

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

IN RE: T.T., A.T., G.T., O.M. and C.M. : APPEAL NOS. C-180216
C-180228
: C-180229
: TRIAL NO. F07-2387X
:
: *JUDGMENT ENTRY.*

We consider these appeals 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); 1st Dist. Loc.R. 11.1.1.

Mother's involvement with Hamilton County Department of Job and Family Services ("HCJFS") began in late 2007 when the agency sought temporary custody of her children T.T. and A.T. because of concerns about the sexual abuse of T.T. by mother's brother. Mother was living with her parents at the time. The two children were further exposed to incidents of domestic violence involving mother's parents. The agency also had concerns about mother's parenting. In spite of the children being removed from her home, mother continued to live in her parents' home with her brother. During supervised visitation, mother continued to show an inability to parent or supervise her children.

Mother's aunt and uncle petitioned for custody of T.T. and A.T. a few days after mother's third child, G.T., was born. The couple was awarded custody by the agreement of all parties. Three years later, mother filed a petition to regain custody. Mother sought custody because she has been raising the two for some time in spite of the agreed order. Since the aunt and uncle were going through a divorce, the parties agreed to remand custody of T.T. and A.T. to mother.

In March 2013, the HCJFS sought interim custody of T.T., A.T., and G.T. because of domestic violence between mother and her boyfriend while she was pregnant with the couple's first child, O.M. Additionally, G.T. reported that T.T. had

been sexually abusing him. Because of significant behavioral and mental-health issues, G.T. could not be placed in a foster home and was hospitalized in a psychiatric ward. T.T., A.T., and G.T. were declared dependent on June 27, 2013. At that time, mother began to participate in services recommended by HCJFS, and O.M. was born. Because of the progress she had made, T.T. and A.T. were returned to mother and boyfriend on January 16, 2014, but continued custody of G.T. was awarded to HCJFS because of his significant issues. G.T. was eventually returned to mother on June 4, 2014.

HCJFS sought temporary custody of T.T., A.T., G.T., and O.M. five months later, after mother and boyfriend had left them home alone. The four children were removed, and mother and boyfriend were required to participate in more services to improve their parenting skills. They were warned by the trial court that they needed to begin demonstrating a genuine understanding of their parenting deficiencies. Eventually, the couple received visitation with the children in their home, but this was stopped after HCJFS received several calls reporting that mother had repeatedly left O.M. unattended in the yard during the summer.

During this time, mother gave birth to C.M. and married boyfriend. The parties agreed to a second extension of temporary custody to HCJFS while mother and now husband continued attempting to improve their parenting skills. During a counseling session with mother and G.T., mother became upset with G.T. and punched him in the face several times. After that incident, HCJFS sought permanent custody of G.T. HCJFS then sought permanent custody of T.T., A.T., O.M. and C.M. The trial court terminated mother's parental rights to all five children and husband's parental rights to O.M. and C.M. Mother, husband, and A.T. and G.T. separately appealed the decision of the trial court. O.M. and C.M. filed a brief in support of husband.

Mother, husband, and the children first argue that the trial court's decision to terminate mother's parental rights was based upon insufficient evidence and was against the manifest weight of the evidence. In order to terminate a party's parental rights, the trial court must find—by clear and convincing evidence—a number of factors. First, the trial court must find that either (a) the child has been in the custody of the state for a period of at least 12 months of a consecutive 22-month period, or (b) the child could not and should not be placed with either parent within a reasonable time. R.C. 2151.414(B)(1). After making that finding, the trial court must then determine that termination is in the best interest of the child, considering a number of factors outlined in R.C. 2151.414(D).

In this case, all of the children except C.M. had been in state custody for the 12-of-22-month period. The record also supports the conclusion that none of the children could be placed with mother within a reasonable time, and O.M. and C.M. could not be placed with husband within a reasonable time. The family has a history of violence and sexual abuse. Mother has demonstrated that she is either unwilling or incapable of improving the conditions, protecting the children, or nurturing them. She has a history of aggression and anger issues. Husband has demonstrated an inability to provide a safe environment for the children.

The trial court went on to determine that termination of mother and husband's parental rights was in the best interest of the children. The trial court considered the appropriate statutory factors, detailed its conclusions in its entry, and supported those conclusions with evidence from the record. This court has thoroughly reviewed the record, and we cannot say that the trial court lost its way when deciding that termination was in the best interest of the children. The decision to terminate mother and husband's parental rights was based on sufficient evidence and was not against the manifest weight of the evidence. We overrule this first assignment of error.

OHIO FIRST DISTRICT COURT OF APPEALS

In an additional assignment of error, G.T. and A.T. argue that the trial court erred when it failed to conduct an in camera interview requested by the guardian ad litem for T.T. But G.T. and A.T. were not parties to the request for an in-camera interview, and therefore lack standing to appeal that issue. *See In re D.M.*, 1st Dist. Hamilton No. C-140648, 2015-Ohio-3853, ¶ 6. We overrule this assignment of error.

Husband further argues that the trial court erred when it reopened the hearing and allowed prejudicial hearsay statements into the record. The testimony was from a social worker from HCJFS who testified about what she had been told about husband’s parents, demonstrating that placement of the children with the grandparents was not a suitable option. But husband did not object at the time, and we find no plain error in the admission of this testimony. Plain error is “a doctrine that is rarely applied in civil appeals.” *HSBC Bank USA, Natl. Assocs. v. Sherman*, 1st Dist. Hamilton No. C-120302, 2013-Ohio-4220, ¶ 22. Nor can we say that the failure to reach the claimed error “seriously [affected] the basic fairness, integrity, or public reputation of the judicial process.” *Goldfuss v. Davidson*, 79 Ohio St.3d 116, 679 N.E.2d 1099 (1997). We overrule the assignment of error and affirm the judgment of the trial court.

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

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

To the clerk:

Enter upon the journal of the court on July 27, 2018

per order of the court _____.
Presiding Judge