[Cite as *In re M.M.E.W.*, 2023-Ohio-2039.]

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
WASHINGTON COUNTY

In the Matter of: M.M.E.W.	:	
	:	Case No. 22CA22
	:	
	:	
	:	DECISION AND JUDGMENT
	:	ENTRY
	:	
	:	**RELEASED: 06/13/2023**

APPEARANCES:

Laura Silwani, Marietta, Ohio, for Appellant.

Nicole Coil, Washington County Prosecuting Attorney, and Kelsey R. Riffle, Washington County Assistant Prosecutor, Marietta, Ohio, for Appellee.

Wilkin, J.

{¶1} Appellant, Daniel Ratliff, appeals a decision of the Washington County Court of Common Pleas, Juvenile Division, that granted Washington County Department of Job and Family Services ("the agency") permanent custody of his 14-year-old child, M.M.E.W. Appellant asserts that the trial court erred by failing to dismiss the agency's permanent-custody motion. Appellant states that he never was served with the initial dependency complaint or provided any notice of the dependency proceeding. He claims that this failure to serve him with notice of the adjudicatory and dispositional proceedings renders the trial court's judgment placing the child in the agency's temporary custody void and leaves the court without jurisdiction to proceed with the agency's permanent-custody motion. Appellant further argues that the trial court should have dismissed the agency's permanent-custody motion due to the

agency's failure to include him in the family case plan. Appellant charges that as a parent, the agency was required to include him in the case plan.

{¶2} After our review of the record and the applicable law, we do not find any merit to appellant's assignment of error. Therefore, we affirm the trial court's judgment.

FACTS AND PROCEDURAL BACKGROUND

{¶3} On February 16, 2021, the trial court granted the agency ex parte emergency custody of the child. The next day, the agency filed a complaint that alleged the child is a dependent child. The attached statement of facts indicated the following: (1) the Washington County Sheriff's Department contacted the agency after arresting the child's legal guardian, Angel Granger,[1] for domestic violence involving one of the other children under Granger's guardianship; (2) no relatives were available for placement; and (3) the child's mother no longer has custody of the child. Neither the complaint nor the statement of facts contained a status for the child's father.

{¶4} The court issued a summons to Granger and appointed a guardian ad litem for the child. Both Granger and the child's mother subsequently filed separate motions for custody of the child.

{¶5} On April 20, 2021, the court adjudicated the child a dependent child and placed her in the agency's temporary custody pending a dispositional hearing. The court later entered a dispositional order that placed the child in the agency's temporary custody.

[1] Although some of the trial court filings state that Granger is the child's custodial grandparent, Granger testified at the permanent custody hearing that the child's mother is Granger's cousin's daughter. Subsequent agency filings state that Granger "is not a blood relative," even though the child refers to her as "grandma."

{¶6} On June 13, 2022, the agency filed a motion to modify the disposition to permanent custody. The agency alleged that the child has been in its temporary custody for 12 or more months of a consecutive 22-month period and that placing the child in its permanent custody is in her best interest. The agency requested that the motion be served upon the biological mother and upon the unknown father. A few weeks later, the agency asked the court to serve the motion upon appellant at an address located in Tucson, Arizona. On July 14, 2022, appellant received service of the motion.

{¶7} On July 20, 2022, the court appointed counsel for appellant. A week later, appellant's counsel filed a notice of appearance and a discovery demand.

{¶8} On September 28, 2022, the trial court held a hearing to consider the agency's permanent custody motion. Appellant's counsel appeared, but appellant did not.

{¶9} Caseworker Julia Brown testified as follows. On February 16, 2021, law enforcement officers asked the agency to respond to Granger's home. Officers had arrested Granger for committing domestic violence, and no relatives were available to care for the child.

{¶10} At the time, Granger was the child's guardian pursuant to an April 2018 West Virginia court order. The court order indicated that the mother was using illegal substances and living in a tent, while the father was incarcerated in a Georgia prison.

{¶11} Granger now has decided that placing the child in the agency's permanent custody is in her best interest.

{¶12} Appellant has not had any contact with the agency, even though in July 2022, Brown sent appellant a letter that asked him to contact the agency.

{¶13} During appellant's cross-examination of Brown, counsel asked Brown about the agency's failure to serve him with the initial complaint. Brown indicated that the agency did not serve him because the child was not in his custody but, rather, was in Granger's custody.

{¶14} Granger testified that her physical health no longer allows her to properly care for the child and stated that she supports the agency's permanent custody motion.

{¶15} The child's guardian ad litem testified and likewise recommended that the court place the children in the agency's permanent custody.

{¶16} During closing argument, appellant's counsel stated that appellant currently lives in Arizona and has not had a role in the proceedings. She believes that he lives in transitional housing. She objected to the agency's failure to include appellant in the initial stage of the dependency proceedings and argued that Ohio law required the agency to include appellant in the family case plan. Counsel asked the court to dismiss the case due to failing to serve appellant with a copy of the initial complaint and to include him in the initial stages.

{¶17} On November 8, 2022, the trial court granted the agency permanent custody of the child. The trial court found that the child has been in the agency's temporary custody for 12 or more months of a consecutive 22-month period and that placing the child in the agency's temporary custody is in her best interest. The court noted that the child's legal guardian consented, the mother has not seen the child since December 2020, the mother's home study was denied due to four previous,

substantiated physical-abuse and neglect findings, and appellant has not had any contact with the child throughout the pendency of the case. The court did not specifically address appellant's motion to dismiss.[2] This appeal followed.

ASSIGNMENT OF ERROR

I. THE TRIAL COURT ERRED IN GRANTING PERMANENT CUSTODY TO THE WASHINGTON COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES AND IN NOT GRANTING A VERBAL MOTION TO DISMISS AS THE FATHER OF THE MINOR CHILD WAS NEVER SERVED ON THE UNDERLYING CASE AND WAS NOT PROPERLY MADE A PARTY TO THE ACTION OR A PART OF THE CASE PLAN AS REQUIRED BY THE REVISED CODE AND THUS DENIED HIM HIS DUE PROCESS RIGHTS UNDER THE FIFTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AS WELL AS ARTICLE 1, SECTION 16 OF THE OHIO CONSTITUTION[.]

LAW AND ANALYSIS

{¶18} In his sole assignment of error, appellant argues that the trial court erred by granting the agency permanent custody of the child. He contends that the trial court instead should have dismissed the February 17, 2021 complaint due to the agency's failure to serve him with the complaint, to add him as a party to the dependency proceedings, and to include him in the case plan. Appellant asserts that all of these failures deprived him of due process of law.

{¶19} The Due Process Clause of the Fifth Amendment to the United States Constitution, as applicable to the states through the Fourteenth Amendment, provides: "No person shall * * * be deprived of life, liberty, or property, without due process of law." "[P]arents' interest in the care, custody, and control of their children 'is perhaps

[2] When a trial court does not expressly rule on a motion, we ordinarily presume that the court overruled the motion. *Chrysler Fin. Servs. v. Henderson*, 4th Dist. Athens No. 11CA4, 2011-Ohio-6813, ¶ 13.

the oldest of the fundamental liberty interests recognized by this Court.' " *In re B.C.*, 141 Ohio St.3d 55, 2014-Ohio-4558, 21 N.E.3d 308, ¶ 19, quoting *Troxel v. Granville*, 530 U.S. 57, 65, 120 S.Ct. 2054, 147 L.Ed.2d 49 (2000). Indeed, the right to raise one's "child is an 'essential' and 'basic' civil right." *In re Murray*, 52 Ohio St.3d 155, 157, 556 N.E.2d 1169 (1990); *accord In re Hayes*, 79 Ohio St.3d 46, 48, 679 N.E.2d 680 (1997); *see Santosky v. Kramer*, 455 U.S. 745, 753, 102 S.Ct. 1388, 71 L.Ed.2d 599 (1982) (stating that "natural parents have a fundamental right to the care and custody of their children"). Thus, "parents who are 'suitable' have a 'paramount' right to the custody of their children." *B.C.* at ¶ 19, quoting *In re Perales*, 52 Ohio St.2d 89, 97, 369 N.E.2d 1047 (1977), citing *Clark v. Bayer*, 32 Ohio St. 299, 310 (1877); *Murray*, 52 Ohio St.3d at 157.

{¶20} Additionally, the Ohio Supreme Court has described the permanent termination of parental rights as " 'the family law equivalent of the death penalty in a criminal case.' " *Hayes*, 79 Ohio St.3d at 48, quoting *In re Smith*, 77 Ohio App.3d 1, 16, 601 N.E.2d 45 (6th Dist.1991). Consequently, courts must afford parents facing the permanent termination of their parental rights " 'every procedural and substantive protection the law allows.' " *Id.*, quoting *Smith* at 16; *accord B.C.* at ¶ 19. Thus, because parents possess a fundamental liberty interest in the care and custody of their children, the state may not deprive parents of their parental rights without due process of law. *In re James*, 113 Ohio St.3d 420, 2007-Ohio-2335, 866 N.E.2d 467, ¶ 16; *e.g.*, *In re A.G.*, 4th Dist. Athens No. 14CA28, 2014-Ohio-5014, ¶ 12; *In re M.H.*, 4th Dist. Vinton No. 11CA683, 2011-Ohio-5140, ¶ 49–50. Moreover, a parent's right to due process "does not evaporate simply because" that parent has "not been [a] model

parent[] or [has] lost temporary custody of their child to the State." *Santosky*, 455 U.S. at 753.

{¶21} Although "due process" lacks precise definition, courts have long held that due process requires both notice and an opportunity to be heard. *In re Thompkins*, 115 Ohio St.3d 409, 2007-Ohio-5238, 875 N.E.2d 582, ¶ 12, citing *Hagar v. Reclamation Dist. No. 108*, 111 U.S. 701, 708, 4 S.Ct. 663, 28 L.Ed. 569 (1884); *Caldwell v. Carthage*, 49 Ohio St. 334, 348, 31 N.E. 602 (1892). "An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314, 70 S.Ct. 652, 94 L.Ed. 865 (1950); *accord In re Thompkins* at ¶ 13.

{¶22} Moreover, given the importance of the parent-child bond, "a Juvenile Court cannot make a valid order changing temporary commitment of a dependent child to a permanent one without a service of notice upon the parent of the child, strictly in accordance with the law." *In re Frinzl*, 152 Ohio St. 164, 173, 87 N.E.2d 583 (1949); *accord In re S.S.*, 9th Dist. Wayne No. 10CA0010, 2010-Ohio-6374, ¶ 43, quoting *In re Cowling*, 72 Ohio App.3d 499, 500–501, 595 N.E.2d 470 (9th Dist.1991). " '[A] judgment rendered without proper service or entry of appearance is a nullity and void.' " *State ex rel. Ballard v. O'Donnell*, 50 Ohio St.3d 182, 183-184, 553 N.E.2d 650 (1990), quoting *Lincoln Tavern, Inc. v. Snader*, 165 Ohio St. 61, 64, 133 N.E.2d 606 (1956). Thus, "a valid court judgment requires both proper service under the applicable Ohio rules and adequate notice under the Due Process Clause." *In re A.G.*, 4th Dist. Athens

No. 14CA28, 2014-Ohio-5014, ¶ 14, citing *Samson Sales, Inc. v. Honeywell, Inc.*, 66 Ohio St.2d 290, 293, 421 N.E.2d 522 (1981).

{¶23} When, however, "parents of minor children have the notice and opportunity to assert their rights in a permanent-custody proceeding," no due process violation occurs. *Ross v. Saros*, 99 Ohio St.3d 412, 2003-Ohio-4128, 792 N.E.2d 1126, ¶ 17. Accordingly, "a notice issue may be waived on appeal when a parent's attorney is present for various permanent custody hearings and does not raise the improper notice issue." *In re C.B.*, 2020-Ohio-5151, 161 N.E.3d 770, ¶ 19 (4th Dist.); *accord In re A.C.*, 9th Dist. Summit No. 30086, 2022-Ohio-1081, ¶ 8-9 (rejecting parent's assertion that permanent custody decision void for lack of personal jurisdiction due to alleged improper service of complaint and permanent custody motion when parent appeared at hearings and failed to object to alleged lack of proper service); *In re I.G.*, 3rd Dist. Marion No. 9-13-43, 2014-Ohio-1136, ¶ 18, quoting *In re Keith Lee P.*, 6th Dist. Lucas No. L-03-1266, 2004-Ohio-1976, ¶ 9 (stating that " '[t]he issue of notice is waived on appeal when the parent's attorney is present for various permanent custody hearings and never argues improper notice' "); *In re D.H.*, 177 Ohio App.3d 246, 2008-Ohio-3686, 894 N.E.2d 364, ¶ 38 (8th Dist.) ("the issue of notice is waived on appeal when the parent's attorney is present for various permanent-custody hearings and never argues improper notice"); *In re Grant*, 10th Dist. Franklin No. 00AP-431, 2001 WL 102254, *5 (Feb. 8, 2001) ("[a]lthough counsel subsequently raised the jurisdictional issue prior to the permanent custody hearing, the trial court found that, in delaying to raise the issue, appellant had voluntarily submitted himself to the jurisdiction of the court, and waived the issue of lack of service in the prior dependency action."); *In re*

Jennifer L., 6th Dist. Lucas No. L-97-1295, 1998 WL 230808 , *4 (May 1, 1998) ("because the father's attorneys continued to make appearances and to invoke the jurisdiction of the trial court without arguing that the trial court had no jurisdiction to proceed, the issues of invalid service and lack of personal jurisdiction were waived in this case"); *Brown v. Miami County Children Services Bd.* , 2d Dist. Miami No. 90-CA-31, 1991 WL 47530, *2 (Apr. 5, 1991) (even if initial judgment was void for failure of service, the defect "was cured when in the proceeding for permanent custody [the parent] was given full notice and opportunity to be heard"); *see Lundeen v. Turner*, 164 Ohio St.3d 159, 2021-Ohio-1533, 172 N.E.3d 150, ¶ 22, fn. 2 (in a civil proceeding, a trial court's judgment is not void due to allegedly improper service when party submits to court's jurisdiction); *State v. Henderson*, 161 Ohio St.3d 285, 2020-Ohio-4784, 162 N.E.3d 776, ¶ 36 (stating that a person "submits to the court's jurisdiction if he does not object to the court's exercise of jurisdiction over him"); *Gliozzo v. Univ. Urologists of Cleveland, Inc.*, 114 Ohio St.3d 141, 2007-Ohio-3762, 870 N.E.2d 714, ¶ 13 (stating that a party voluntarily submits to a court's jurisdiction "by failing to raise the defense of insufficiency of service of process in a responsive pleading or by filing certain motions before any pleading"). *But see In re R.P.*, 9th Dist. Summit No. 26271, 2012-Ohio-4799 (determining that trial court never obtained personal jurisdiction over unknown father and voiding legal-custody award when evidence showed that children services agency was not truthful when attesting that father unknown and that no one had contacted the agency claiming to be the child's father; instead, putative father had called the agency and left his phone number and agency did not follow up with putative father).

{¶24} In the case before us, appellant does not dispute that he received notice of the permanent-custody motion and hearing. Moreover, the trial court appointed counsel to represent appellant. Counsel entered an appearance and filed a discovery demand. Appellant did not ask the court to continue the permanent-custody hearing in order to give him more time to engage with the agency to determine whether he would be an appropriate placement for the child. Additionally, appellant did not respond to the agency's letter that had asked him to contact the agency. Appellant also did not personally appear for the permanent-custody hearing, but counsel appeared and participated in the hearing. Appellant did not ask the court to dismiss the case due to a lack of personal jurisdiction at the outset or before the permanent-custody hearing began. Instead, not until closing argument did appellant ask the court to dismiss the agency's motion. Thus, although appellant did not completely fail to raise the defective-service issue during the trial-court proceedings, appellant, through the "effective and vigorous assistance of appointed counsel," had the opportunity to be heard, to fully participate in the permanent-custody hearing, and "to assert his constitutionally protected parental rights." *Grant* at *5. Under these circumstances, we believe that appellant waived the argument that he did not receive adequate service of process. *E.g., Ross* at ¶ 17; *C.B.* at ¶ 19; *Grant* at *5; *Brown* at *2. Therefore, we do not agree with appellant that the trial court's permanent-custody judgment is void due to the agency's failure to serve him with the dependency complaint.

{¶25} Appellant also argues that the trial court violated his due process rights by failing to ensure that the agency included him in the case plan. Appellant asserts that R.C. 2151.412(E) requires a children services agency to "attempt to obtain an

agreement among all parties [to a case plan], including, but not limited to, the parents, guardian, or custodian of the child and the guardian ad litem of the child regarding the content of the case plan" and that Ohio Adm.Code 5101:2-38-05(C)(1) states that a "[c]hild's parent (including non-custodial parent), guardian, or custodian" "are considered parties to the family case plan." He contends that even though the statute uses the word "or," R.C. 1.02(F) allows us to read it to mean "and" "if the sense requires it." Appellant additionally claims that failing to include him in the case plan and "[e]quating [him] to the same status [as] a family friend * * is surely a violation of parental rights recognized by the United [States] Supreme Court."

{¶26} The agency counters that the two provisions appellant references use the word "or," not "and." The agency also notes that appellant did not cite any legal authority to support his argument that "or" should mean "and" in these two provisions. The agency points out that it included the child's guardian in the case plan. As such, the agency argues that it did not need to add appellant to the case plan.

{¶27} The interpretation of statutes and administrative-code provisions is a matter of law that appellate courts review de novo. *E.g., State v. Straley*, 139 Ohio St.3d 339, 2014-Ohio-2139, 11 N.E.3d 1175, ¶ 9. Courts that are interpreting statutory provisions first must examine the language that the legislative body has enacted. *Id.* When the language is clear and unambiguous, courts must apply the legislation as written. *E.g., Wilson v. Lawrence*, 150 Ohio St.3d 368, 2017-Ohio-1410, 81 N.E.3d 1242, ¶ 11.

> When interpreting and applying a statute, a court typically relies on "definitions provided by the legislative body" or, when a definition is not given in the statute, the "plain and ordinary meaning" of a term, which we ascertain by looking to the " 'particular statutory language at issue, as well

> as the language and design of the statute as a whole.' " *Lingle v. State*, 164 Ohio St.3d 340, 2020-Ohio-6788, 172 N.E.3d 977, ¶ 15, quoting *K Mart Corp. v. Cartier, Inc.*, 486 U.S. 281, 291, 108 S.Ct. 1811, 100 L.Ed.2d 313 (1988). To discern the plain meaning of statutory text, we consult not only lexical sources such as dictionaries, but also the meaning that the words have acquired when they are used in case law. *See Nationwide Mut. Ins. Co. v. Darden*, 503 U.S. 318, 322, 112 S.Ct. 1344, 117 L.Ed.2d 581 (1992), quoting *Community for Creative Non-Violence v. Reid*, 490 U.S. 730, 739-740, 109 S.Ct. 2166, 104 L.Ed.2d 811 (1989), quoting *NLRB v. Amax Coal Co.*, 453 U.S. 322, 329, 101 S.Ct. 2789, 69 L.Ed.2d 672 (1981).

Rancho Cincinnati Rivers, L.L.C. v. Warren Cnty. Bd. of Revision, 165 Ohio St.3d 227, 2021-Ohio-2798, 177 N.E.3d 256, ¶ 21.

{¶28} In the case at bar, the language contained in the two provisions, R.C. 2151.412(E) and Ohio Admin. Code 5101:2-38-05(C)(1), is clear and unambiguous. Both provisions use the disjunctive word "or." According to Ohio case law, the use of the word "or" typically "signifies the presence of alternatives." *In re Estate of Centorbi*, 129 Ohio St.3d 78, 2011-Ohio-2267, 950 N.E.2d 505, ¶ 18; *accord State ex rel. Cincinnati Action for Hous. Now v. Hamilton Cnty. Bd. of Elections*, 164 Ohio St.3d 509, 2021-Ohio-1038, 173 N.E.3d 1181, ¶ 28. Here, then, the plain and ordinary meaning of the word "or" is to signify the presence of alternatives among the choices listed. Within the context of R.C. 2151.412(E), those alternatives are "the parents, guardian, or custodian of the child." And within the context of Ohio Admin. Code 5101:2-38-05(C)(1), those alternatives are the "[c]hild's parent (including non-custodial parent), guardian, or custodian."

{¶29} We recognize that the word "or" "may be read 'and' if the sense requires it." R.C. 1.02(F). "This rule operates to avoid inadvertent consequences when logic demands." *State v. Jones*, 116 Ohio St.3d 211, 2007-Ohio-6093, 877 N.E.2d 677, ¶ 16

(citations omitted). As the court explained in *In re Adoption of McDermitt*, 63 Ohio St.2d 301, 408 N.E.2d 680 (1980):

> The word 'and' or 'or' will not be given its literal meaning where such meaning would do violence to the evident intent and purpose of the lawmakers and the other meaning would give effect to such intent. Contrariwise, the words should not be treated as interchangeable when their accurate and literal meaning does not render the sense dubious, and the fact that the terms of the legislative enactment when given their literal meaning may prove onerous in some instances is not sufficient to warrant a court in arbitrarily changing plain and unambiguous language employed by the legislative body in the enactment."

Id. at 304, quoting *In re Estate of Marrs*, 158 Ohio St. 95, 99, 107 N.E.2d 148 (1952).

{¶30} In the case at bar, we do not believe that logic demands that "or" be read as "and." Doing so would mean that the agency must attempt to obtain agreement to a case plan from "the parents, guardian, [and] custodian of the child" even if the child did not have a parent, a guardian, and a custodian. Likewise, it would mean that a "[c]hild's parent (including non-custodial parent), guardian, [and] custodian" "are considered parties to the family case plan" even if the child did not have a parent, a guardian, and a custodian. Thus, reading the word according to appellant's proposed interpretation would be nonsensical.

{¶31} Moreover, appellant has not referred us to any cases that specifically require parents to be added to family case plans in all situations. "Appellate courts should not perform independent research to create arguments for a litigant." *State v. Sims*, 4th Dist. Athens No. 21CA15, 2023-Ohio-1179, ¶ 109, citing *State v. Quarterman*, 140 Ohio St.3d 464, 2014-Ohio-4034, 19 N.E.3d 900, ¶ 19, quoting *State v. Bodyke*, 126 Ohio St.3d 266, 2010-Ohio-2424, 933 N.E.2d 753, ¶ 78 (O'Donnell, J., concurring in part and dissenting in part), quoting *Carducci v. Regan*, 714 F.2d 171, 177 (D.C. Cir.

1983) (“ “ ‘appellate courts do not sit as self-directed boards of legal inquiry and research, but [preside] essentially as arbiters of legal questions presented and argued by the parties before them” ’ ”); *accord State v. Lykins*, 4th Dist. Adams No. 18CA1079, 2019-Ohio-3316, ¶ 57. “[W]e cannot write a party’s brief, pronounce ourselves convinced by it, and so rule in the party’s favor. That’s not how an adversarial system of adjudication works.” *Xue Juan Chen v. Holder*, 737 F.3d 1084, 1085 (7th Cir. 2013).

{¶32} Because appellant has not cited any authority that requires parents always to be included in a family case plan, we are unable to agree with appellant’s summary argument that failing to do so under the circumstances of this case violated his fundamental or due-process rights. *See In re Application of Columbus S. Power Co.*, 129 Ohio St.3d 271, 2011-Ohio-2638, 951 N.E.2d 751, ¶ 14 (failing to cite legal authority or present argument that a legal authority applies is grounds to reject a claim); *Robinette v. Bryant*, 4th Dist. Lawrence No. 14CA28, 2015-Ohio-119, ¶ 33 (“It is within our discretion to disregard any assignment of error that fails to present any citations to cases or statutes in support”). For this reason, we do not agree with appellant that the trial court’s permanent-custody judgment is void due to the agency’s failure to include him in the case plan.[3]

[3] We observe that appellant’s assertion that the agency failed to include him in the case plan sounds similar to an argument that the agency failed to use reasonable efforts to return the child to the child’s home. *See In re C.B.C.*, 4th Dist. Lawrence No. 15CA18, 2016-Ohio-916, ¶ 72, 82, and 83 (noting that trial court need not find reasonable efforts as part of permanent-custody proceeding if it previously found agency used reasonable efforts and concluding that requiring agency to attempt reunification when father would be in prison for at least two years after the date of the permanent custody hearing would be unreasonable effort).

CONCLUSION

Having overruled appellant's sole assignment of error, we affirm the trial court's judgment.

JUDGMENT AFFIRMED.

JUDGMENT ENTRY

It is ordered that the JUDGMENT IS AFFIRMED and costs be assessed to Appellant.

The Court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this Court directing the Washington County Common Pleas Court, Juvenile Division, 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.

Abele, J. and Hess, J.: Concur in Judgment and Opinion.

For the Court,

BY: _____
Kristy S. Wilkin, Judge

NOTICE TO COUNSEL

Pursuant to Local Rule No. 14, this document constitutes a final judgment entry and the time period for further appeal commences from the date of filing with the clerk.