

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

IN RE: E.P. and J.P. : APPEAL NO. C-170688
: TRIAL NO. F07-1763Z
: *JUDGMENT ENTRY.*
:

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* R.Rep.Op. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Mother appeals the decision of the Hamilton County Juvenile Court granting permanent custody of her son, E.P., and her daughter, S.P., to the Hamilton County Department of Job and Family Services (“HCJFS”). For the following reasons, we affirm the juvenile court’s judgment.

In a single assignment of error, mother contests the sufficiency and weight of the evidence underlying the trial court’s determination that it was in the best interest of the children to grant permanent custody to HCJFS. After reviewing the record, we conclude that there was clear and convincing evidence supporting the determination that the children were in the care of HCJFS for more than 12 of the 22 months preceding the filing of the motion for permanent custody and that permanent custody was in the children’s best interest. *See* R.C. 2151.414(B)(1); *In re M., R., & H. Children*, 1st Dist. Hamilton No. C-170008, 2017-Ohio-1431, ¶ 17. Therefore, the

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evidence was sufficient to support the award of permanent custody to HCJFS. *See In re A.B.*, 1st Dist. Hamilton Nos. C-150307 and C-150310, 2015-Ohio-3247, ¶ 15.

We also hold that the juvenile court did not lose its way and create such a manifest miscarriage of justice that we must reverse the judgment and order a new trial. The children were removed from mother's home in April 2015 due to domestic violence between mother and Joseph Sims. Although mother maintains that she has discontinued her relationship with Mr. Sims, the juvenile court was free to disbelieve this testimony in light of evidence presented that mother had recently visited Mr. Sims twice in January 2017, while he was incarcerated. *See Seasons Coal Co. v. Cleveland*, 10 Ohio St.3d 77, 80, 461 N.E.2d 1273 (1984). Given that E.P. was making progress at his placement in a residential crisis unit and J.P. was thriving in her foster-home placement, we cannot say that the judgment of the juvenile court was against the manifest weight of the evidence. *See In re A.B.* at ¶ 16, citing *Eastley v. Volkman*, 132 Ohio St.3d 328, 2012-Ohio-2179, 972 N.E.2d 517, ¶ 12. The single assignment of error is overruled.

The judgment of the trial court is affirmed.

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

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

To the clerk:

Enter upon the journal of the court on February 28, 2018

per order of the court _____.

Presiding Judge