

[Cite as *In re Adoption of A.W.*, 2010-Ohio-5018.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 94833

**IN RE: ADOPTION OF A.W.
A Minor Child**

**JUDGMENT:
AFFIRMED**

Civil Appeal from the
Cuyahoga County Court of Common Pleas
Probate Division
Case No. 2009-ADP-7037

BEFORE: Rocco, P.J., Kilbane, J., and Boyle, J.

RELEASED AND JOURNALIZED: October 14, 2010

APPELLANT

Yvonne Bryant, pro se
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Cleveland, Ohio 44112

APPELLEE

Connie Webster, pro se
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KENNETH A. ROCCO, P.J.:

{¶ 1} This case is before the court on appeal from a decision by the probate division of the common pleas court granting the petition of appellee Connie Webster to adopt A.W., a minor child. Appellant, Yvonne M. Bryant, is the child's natural mother. The notice of appeal asks this court to return legal custody of A.W. to appellant and deny visitation to appellee.

Procedural History

{¶ 2} On September 10, 2009, appellee petitioned the court to adopt A.W. and to change the child's name. The petition recited that the child

had been living in the appellee's home since she was placed there for adoption on January 5, 2007. The child's father was listed as a person whose consent to the adoption was required; the petition averred that the appellant's consent was not required because she had not had more than de minimis contact and failed to support the child for at least one year without justifiable cause. The father consented to the adoption of the child.

{¶ 3} The court held a hearing on January 12, 2010 on the question whether appellant's consent to the adoption was required. In a court order filed January 20, 2010, the court concluded that the appellee had presented clear and convincing evidence that the appellant had paid no support and had no more than de minimis contact with the child for a period of at least one year before the petition was filed. The court further found that the mother failed to establish justifiable cause for failing to support and/or visit the child. Therefore, the court found that appellant's consent to the adoption was not required.

{¶ 4} In its order, the court noted that the appellant acknowledged that she had discontinued supervised visits with her child in 2007 because of financial hardship. Appellant also acknowledged that she had made no support payments for the child, either directly or through the Child Support Enforcement Agency. She had made no significant effort to resume visits

even though her financial situation had improved. Finally, appellant “did not testify or allege that she was unable to pay support or arrange visits.”

{¶ 5} An additional hearing was held on March 4, 2010, after which the court entered an order that determined that the child’s father consented to the adoption, appellant’s consent was not required, and the adoption was in the best interests of the child.

Law and Analysis

{¶ 6} Appellant does not specifically challenge the probate court’s order granting appellee’s petition to adopt A.W. Instead, she challenges the proceedings in which A.W. and her other children were removed from her custody, arguing that those proceedings were based on false accusations. She also claims appellee mistreats the child. She asks us to review the records of various other proceedings, initiate additional investigations, and independently decide whether appellant should be given custody of the child.

{¶ 7} The role of this court is very limited. We have no power to investigate facts or to consider matters that are not included in the record in this case. Instead, our role is to review the decisions the trial court made in the present case and determine if those decisions correctly state and apply the law and are supported by competent, credible evidence in the record.

{¶ 8} Pursuant to R.C. 3107.07, “[c]onsent to adoption is not required of * * *: (A) A parent of a minor, when it is alleged in the adoption petition and the court, after proper service of notice and hearing, finds by clear and convincing evidence that the parent has failed without justifiable cause to provide more than de minimis contact with the minor or to provide for the maintenance and support of the minor as required by law or judicial decree for a period of at least one year immediately preceding either the filing of the adoption petition or the placement of the minor in the home of the petitioner.”

{¶ 9} Appellant does not challenge the probate court’s findings that appellant did not support A.W. or visit her for more than one year before the petition for adoption was filed, without justifiable cause. Therefore, the court correctly determined that appellant’s consent to the adoption was not required.

{¶ 10} The probate court may issue a final decree of adoption if “the required consents have been obtained or excused and * * * the adoption is in the best interest of the person sought to be adopted.” R.C. 3107.14(C).

After a hearing at which appellant was permitted to appear and testify, the probate court determined that the father’s consent had been obtained, the mother’s consent was not required, and adoption was in the best interests of the child. The transcript of that hearing was not provided to this court, so

we must assume that competent credible evidence supported the court's decision. *Knapp v. Edwards Laboratories* (1980), 61 Ohio St.2d 197, 199, 400 N.E.2d 384.

{¶ 11} Accordingly, we affirm.

It is ordered that appellee recover from appellant costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate be sent to said court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

KENNETH A. ROCCO, PRESIDING JUDGE

MARY EILEEN KILBANE, J., and
MARY J. BOYLE, J., CONCUR