

**IN THE COURT OF APPEALS OF OHIO**

SEVENTH APPELLATE DISTRICT  
JEFFERSON COUNTY

IN THE MATTER OF

K.J. AND S.M.J.,

NEGLECTED/ DEPENDENT CHILDREN.

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**OPINION AND JUDGMENT ENTRY**  
**Case No. 21 JE 0022, 21 JE 0023**

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Civil Appeal from the  
Court of Common Pleas, Juvenile Division, of Jefferson County, Ohio  
Case No. 2019 DN 00024, 2019 DN 00025

**BEFORE:**

David A. D'Apolito, Gene Donofrio, Cheryl L. Waite, Judges.

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**JUDGMENT:**

Affirmed.

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*Atty. Amanda J. Abrams*, 125 South 5<sup>th</sup> Street Steubenville, Ohio 43952, for Appellant  
and

*Atty. Rhonda G. Santha*, 6401 State Route 543, West Farmington, Ohio 44491, for  
Appellee.

Dated: November 18, 2021

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**D'APOLITO, J.**

{¶1} Appellant, V.J. (“Mother”), appeals from the September 1, 2021 judgments of the Jefferson County Court of Common Pleas, Juvenile Division, terminating her parental rights and granting permanent custody of her two children, K.J. (d.o.b. 2/25/2013) and S.M.J. (d.o.b. 8/15/2016) (together “minor children”), to Appellee, Jefferson County Department of Job and Family Services, Children’s Services Division (“Agency”), following a hearing.

{¶2} K.J.’s natural father is D.T. (“Father No. 1”). S.M.J.’s natural father is D.L. (“Father No. 2”). Father No. 1 and Father No. 2 have been and are currently incarcerated. Like Mother, they also had their parental rights permanently terminated. However, Father No. 1 and Father No. 2 do not challenge the juvenile court’s judgments and are not named parties to these appeals.

{¶3} Mother has also been and is currently incarcerated. Mother has been serving her sentence for theft and having weapons while under disability at Dayton Correctional Institution since July 8, 2019. Mother is expected to be released on December 3, 2021 followed by a three-year period of supervision.

{¶4} K.J.’s paternal grandmother, T.G. (“Grandmother”), had legal custody of the minor children. Following removal, Grandmother agreed with legal custody being granted to Agency.

{¶5} On appeal, Mother mainly asserts the juvenile court erred in terminating her parental rights and granting permanent custody of the minor children to Agency.

{¶6} Finding no reversible error, we affirm.

### **FACTS AND PROCEDURAL HISTORY**

{¶7} S.M.J. tested positive for cocaine when he was born. As a result, he was removed from Mother’s care. K.J. was also later removed from Mother’s care due to concerns relating to lack of housing and drug use in the home.

{¶8} Grandmother ultimately received legal custody of the minor children on October 4, 2018. However, the minor children were subsequently removed from

Grandmother's care by emergency order on September 6, 2019. Three days later, Agency filed complaints for temporary legal custody alleging that the minor children were neglected (R.C. 2151.03(A)(2)) and dependent (R.C. 2151.04(C)). The juvenile court appointed CASA, Court Appointed Special Advocate, as GAL, guardian ad litem, for the minor children and later appointed counsel for the parties.

**{¶9}** Informal shelter care and probable cause hearings were held. Agency social worker Jennifer Yasho testified that K.J. (age 6) ran away from Grandmother's residence because K.J. alleged she was being physically beaten with a wooden board. Steubenville Police Department responded and conducted a welfare check of Grandmother's residence which revealed the following: bugs and cockroaches in the home running across the floor; dirty dishes overflowing from the kitchen sink with flies and gnats on them; no food inside the freezer and only milk, eggs, and an unopened pack of meat inside the refrigerator; no canned or boxed food inside the kitchen; the minor children had the same mattress in a small crib; the bed had a garbage bag over it with a single dirty blanket and pillow; K.J. slept on a garbage bag on the floor; K.J. was not enrolled in school and needed dental work; Mother has been incarcerated; the whereabouts of Father No. 1 and Father No. 2 were not known at that time, and it was later revealed that they too were incarcerated.

**{¶10}** On September 10, 2019, the juvenile court removed the minor children from Grandmother's care, due to neglect and dependency, and granted emergency temporary custody to Agency. The minor children were placed together at that time in Timothy and Vicki Cognion's foster home.

**{¶11}** An adjudicatory hearing was held on October 11, 2019. The magistrate recommended that the juvenile court find the minor children neglected and dependent, and the court adopted the magistrate's decision on October 29, 2019.

**{¶12}** A dispositional hearing was held on October 18, 2019. The magistrate recommended that temporary custody be granted to Agency, and the juvenile court adopted the magistrate's decision on November 12, 2019.

**{¶13}** Upon motion, the juvenile court granted a six-month extension of temporary custody to Agency on October 20, 2020. On January 27, 2021, Agency filed Motion(s)

for Permanent Custody of the minor children, and a later case plan. On August 27, 2021, the court held a consolidated hearing on Agency's Motion for Permanent Custody.

{¶14} At that hearing, Mother was not present but her counsel was present on her behalf; Father No. 1 and Father No. 2 were not present but their attorneys were present on their behalves; and Grandmother was present along with her attorney.

{¶15} Grandmother consented to a "permanent surrender" and agreed with permanent custody of the minor children being granted to Agency. (8/27/2021 Permanent Custody Hearing T.p., 9). Grandmother opined "it's in the children's best interest for the permanent custody to be \* \* \* granted to the Agency[.]" (*Id.* at 13).

{¶16} Kimberly Thrower, an Agency placement supervisor/caseworker, testified that she initially became involved in this case on September 8, 2016 because S.M.J. "had a positive toxicology with cocaine in his system" when he was born on August 15, 2016. (*Id.* at 19). As a result, S.M.J. was removed from Mother. S.M.J. was placed in Agency's emergency temporary custody on August 26, 2016. K.J. was removed from Mother on December 25, 2016. K.J. was removed from Mother's care due to concerns relating to lack of housing and drug use in the home. K.J. was placed in Agency's emergency temporary custody on December 27, 2016.

{¶17} Mother's sister, Ve.J. came forward and the minor children remained with her until August 16, 2017. However, the minor children "were removed due to multiple concerns in the home - - unstable housing, inability to maintain utilities, concerns with [Ve.J.]'s mental health as well, and her depression." (*Id.* at 20). Agency was subsequently granted temporary custody of the minor children. "[U]nfortunately, \* \* \* [the minor children have] had multiple placements." (*Id.* at 19).

{¶18} On August 16, 2017, Agency moved the minor children with Grandmother. Legal custody was later granted to her on October 4, 2018. The minor children remained with Grandmother until September 6, 2019, when they were removed due to deplorable living conditions, reported concerns that K.J. was being physically abused, and the children's needs were not being met. Agency was then granted temporary custody again.

{¶19} As stated, the minor children were initially placed in the Cognion's foster home. They were removed on September 16, 2019 because the foster family could not maintain the children. The minor children then went to Christy Fields' foster home where

S.M.J. is currently still placed. S.M.J. is “very, very attached to Christy.” (*Id.* at 29). K.J., however, had to be removed due to increased “violent” behaviors, including hitting, extreme profanity, and overall defiance. (*Id.* at 24).

**{¶20}** K.J. was placed in Tamiko Wells’ and Sally Stevenson’s foster home on November 1, 2019 which only lasted about one month. K.J. was then placed in Leah Loper’s foster home where she was later removed “due to escalating behaviors.” (*Id.* at 26). While under Loper’s care, K.J. threatened Loper with a tire iron; chased her with a log; stabbed her in the back with a pen; knocked her off a chair; jumped on her; repeatedly hit her; tore up her home; keyed her car; and attempted to cut her tires. K.J. was also observed to be aggressive in school where she hit staff as well as spit and threw things. K.J. was removed from Loper’s home. K.J. was placed at Belmont Pines on January 21, 2020. K.J. “was diagnosed with post-traumatic stress disorder, chronic; as well as attention deficit hyperactivity disorder, combined type; and conduct disorder, childhood-onset type.” (*Id.* at 27). K.J. was prescribed psychotropic medications, received individual and group therapy, and attended anger management. K.J. was released and discharged from Belmont Pines on January 11, 2021.

**{¶21}** Caseworker Thrower testified it is not possible for Agency to maintain temporary custody until Mother’s release from prison. Caseworker Thrower stated that Agency has maintained the minor children in placement, Mother continued to get in trouble while incarcerated, and “[w]e need to move toward permanency for these children.” (*Id.* at 33). Caseworker Thrower reiterated that both natural fathers are incarcerated as well. Mother had advised Caseworker Thrower that “she did not want her children going with [Ve.J.] due to concerns of her sister’s mental health.” (*Id.* at 37).

**{¶22}** Regarding S.M.J., Caseworker Thrower testified “he is very bonded with Christy [foster mother] and he has really transitioned and adjusted nicely to her home.” (*Id.* at 40). Christy loves S.M.J. and is interested in keeping him in her home and potentially adopting him. (*Id.* at 43). Regarding K.J., she has had 12 placements. K.J. “really blossomed” in the home of Sam and Laurie Jackson, after living with Loper, but had to be removed due to a pending investigation involving another foster child in the home. (*Id.* at 41). K.J. is now with Michael and Jerri (Susie) Scott. She was placed with

the Scotts on July 14, 2021. If the Scotts are unable to keep and potentially adopt K.J., Agency will continue to search out a good home for her.

**{¶23}** Karina Montague, an Agency caseworker, testified she is currently assigned as the ongoing caseworker to Mother and her family. Caseworker Montague reiterated that Mother, Father No. 1, and Father No. 2, have all been incarcerated during these proceedings. She indicated that Grandmother never made any progress regarding the case plan, i.e., failed to provide suitable care and housing, etc. for the minor children. No case plan terms were able to be established for Mother, Father No. 1, and Father No. 2.

**{¶24}** Caseworker Montague was asked, “[A]re any of the three biological parents of the children at this time able to work a reunification plan? And that, I guess, would relate to their incarceration.” (*Id.* at 76). She replied, “No, they are not.” (*Id.*) None of the parents have had any type of in-person visitation with the minor children throughout the duration of the case. Caseworker Montague was also asked, “And to the best of your knowledge, is the Agency able to place the children with [Ve.J.] at this time?” (*Id.* at 79). She replied, “No.” (*Id.*) Again, Mother had indicated she did not want her children to go with Ve.J. due to her mental health issues. Ve.J. did not file for legal custody until the week before the permanent custody hearing. Caseworker Montague indicated, “because of extensive Children Services history, the Agency does not feel that [Ve.J.] would be an appropriate placement for the children.” (*Id.* at 90). Caseworker Montague had no knowledge of any other relative that could be a possible placement for the minor children. She was also asked, “And do both foster homes appear to be able to meet the needs of the children, to your knowledge?” (*Id.* at 86). She replied, “Definitely, yes.” (*Id.*)

**{¶25}** Three GAL reports, two supplemental and then one final, were submitted recommending that permanent custody of the minor children be granted to Agency. (*Id.* at 93).

**{¶26}** On September 1, 2021, the juvenile court terminated the parental rights of Mother, Father No. 1, and Father No. 2, and granted permanent custody of the minor children to Agency following the hearing.

**{¶27}** Mother filed timely appeals, which were consolidated, and raises a single assignment of error.

## ASSIGNMENT OF ERROR

### **TRIAL COURT’S TERMINATION OF APPELLANT’S PARENTAL RIGHTS WAS IN VIOLATION OF THE DUE PROCESS CLAUSE OF THE UNITED STATES AND OHIO CONSTITUTIONS.**

{¶28} In her sole assignment of error, Mother argues the juvenile court erred in terminating her parental rights and granting permanent custody of the minor children to Agency. Specifically, Mother contends the court’s decisions violate the Fourteenth Amendment’s prohibition against a State “depriv(ing) any person of life, liberty, or property, without due process of law.” (10/20/2021 Mother’s Brief, p. i, 3). Mother also alleges the court erred in finding that the minor children “could not or should not be placed with [her] within a reasonable period of time.” (*Id.* at ii, 8). Mother stresses “there is a family relationship that should be preserved” and claims Agency began attempts at visitation with her only after the permanent custody case was already being heard. (*Id.* at 6). Mother further asserts the court had “good cause (to) continue the hearing” and should have given her the opportunity “to correct her previous mistakes and to turn her life around.” (*Id.* at 7).

“(T)he right to raise a child is an ‘essential’ and ‘basic’ civil right.” *In re Murray*, 52 Ohio St.3d 155, 157, 556 N.E.2d 1169 (1990), quoting *Stanley v. Illinois*, 405 U.S. 645, 651, 92 S.Ct. 1208 (1972). A parent’s interest in the care, custody, and management of his or her child is “fundamental.” *Id.*; *Santosky v. Kramer*, 455 U.S. 745, 753, 102 S.Ct. 1388 (1982). The permanent termination of a parent’s rights has been described as, “(\* \* \*) the family law equivalent to the death penalty in a criminal case.” *In re Smith*, 77 Ohio App.3d 1, 16, 601 N.E.2d 45 (6th Dist.1991). Therefore, parents “must be afforded every procedural and substantive protection the law allows.” *Id.*

*In re W.W.*, 7th Dist. Columbiana No. 21 CO 0011, 2021-Ohio-3440, ¶ 26.

{¶29} A natural parent’s fundamental liberty interest in the care, custody, and management of his or her child is protected by the Fourteenth Amendment of the United

States Constitution. See *In re T.N.T.*, 7th Dist. Jefferson No. 12 JE 25, 2013-Ohio-861, ¶ 13, citing *Santosky*, *supra*, at 753.

Due process in parental terminations requires that a parent have notice and an opportunity to be heard before termination of his or her parental rights. *State ex rel. Smith v. Smith*, 75 Ohio St.3d 418, 421, 662 N.E.2d 366 (1996). But that is not an inflexible command that mandates the physical presence of the parent in all circumstances so long as the parent is afforded some meaningful alternative means of participation. See *In re A.N.B.*, 12th Dist. Preble No. CA2012-12-017, 2013-Ohio-2055, ¶ 25 (violation of incarcerated mother’s due-process rights where court terminated her parental rights without her participation at hearing). Such alternative means of participation can satisfy due process when “the (incarcerated) parent is represented by counsel at the hearing, a full record of the proceedings is made, and any testimony that the parent may wish to present could be offered by way of deposition.” *In re P.J. and D.M.*, 11th Dist. Ashtabula Nos. 2008-A-007 and 2008-A-0053, 2009-Ohio-182, ¶ 66.

*In re J.W.*, 1st Dist. Hamilton No. C-190189, 2019-Ohio-2730, ¶ 8.

“(A) court exercising Juvenile Court jurisdiction is invested with a very broad discretion, and, unless that power is abused, a reviewing court is not warranted in disturbing its judgment.” *In re Anteau*, 67 Ohio App. 117, 119, 36 N.E.2d 47, 48 (1941). “The term ‘abuse of discretion’ connotes more than an error of law or of judgment; it implies that the court’s attitude is unreasonable, arbitrary or unconscionable (\* \* \*).” *In re Jane Doe 1*, 57 Ohio St.3d 135, 137, 566 N.E.2d 1181, 1184 (1990), citing *State v. Adams*, 62 Ohio St.2d 151, 157, 172-173, 404 N.E.2d 144, 148-149 (1980). A juvenile court’s decision to terminate parental rights and transfer permanent custody of a minor child must be supported by clear and convincing evidence. *Santosky*, *supra*, paragraph three of the syllabus. “Clear and convincing evidence is that measure or degree of proof which will produce



in the mind of the trier of facts a firm belief or conviction as to the allegations sought to be established. It is (an) intermediate (standard), being more than a mere preponderance, but not to the extent of such certainty as is required beyond a reasonable doubt as in criminal cases. It does not mean clear and *unequivocal*.” (Emphasis sic). *Cross v. Ledford*, 191 Ohio St. 469, 477, 120 N.E.2d 118 (1954).

When reviewing the decision of a juvenile court to determine whether it is supported by clear and convincing evidence, “a reviewing court may not as a matter of law substitute its judgment as to what facts are shown by the evidence for that of the trial court” because the “trial judge, having heard the witnesses testify, was in a far better position to evaluate their testimony than a reviewing court.” *Id.* at 478, 120 N.E.2d 118. “Where the evidence is in conflict, the trier of facts may determine what should be accepted as the truth and what should be rejected as false.” *Id.* “Judgments supported by some competent, credible evidence going to all the essential elements of the case will not be reversed by a reviewing court as being against the manifest weight of the evidence.” *C.E. Morris Co. v. Foley Constr. Co.*, 54 Ohio St.2d 279, 376 N.E.2d 578 (1978), syllabus.

*In re T.N.T.*, *supra*, at ¶ 14-15.

{¶30} When a motion for permanent custody is filed by a children services agency, the juvenile court’s decision whether to grant permanent custody to the agency is governed by R.C. 2151.414(B)(1), the first prong of the permanent custody test, which provides in part:

“[T]he court may grant permanent custody of a child to [the agency] if the court determines at the hearing \* \* \* by clear and convincing evidence, that it is in the best interest of the child to grant permanent custody of the child to the agency that filed the motion for permanent custody and that any of the following apply:

(a) The child \* \* \* cannot be placed with either of the child's parents within a reasonable time or should not be placed with the child's parents.

(b) The child is abandoned.

\* \* \*

(d) The child has been in the temporary custody of one or more public children services agencies \* \* \* for twelve or more months of a consecutive twenty-two-month period \* \* \*.

(e) The child \* \* \* has been adjudicated an abused, neglected, or dependent child on three separate occasions \* \* \*.

For the purposes of division (B)(1) of this section, a child shall be considered to have entered the temporary custody of an agency on the earlier of the date the child is adjudicated pursuant to section 2151.28 of the Revised Code [to be an abused, neglected, or dependent child] or the date that is sixty days after the removal of the child from home.

R.C. 2151.414(B)(1)(a)-(e).

**{¶31}** There is no dispute that the minor children have been in the temporary custody of Agency for at least 12 months of a consecutive 22-month period, i.e., the minor children had been in foster care since the inception of their removal from Grandmother on September 6, 2019. The minor children were placed in Agency's custody for nearly 24 months by the time the permanent custody hearing was held on August 27, 2021. Father No. 1 and Father No. 2 made no attempts to contact the minor children even though both fathers were duly served throughout the case. Mother, Father No. 1, and Father No. 2 remain incarcerated until at least three months past the date of the approximately 24 months of the minor children being in Agency's custody. Grandmother did not work on case plan goals and did not maintain contact or visit the minor children while they were in foster care for two years. Grandmother attended the hearing and agreed to Agency's permanent custody.

{¶32} Mother takes no issue that there is clear and convincing evidence to support the juvenile court’s termination of her parental rights and award of permanent custody to Agency under the first prong of the permanent custody test. Mother asserts, however, that “the second prong of the analysis is presently at issue, best interests.” (10/20/2021 Mother’s Brief, p. 5-6).

{¶33} In addition to the first prong, “[an] agency [also] bears the burden of proving by clear and convincing evidence that the grant of permanent custody is in the child’s best interest [second prong].” *Matter of J.C.*, 7th Dist. Monroe No. 20 MO 0012, 2021-Ohio-1476, ¶ 6, citing *In re B.C.*, 141 Ohio St.3d 55, 2014-Ohio-4558, 21 N.E.3d 308, ¶ 26. “R.C. 2151.414(D)(1) sets out a nonexhaustive list of factors the court must consider, and the court is encouraged but not required to address the factors relevant to the decision.” *Matter of J.C.* at ¶ 6. R.C. 2151.414(D)(1) provides in part:

In determining the best interest of a child \* \* \*, the court shall consider all relevant factors, including, but not limited to, the following:

- (a) The interaction and interrelationship of the child with the child’s parents, siblings, relatives, foster caregivers and out-of-home providers, and any other person who may significantly affect the child;
- (b) The wishes of the child, as expressed directly by the child or through the child’s guardian ad litem, with due regard for the maturity of the child;
- (c) The custodial history of the child \* \* \*;
- (d) The child’s need for a legally secure permanent placement and whether that type of placement can be achieved without a grant of permanent custody to the agency;
- (e) Whether any of the factors in divisions (E)(7) to (11) of this section apply in relation to the parents and child.

R.C. 2151.414(D)(1)(a)-(e).

**{¶34}** In determining the best interest of the minor children being placed into the permanent custody of Agency, the juvenile court considered and referenced numerous factors in its September 1, 2021 judgments, including: Grandmother provided deplorable living conditions for the minor children and did not make progress on her case plan; Grandmother is in agreement with permanent custody being granted to Agency; the GAL submitted reports recommending that permanent custody be granted to Agency; Mother, Father No.1, and Father No. 2 are all incarcerated; Agency met regularly with Mother during her incarceration; Mother’s sister, Ve.J., was informed on many occasions of her ability to seek custody but did not file for custody until last week; Ve.J. is not a viable placement option due to her history of involvement with Agency; Mother does not want the minor children to be placed with Ve.J. due to Ve.J.’ s mental health issues; grandfather and his girlfriend are not viable placement options due to prior abuse history; Agency is not aware of any additional relatives who may be placement options for the minor children; the minor children are in need of a legally secure placement and such placement cannot be accomplished without granting permanent custody to Agency; the parents are unable to work a reunification plan; the parents have not exercised parenting time with the minor children since they went into Agency’s care; the minor children are in foster care and have been for 12 or more months of a consecutive 22 month period; Agency has made reasonable efforts to reunite the minor children with the natural parents or Grandmother and to prevent placement of the minor children outside of the home of the natural parents or Grandmother; there is clear and convincing evidence that permanent custody be granted to Agency and that it is in the minor children’s best interest to terminate parental rights and grant permanent custody to Agency. (9/1/2021 Judgment Entries, p. 1-5).

**{¶35}** Turning now to determining whether a child can be placed with either parent within a reasonable period of time, or whether a child should be placed with either parent pursuant to R.C. 2151.414(E), a court “shall consider all relevant evidence” and determine “by clear and convincing evidence” that “one or more of the following exist as to each of the child’s parents:”

- (1) Following the placement of the child outside the child’s home and notwithstanding reasonable case planning and diligent efforts by the agency to assist the parents to remedy the problems that initially caused the child

to be placed outside the home, the parent has failed continuously and repeatedly to substantially remedy the conditions causing the child to be placed outside the child's home. In determining whether the parents have substantially remedied those conditions, the court shall consider parental utilization of medical, psychiatric, psychological, and other social and rehabilitative services and material resources that were made available to the parents for the purpose of changing parental conduct to allow them to resume and maintain parental duties;

\* \* \*

(3) The parent \* \* \* caused the child to suffer any neglect \* \* \*;

(4) The parent has demonstrated a lack of commitment toward the child by failing to regularly support, visit, or communicate with the child when able to do so, or by other actions showing an unwillingness to provide an adequate permanent home for the child;

\* \* \*

(9) The parent has placed the child at substantial risk of harm two or more times due to alcohol or drug abuse \* \* \*;

(10) The parent has abandoned the child;

\* \* \*

(13) The parent is repeatedly incarcerated, and the repeated incarceration prevents the parent from providing care for the child;

\* \* \*

(15) The parent has \* \* \* caused or allowed the child to suffer neglect \* \* \* and the court determines that the seriousness, nature, or likelihood of

recurrence of the \* \* \* neglect makes the child's placement with the child's parent a threat to the child's safety.

(16) Any other factor the court considers relevant.

R.C. 2151.414(E)(1)-(16).

**{¶36}** In granting permanent custody of the minor children to Agency, the juvenile court found in its September 1, 2021 judgments: that the minor children cannot be safely placed with any of the natural parents within a reasonable time period as they are all incarcerated and will remain incarcerated beyond the two-year time period that the minor children have been in Agency's custody; Agency has made reasonable efforts to reunite the minor children with the natural parents or Grandmother and to prevent placement of the minor children outside of the home of the natural parents or legal custodian; and that following the placement of the minor children outside the minor children's home and notwithstanding reasonable case planning and diligent efforts by Agency to assist the natural parents or Grandmother to remedy the problems that initially caused the minor children to be placed outside of the natural parents' or Grandmother's home, the natural parents or Grandmother have failed continuously and repeatedly to substantially remedy the conditions causing the minor children to be placed outside the minor children's home. (9/1/2021 Judgment Entries, p. 1-5).

**{¶37}** The records reveal the juvenile court complied with the procedure prescribed by R.C. 2151.414. The court did not err in finding that it was in the minor children's best interest to terminate the natural parents' rights and grant permanent custody to Agency. The court's decisions do not violate Mother's due process rights under the Fourteenth Amendment because although she is incarcerated, she was represented by counsel at the hearing and there is a full record of the proceedings. See *In re J.W., supra*, at ¶ 8. Mother fails to establish that the court incorrectly found that the minor children could not or should not be placed with her within a reasonable period of time.

**{¶38}** Based on the facts presented, the juvenile court's decisions do not go against the manifest weight of the evidence. As stated, S.M.J. was removed from Mother due to testing positive for cocaine at birth; K.J. was removed from Mother a short time

later due to lack of housing and drug concerns in the household; the minor children were subsequently removed from Grandmother's custody due to deplorable living conditions and abuse allegations; Grandmother agrees that permanent custody should be granted to Agency; Mother's sister, Ve.J., did not file for custody until one week before the permanent custody hearing; Ve.J. is not a viable placement option due to her history of involvement with Agency; Mother does not want Ve.J. to have custody of the minor children due to Ve.J.'s mental health; no other viable relatives have come forward; the minor children have been through numerous foster homes; the natural parents have been and are all incarcerated; Father No. 1 and Father No. 2 have not contested the termination of their parental rights; and Mother will remain incarcerated approximately three additional months beyond the 24-month period of the minor children being in Agency's temporary custody. There is no doubt that the minor children deserve safety and stability at this time which can only be accomplished through permanent custody to Agency and hopefully adoption in the near future.

{¶39} Accordingly, the juvenile court did not err in finding that it was in the minor children's best interest to terminate the natural parents' rights and grant permanent custody to Agency.

### **CONCLUSION**

{¶40} For the foregoing reasons, Mother's sole assignment of error is not well-taken. The September 1, 2021 judgments of the Jefferson County Court of Common Pleas, Juvenile Division, terminating Mother's parental rights and granting permanent custody of the minor children to Agency following a hearing, are affirmed.

Donofrio, P.J., concurs.

Waite, J., concurs.

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For the reasons stated in the Opinion rendered herein, the assignment of error is overruled and it is the final judgment and order of this Court that the judgments of the Court of Common Pleas, Juvenile Division, of Jefferson County, Ohio, are affirmed. Costs to be waived.

A certified copy of this opinion and judgment entry shall constitute the mandate in this case pursuant to Rule 27 of the Rules of Appellate Procedure. It is ordered that a certified copy be sent by the clerk to the trial court to carry this judgment into execution.

**NOTICE TO COUNSEL**

**This document constitutes a final judgment entry.**