

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

IN RE: C.T. : APPEAL NO. C-190206
TRIAL NO. F-11-2602X
: *JUDGMENT ENTRY.*

We consider this appeal 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 appeals the judgment of the juvenile court placing her 17-year-old son, C.T., into a planned permanent living arrangement (“PPLA”). The child’s guardian ad litem and the Hamilton County Department of Job and Family Services (“HCJFS”) ask this court to affirm the trial court’s judgment.

Mother suffers from multiple medical conditions, including diabetes, kidney failure, and legal blindness. She receives dialysis treatment three times per week. Her son C.T. was diagnosed with autism spectrum disorder and disruptive mood dysregulation disorder, which was characterized by severe recurrent temper outbursts. As mother struggled with C.T.’s behaviors, she suffered high levels of stress. When C.T. was 15 years old, he assaulted mother and was arrested for domestic violence. A week later, HCJFS received interim custody of C.T.

C.T. was placed in a group home where he received weekly therapy. He was able to get himself to and from school, and had unsupervised visits in his mother's home several times a week.

In September 2017, when C.T. was 16, the juvenile court adjudicated him dependent and committed him to the temporary custody of HCJFS. The court ordered mother to participate in an assessment by Hamilton County Developmental Disabilities Services and in any in-home services recommended by HCJFS. In addition, the court ordered her to attend all of C.T.'s medical and education-related appointments, and to notify HCJFS whenever she knew C.T. to be absent from his placement without leave. However, mother informed HCJFS that she was not interested in engaging in reunification services because she was capable of taking care of herself and C.T.

In April 2018, HCJFS moved to modify temporary custody to a PPLA. The juvenile court appointed an attorney and a guardian ad litem for mother. In May 2018, mother moved to have custody of C.T. remanded to her.

Following a trial and an in-camera interview of C.T., the magistrate issued a decision granting HCJFS's motion for a PPLA. Mother filed objections to the decision, which the trial court overruled. This appeal followed.

In a single assignment of error, mother argues that the trial court's decision denying her motion to remand custody to her and granting HCJFS's motion to place C.T. in a PPLA was against the weight of the evidence.

To place C.T. in a PPLA, the juvenile court was required to find by clear and convincing evidence that it was in C.T.'s best interest and that one of three conditions set forth in R.C. 2151.415(C)(1) existed. Here, the court found that two of the three conditions existed: (a) the child, because of physical, mental, or psychological problems or needs, is unable to function in a family-like setting and must remain in

residential or institutional care; and (b) the parents of the child have significant physical, mental, or psychological problems and are unable to care for the child because of those problems, adoption is not in the child's best interest, and the child retains a significant and positive relationship with a parent or relative. *See* R.C. 2151.415(C)(1)(a) and (b).

Both of the court's findings under R.C. 2151.415(C)(1) were supported by clear and convincing evidence. Testimony from a teacher at C.T.'s current school, Summit Academy Transition High School, indicated that C.T. has difficulty staying on task or understanding that someone else's needs may have to come before his own. In times of stress, C.T. often shuts down or flees from the room to run through the hallways cursing others. According to the teacher, C.T. requires assistance with structure and predictability that would be better served by a highly supportive and specialized autism program at the Children's Home.

A transition coordinator at the Children's Home testified that, cognitively, C.T. is well below a typical peer his age, and needs constant redirection to stay on task or topic, especially as related to the work setting. C.T. struggles with soft skills, "everything that goes along with reading body language, facial expressions, understanding hygiene, understanding how to talk to coworkers, how to accept feedback, how to * * * make a phone call and leave a message saying you're going to be late for work or sick for work." She recommended him for transitional programming because, with the benefit of several more years in the program, he could learn employability skills and could further himself in a career of his choice.

The family's HCJFS caseworker testified that C.T. was doing well in the structure of his group home, where he was given privileges and responsibilities and met regularly with a therapist. HCJFS recommended further therapy for the family's

domestic-violence issues, which had not yet been addressed. In addition, the agency was concerned about C.T.'s ability to protect himself, because C.T. did not understand what a safe area was.

According to the caseworker, HCJFS did not believe that mother could provide the structure that was essential for C.T. The agency was concerned that she did not support C.T.'s engagement in specialized education services or mental-health services because she lacked insight into his need for them. Mother had never sought or received supportive services for C.T.'s autism on her own.

Following our review of the record, we are convinced that clear and convincing evidence supported the juvenile court's finding under R.C. 2151.415(C)(1)(a), because due to C.T.'s mental or psychological problems, he must remain in residential care, and its finding under R.C. 2151.415(C)(1)(b), because, even though mother's significant physical, mental or psychological problems render her unable to care for C.T., she retains a significant and positive relationship with him.

In addition, we hold that the court's finding that a PPLA was in C.T.'s best interest was supported by clear and convincing evidence. It is clear that the court's best-interest determination was in accordance with R.C. 2151.414(D)(1), under which the court must consider all relevant factors, as well as certain enumerated factors. The court considered the strong bond and close, positive relationship between C.T. and mother, as required by R.C. 2151.414(D)(1)(a). The court considered the wishes of C.T., as required by R.C. 2151.414(D)(1)(b). In the in-camera interview, C.T. reported that he wanted to live with his family, to stay at his current school, and to be allowed overnight visits with mother. In addition, the HCJFS caseworker testified that C.T. was concerned about past instances of physical violence between mother and himself, and C.T. expressed concern that it may happen again. The court considered C.T.'s custodial

history, explained above, a consideration set forth in R.C. 2151.414(D)(1)(c). Finally, the court considered that mother’s guardian ad litem agreed that a PPLA “is best for his ward due to her significant health issues.” Therefore, we hold that the juvenile court’s best-interest determination was supported by clear and convincing evidence.

Consequently, we hold that the juvenile court did not err in granting HCJFS’s motion for a PPLA and in denying mother’s motion to remand custody to her. We overrule the assignment of error and affirm the court’s judgment.

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

MOCK, P.J., MYERS and CROUSE, JJ.

To the clerk:

Enter upon the journal of the court on June 12, 2019,
per order of the court _____.
Presiding Judge