

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

IN RE: J.J., B.J., and M.J. : APPEAL NOS. C-170478  
 : C-170484  
 : TRIAL NO. F15-329Z  
 : *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.

Appellants, mother and father, each appealed the decision of the Hamilton County Juvenile Court granting permanent custody of J.J., B.J., and M.J. to the Hamilton County Department of Job and Family Services (“HCJFS”). In mother’s single assignment of error, she argues that the juvenile court’s decision granting permanent custody to HCJFS was not supported by sufficient evidence and did not demonstrate that the court had considered the relevant statutory factors. Father contends, in his single assignment of error, that the grant of permanent custody was against the manifest weight of the evidence. We consider the assignments of error together, and find that they are not well-taken.

A juvenile court may grant permanent custody of a child to a public children’s services agency if the court finds by clear and convincing evidence that (1) permanent custody is in the best interest of the child and (2) that one of the five conditions in R.C. 2151.414(B) is met. *See* R.C. 2151.414(B)(1). While the juvenile court must find that

both prongs are supported by clear and convincing evidence, we will not substitute our judgment for that of the juvenile court where some competent, credible evidence supports the essential elements of the case. *See, e.g., In re W.W.* 1st Dist. Hamilton Nos. C-110363 and C-110402, 2011-Ohio-4912, ¶ 16.

Here, the juvenile court found that it was in the best interest of the children to grant permanent custody to HCJFS and that the children could not be placed with either parent within a reasonable time or should not be placed with either parent. The record before us demonstrates that there was competent, credible evidence to support both of these determinations and that all of the relevant statutory factors were considered. *See* R.C. 2151.414(D)(1) and (E)(1) and (2).

Mother has been diagnosed with paranoid schizophrenia and was hospitalized three separate times while the children were in the care of HCJFS. At the time of the permanent-custody hearing, mother was still refusing to tell HCJFS where she lived, was not participating in the recommended therapy or parenting classes and was no longer receiving services from Greater Cincinnati Behavioral Health Services. Although mother visits with the children, the supervisor of those visits testified that mother still needed significant intervention with the children and does not recommend moving mother to the next less-restrictive level of visitation.

Although father has employment and housing, he refused to communicate with HCJFS the first year the children were in the agency's temporary custody. At the time of the permanent-custody hearing, father started supervised visitation with the children. Based on allegations from the children, HCJFS requested that father complete a domestic-violence assessment and a sex-offender-diagnostic assessment. Father refused both assessments and only chose to attend therapy for a short time. Both father and mother are unfamiliar with the extent of their children's medical

needs, and, despite being notified of the numerous medical and therapy appointments, father has attended none and mother only attended one.

Finally, the children's guardian ad litem recommends that the children be placed in the permanent custody of HCJFS, where the children have been thriving in their home placements. And the two older children have indicated that they do not wish to live with either mother or father.

Based on the foregoing, we hold there was competent, credible evidence to support the juvenile court's decision to grant permanent custody of the children to HCJFS, and that its decision was not against the manifest weight of the evidence. *See Eastley v. Volkman*, 132 Ohio St.3d 328, 2012-Ohio-2179, 972 N.E.2d 517, ¶ 12. Consequently, we overrule mother's and father's assignment of error and affirm the juvenile court's judgment.

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.

**MOCK, P.J., ZAYAS and MYERS, JJ.**

To the clerk:

Enter upon the journal of the court on December 6, 2017

per order of the court \_\_\_\_\_.  
Presiding Judge