

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

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| IN RE: M CHILDREN | : | APPEAL NOS. C-180247 |
| | | C-180254 |
| | : | C-180255 |
| | | C-180256 |
| | : | TRIAL NOS. F07-549X |
| | | F07-1237Z |
| | : | F11-1731Z |
| | : | <i>JUDGMENT ENTRY.</i> |

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.

Appellant mother appeals decisions of the Hamilton County Juvenile Court granting permanent custody of her four children to the Hamilton County Department of Job and Family Services (“HCJFS”). Appellant father appeals decisions granting custody of his four children with mother to HCJFS, as well as his other children by different mothers. We find no merit in their assignments of error, and we affirm the juvenile court’s judgments.

In his sole assignment of error, father contends that the juvenile court erred in granting HCJFS’s motion for permanent custody of his children. In her first assignment of error, mother contends that the juvenile court erred in finding that a grant of permanent custody to HCJFS was in her children’s best interest. They both

argue that the juvenile court's decisions were against the manifest weight of the evidence. These assignments of error are not well taken.

R.C. 2151.414(B) provides that the juvenile court may grant permanent custody of a child to a public children services agency if it finds by clear and convincing evidence that (1) permanent custody is in the child's best interest and (2) that one of the conditions in R.C. 2151.414(B)(1) through (e) applies. *In re M., R., & H. Children*, 1st Dist. Hamilton No. C-170008, 2017-Ohio-1431, ¶ 17. The record shows by clear and convincing evidence that all of the children had been in the custody of HCJFS for more than 12 of 22 months. Therefore, the condition in R.C. 2141.414(B)(1)(d) was met.

Further clear and convincing evidence supported the juvenile court's determination that granting permanent custody was in the children's best interest. Therefore, the evidence was sufficient to support an award of permanent custody to HCJFS. *See M., R., & H. Children* at ¶ 17 and 27; *In re A.B.*, 1st Dist. Hamilton Nos. C-150307 and C-150310, 2015-Ohio-3247, ¶ 15; *In re C.E.1*, 1st Dist. Hamilton No. C-140674, 2015-Ohio-5710, ¶ 11-12.

Mother argues that she had met all of the requirements of the case plan, and therefore, her children should be returned to her. But the dispositive issue is not whether the parent has substantially complied with the case plan, but whether the parent has substantially remedied the conditions that led to the children's removal. *M., R., & H. Children* at ¶ 22; *C.E.1* at ¶ 20. The record shows that mother had refused to acknowledge the domestic violence in the home or the sexual abuse that the children had suffered, and had not made the behavioral changes necessary to show that she could protect her children. The record also shows that father did not comply at all with

the case plan, and had threatened and attempted to intimidate the caseworkers and mental-health professionals involved in the case.

Both mother and father rely heavily on their own testimony, but matters as to the credibility of evidence were for the trier of fact to decide. *See Davis v. Flickinger*, 77 Ohio St.3d 415, 419, 674 N.E.2d 1159 (1997); *In re Z.H.*, 1st Dist. Hamilton Nos. C-150301 and C-150305, 2015-Ohio-3209, ¶ 10. Consequently, we overrule father's sole assignment of error and mother's first assignment of error.

In her second assignment of error, mother contends that the trial court failed to consider all of the necessary factors in determining whether granting permanent custody to HCJFS was in the children's best interest. R.C. 2929.14(D) requires the court to consider all relevant factors, including the factors specifically listed. *M., R., & H. Children*, 1st Dist. Hamilton No. C-170008, 2017-Ohio-1431, at ¶ 23-24.

The juvenile court need not specifically enumerate each of the factors in its decision, but the record must show that all the necessary factors were considered. *In re K.T.1*, 1st Dist. Hamilton Nos. C-170667, C-170687, C-170701, C-170702 and C-170707, 2018-Ohio-1381, ¶ 14. The Ohio Supreme Court has stated, "There is not one element that is given greater weight than the others * * * ." *In re Schaefer*, 111 Ohio St.3d 498, 2006-Ohio-5513, 857 N.E.2d 532, ¶ 56. Though the juvenile court relied on some factors more than others, it specifically stated that it had considered all of the factors, and the record supports that statement. Consequently, we overrule mother's second assignment of error.

In sum, the record shows that the trial court did not err in granting permanent custody of all of the children to HCJFS. We overrule all of mother's and father's assignments of error and affirm the juvenile court's judgments.

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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.

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

To the clerk:

Enter upon the journal of the court on July 20, 2018

per order of the court _____.

Presiding Judge