

OHIO FIRST DISTRICT COURT OF APPEALS

that an award of custody to the parent would be detrimental to the child. *In re Perales*, 52 Ohio St.2d 89, 369 N.E.2d 1047 (1977), syllabus; *In re Price*, 1st Dist. Hamilton No. C-870316, 1988 WL 34079, *1 (Mar. 23, 1988).

Mother argues that the court simply stated that she was unsuitable as a parent and did not make any of the four findings required by *Perales*. We find no case law indicating that the trial court must specifically state that it is making the required findings. The court is not even required to make a specific finding of unsuitability as long as a preponderance of the evidence shows that a parent is unsuitable. *Smith v. Boyd*, 3d Dist. Seneca No. 13-05-49, 2006-Ohio-6931, ¶ 49. Rather, the record must show that the trial court applied the proper standard in making its determination and made sufficient factual findings to support it. *Id.*

Both the magistrate's and the trial court's decisions state facts showing that mother is incapable of caring for the child and that an award of custody to her would be detrimental to the child. Competent, credible evidence supported the juvenile court's determination of unsuitability. Mother relies on her own testimony, which the magistrate did not find to be credible. Matters as to the credibility of evidence were for the trier of fact to decide. *Davis v. Flickinger*, 77 Ohio St.3d 415, 419, 674 N.E.2d 1159 (1997); *In re Z.H.*, 1st Dist. Hamilton Nos. C-150305 and C-150301, 2015-Ohio-3209, ¶ 10.

Mother also argues that the trial court did not correctly apply the factors under R.C. 3109.04 in determining what award of custody was in the child's best interest and that the court's decision was not supported by competent, credible evidence. We disagree.

We review a juvenile court's decision to grant legal custody under an abuse-of-discretion standard. *In re A.W.*, 1st Dist. Hamilton No. C-140142, 2015-Ohio-489,

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¶ 10. No abuse of discretion exists if the court’s decision regarding the child’s best interest is supported by competent, credible evidence. *In re M., R., & H. Children*, 1st Dist. Hamilton No. C-170008, 2017-Ohio-1431, ¶ 30; *A.W.* at ¶ 10.

The juvenile court must exercise its jurisdiction in child-custody matters in accordance with R.C. 3109.04, the statute applicable to custody matters in the domestic relations court. *In re M., R. & H. Children* at ¶ 31. The weight to be given those individual factors was within the court’s discretion. *Id.* at ¶ 34. An appellate court must defer to the trial court’s findings “regarding the weight to be given to any evidence because the trial court is in the best position to make that determination.” *Id.*

The record shows that the trial court considered all the relevant factors in determining what award of custody was in the child’s best interest. Competent, credible evidence supported its finding that it was in the child’s best interest to award custody to grandmother. Consequently, we overrule mother’s assignment of error, and affirm the trial court’s judgment.

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

ZAYAS, P.J., MILLER and DETERS, JJ.

To the clerk:

Enter upon the journal of the court on March 7, 2018
per order of the court _____.
Presiding Judge