of limitations. The Supreme Court has explained that the standard accrual rule starts a limitations period when the plaintiff has a complete and present cause of action. Put differently, this injury-occurrence or occurrence rule triggers the limitations period on the first day that every element of a claim has occurred such that the plaintiff may sue in court over the claim. The Supreme Court has recited this rule in three § 1983 cases.
>
> But our § 1983 cases have taken a different approach. We have suggested that the statute adopts a "discovery rule," not an "occurrence rule." This rule postpones the limitations period to the date that the plaintiff discovered, or reasonably should have discovered, basic facts about the claim.

(Cleaned up.) *Reguli v. Russ*, 109 F.4th 874, 879 (6th Cir. 2024); *see also Coleman v. Hamilton Cty. Bd. of Cty. Commrs.*, 130 F.4th 593, 602 (6th Cir. 2025). In the case at bar, regardless of whether this court applies the "discovery rule" or the "occurrence rule," Love's Section 1983 claim was filed outside of the two-year statute of limitations.

{¶21} HCJFS opened its investigation into Love in July 2022. On April 6, 2023, HCJFS sent Love a letter informing him that the allegations of neglect had been substantiated and that he had a right to request a hearing to appeal the substantiation.

{¶22} Love did appeal, and the related hearing was held on May 2, 2023.

{¶23} On June 27, 2023, a decision was released upholding the substantiation of neglect. That decision addressed when Love first became aware of the underlying allegations of child neglect and of the fact that he had been placed on the child-neglect registry. It stated that Love did not become aware of the allegations until February 28,

2023, when he received a "negative hit" on an employment background check.

{¶24} Love then filed the underlying lawsuit on August 17, 2025.

{¶25} Pursuant to *Reguli*, Love's 42 U.S.C. 1983 claim accrued either at the time that he had a "complete and present cause of action" or when he discovered basic facts about the claim. *Reguli*, 109 F.4th at 879. Recall that Love's Section 1983 claim was based on an assertion that HCJFS did not afford him due process of law when substantiating the allegations against him and placing and keeping him on the child-abuse-and-neglect registry. Love, therefore, had both a "complete and present cause of action" and had discovered basic facts about the claim at the time that he was placed and/or remained on the child-neglect registry without receiving adequate due process.

{¶26} Love's name would have initially been placed on the registry at the time that the investigation of the allegations against him was opened. *See* R.C. 5101.13(A)(1) (providing that the "uniform statewide automated child welfare information system" shall contain records regarding "[i]nvestigations of children and families, and children's care in out-of-home care"). The registry is then updated throughout each stage of the proceedings, including when an allegation is substantiated and when a substantiation is upheld or reversed on appeal. *See* Admn. Code 5101:2-33-20(I)(2) (providing that when an appeal of a substantiated allegation is heard, the agency shall "[u]pdate the statewide automated child welfare information system.").

{¶27} The allegations against Love were substantiated on April 6, 2023. Love appealed that substantiation, and his appeal was denied and the substantiation upheld on June 27, 2023.

{¶28} We accordingly hold that, under the "occurrence rule," Love's Section 1983 cause of action accrued, at the latest, on June 27, 2023, when the substantiated neglect finding was upheld on appeal. *See Reguli*, 109 F.4th at 879. At that point,

Love's claim was complete, as, per his allegations, the neglect substantiation was upheld and he remained on the child-neglect registry without receiving due process. If the "discovery rule" were applied, Love's claim also accrued by this same date, as at that point he had knowledge that he had been placed on the registry and that his appeal had been denied without him receiving due process. *Id.*

{¶29} Because Love did not file his complaint until August 27, 2025, which was more than two years after the cause of action accrued, his claim was time-barred.[1]

{¶30} The trial court used the wrong date when determining whether Love's claim was barred by the statute of limitations, but it nonetheless reached the right result. The trial court found that Love's claim accrued on July 22, 2022, when the investigation into his neglect was opened. We disagree with the trial court's use of this date, because Love's cause of action was not complete until he had been denied due process, which he alleges occurred when he was not provided adequate procedural safeguards or the ability to adequately challenge the substantiated allegations. This did not occur until Love's appeal was denied on June 27, 2023, which is the date that we have used in our analysis.

{¶31} Love argues that "the complaint plausibly alleged a continuing constitutional violation" and that "registry inclusion is inherently ongoing." Under Love's theory, the statute of limitations for his claim starts anew each day he remains on the registry. Love cites no case law in support of this assertion, and we find it to be without merit. The effects of Love's placement on the registry remain ongoing, but the cause of action (i.e., the constitutional violation) was complete and accrued at the time that he was allegedly denied due process.

[1] Because we are resolving the appeal on statute-of-limitations grounds, we need not determine whether Love properly alleged a Section 1983 action under the circumstances of this case.

{¶32} Because Love filed his complaint outside of the applicable limitations period, the trial court did not err in dismissing the complaint on statute-of-limitations grounds. Love's third assignment of error is overruled.

{¶33} Our ruling on Love's third assignment of error renders Love's remaining assignments of error moot and we do not address them.

* * *

{¶34} Because the trial court properly dismissed Love's complaint, we affirm its judgment.

Judgment affirmed.

KINSLEY, P.J., and **NESTOR, J.,** concur.