[Cite as *In re K.W.*, 2018-Ohio-3314.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 106700

IN RE: K.W.
A Minor Child

[Appeal By N.W., Mother]

JUDGMENT:
AFFIRMED

Civil Appeal from the
Cuyahoga County Court of Common Pleas
Juvenile Division
Case No. AD 16902089

BEFORE: Blackmon, P.J., Celebrezze, J., and Keough, J.

RELEASED AND JOURNALIZED: August 16, 2018

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PATRICIA ANN BLACKMON, P.J.:

{¶1} Appellant, N.W. (referred to herein as "appellant"), mother of K.W., appeals from the order of the juvenile court that awarded permanent custody of K.W. to the Cuyahoga County Department of Children and Family Services ("CCDCFS"). She assigns the following three errors for our review:

> I. The [CCDCFS] failed to establish by clear and convincing evidence that the Appellant would not be able to parent her child within a reasonable time and the child could not be placed with [her] within a reasonable time.
>
> II. The trial court erred by finding in its journal entry that CCDCFS used reasonable case planning and diligent efforts in assisting the parent with regard to remedying the problems that caused [K.W.] to be placed outside the home.
>
> III. The trial court erred in finding that it was in [K.W.'s] best interest to be placed in the permanent custody of CCDCFS.

{¶2} For the sake of clarity, we shall address the assigned errors out of their predesignated order. Having reviewed the record and the controlling case law, we affirm the decision of the trial court.

{¶3} K.W. was born in 2006. In 2016, CCDCFS filed a complaint for predispositional temporary custody of K.W. alleging that she is a dependent child. In relevant part, CCDCFS alleged that in 2009 and 2011, K.W. was in "substitute" or agency care in Georgia. In 2012, the Stephens County, Georgia Juvenile Court adjudicated K.W. a "deprived" child. Following this finding, the Georgia court returned K.W. to appellant, subject to the terms of an agreed protective order requiring appellant to complete anger management, obtain tutoring for K.W., and obtain family assistance from appellant's church outreach ministry and a court-appointed special advocate. CCDCFS further alleged that K.W. did not attend school from March to December 2015. In January 2016, K.W. and appellant were staying in a

homeless shelter in North Carolina, until K.W. was admitted to a hospital due to being underweight. CCDCFS alleged that appellant is unable to provide proper care for K.W. and that her father did not establish paternity, or support the child.

{¶4} On February 16, 2016, the trial court awarded emergency and temporary custody of K.W. to CCDCFS, and she was placed in foster care. CCDCFS implemented a caseplan directed at remedying K.W.'s weight and dental issues, and concerns that K.W. was not functioning well due to developmental issues, poor parenting, and neglect. The plan required appellant to undergo a mental health assessment, attend parenting classes, obtain safe housing, cooperate with the child's school, and demonstrate the ability to meet K.W.'s basic needs. The court appointed a guardian ad litem ("GAL") for K.W.

{¶5} Following a hearing on September 1, 2016, the trial court determined that K.W. "experienced significant emotional issues, resulting in self-injurious behaviors, following visitation and telephone contact with" appellant that "necessitated the emergency cessation of visitation and telephone contact[.]" The court later authorized appellant to have supervised visitation with K.W.

{¶6} On October 28, 2016, CCDCFS filed a motion for permanent custody of K.W. In support of this motion, the family's social worker alleged that appellant had not benefitted from the services provided and remained unable to meet K.W.'s basic needs.

{¶7} The matter proceeded to trial on December 4, 2017. Gina Mazzone ("Mazzone"), K.W.'s mental health therapist, testified that K.W. is in biweekly therapy for post traumatic stress. When therapy began in 2016, K.W. was underweight and very timid. She expressed fear of appellant, and had anxiety, tantrums, self-harming behaviors, and was not participating at

school. K.W. also had concerns over housing, and reported that she and appellant had lived in cars and in shelters.

{¶8} Mazzone stated that in 2016, K.W. reported that appellant's boyfriend had sexually abused her. K.W. experienced bed-wetting in connection with the reporting of this allegation. K.W. also described an incident when a visit had to be terminated due to appellant's anger, and appellant banged on the car as she and the visitation coach left with K.W. According to Mazzone, visitation with appellant was a "trigger" for K.W. that produced self-harming behavior, fear, and anxiety. When visitation was suspended, K.W. had fewer tantrums and increased her academic participation. K.W.'s negative behaviors resumed after appellant's visitation was restored.

{¶9} Supportive visitation coach Jameelah Gaines ("Gaines") testified that she assisted appellant with weekly visitation in order to help develop appellant's parenting skills and build her relationship with K.W. Gaines stated that in the beginning, visitation proceeded properly, with appellant bringing food and crafts for K.W. Later, the visits became "poor." K.W. did reciprocate affection to appellant, so Gaines provided appellant with worksheets on empathy and engagement, but appellant could not understand the materials. With regard to the terminated visit, Gaines stated that appellant was combative, argumentative, and aggressive, so Gaines ended the visit. As she and K.W. drove away, appellant blocked the car. At that point, Gaines removed herself from the case. Gaines acknowledged that over the course of her involvement, appellant had obtained a fixed income, housing, and furniture, and was in counseling at University Hospitals.

{¶10} Child protection specialist Tiffany Mahoney ("Mahoney") testified that CCDCFS filed a prior complaint in this matter due to K.W. not attending school. During that matter,

CCDCFS obtained predispositional custody of K.W., but ultimately dismissed its complaint because it could not be resolved within statutory deadlines. After that, appellant and K.W. traveled to Georgia. Later, the family was in North Carolina. Appellant informed CCDCFS that the child would be enrolled at a school in North Carolina, but the agency never received documentation of enrollment. North Carolina officials became concerned over K.W.'s weight and serious dental issues, so they brought her to a hospital for emergency medical treatment. CCDCFS transported K.W. to Ohio and obtained emergency custody. According to Mahoney, appellant became aggressive with medical personnel during K.W.'s follow-up treatment, and attempts to counsel appellant on this issue were not productive.

{¶11} Mahoney also testified that given K.W.'s age, she should have been in the fourth grade. Although appellant claimed that she had been home-schooling K.W., school officials placed her in the second grade, and she was actually functioning at a pre-kindergarten level and was developmentally delayed.

{¶12} Mahoney stated that appellant attended a parenting education program as required under her caseplan. Appellant was also required to attend a mental health assessment. Appellant delayed the assessment, and ultimately the results were deemed inconclusive. In terms of housing, appellant resided with her mother, but obtained independent housing in May 2017. Appellant also worked briefly, then obtained SSI, but she had difficulty with budgeting.

{¶13} On the issue of visitation, Mahoney testified that visitation initially proceeded without issues, but K.W. behaved negatively before, during, and after visitation, so it was eventually suspended. As visitation was to resume, K.W. made allegations that appellant's boyfriend molested her, so visitation was cancelled. By the time of trial, supervised weekly visitation was in place. The foster mother was also to supervise telephone contact between

appellant and K.W., but appellant reportedly became argumentative with the foster mother, and K.W. asked to discontinue the phone calls.

{¶14} With regard to appellant's overall progress, Mahoney testified that appellant failed to appreciate the gravity of the issues that developed while she parented K.W. Appellant also completed but did not benefit from parenting and other services. A specialist from Community Collaborative subsequently worked with appellant to address budgeting, employment, housing, parenting, and meeting K.W.'s medical needs. However, appellant continued to insist that K.W.'s weight and medical issues had not occurred until after CCDCFS obtained custody of her, and appellant did not believe that K.W. needed to be in CCDCFS custody. Mahoney also stated that she had submitted a referral for appellant and K.W. to attend counseling together, but this was not pursued after appellant's visitation was suspended.

{¶15} Extended care worker Lois Graham ("Graham") testified that CCDCFS ordered psychological and neuropsychological evaluations of appellant. Appellant delayed the appointments, insisting that there was nothing wrong with her. Graham also worked with appellant on budgeting, but she did not have a good grasp on her spending. Her expenditures exceeded her income, she was employed only briefly, and declined free furniture from Community Collaborative.

{¶16} Graham also testified that appellant becomes upset about hearing of the child's activities in foster care, despite being instructed to avoid this topic. K.W. is withdrawn and appears unhappy during visitation.

{¶17} Finally, Graham stated that reunification with appellant is not possible within a reasonable period of time. According to Graham, although appellant insists on the return of K.W., reunification is not in K.W.'s best interest due to appellant's lack of progress in

developing her ability to parent, and the strained relationship between appellant and K.W. Graham also noted that K.W. has been in the same foster home during the pendency of the case. She is happy and outgoing in foster care. The foster provider takes K.W. to all medical appointments and advocates for her at school. CCDCFS received insufficient information from appellant to determine whether there are other family members available to care for K.W.

{¶18} GAL Mark Witt ("GAL") testified that K.W. has major developmental issues that appellant cannot recognize, and that appellant is unable to meet K.W.'s medical and educational needs. The GAL stated that appellant is argumentative and aggressive in most of her relationships, and that K.W. does not want to have a relationship with her. According to the GAL, K.W. is in need of a permanent home and the award of permanent custody to CCDCFS is in her best interest.

{¶19} On December 18, 2017, the trial court awarded permanent custody of K.W. to CCDCFS. In relevant part, the court found:

> 14. [Appellant] and K.W. were participating in visitation and [Appellant] completed parenting class; however the child began displaying adverse reactions to the visits, including digging into her scalp until she would bleed.
>
> 15. Visitations were suspended via court order in May of 2016 due to the child behavioral concerns relating to the visits. The child also made disclosures regarding being sexually abused by [Appellant's] boyfriend which had to be investigated.
>
> 16. Prior to the suspension of the visits, [Appellant] was not able to demonstrate that she had benefitted from the case plan services in which she had participated.
>
> 17. [Appellant] did not take any responsibility for the condition the child was in when she came into the custody of the Agency. She maintained that there was nothing wrong with the child, despite being so far behind in school and being underweight.
>
> 18. [Appellant was referred to] psychological evaluation through the court diagnostic clinic, but the results were inconclusive due to [Appellant] being too

guarded with her responses. No diagnoses or recommendations were able to be made. * * *

28. [Appellant] became very combative during the visitations which impeded [supportive visitation coach] Ms. Gaines's ability to assist the family. * * *

33. [Appellant] would also cause distress to the child by attempting to find out information regarding the foster home [and had inappropriate interaction with the foster mother]. * * *

38.[Child protection specialist Graham and Community Collaborative] worked with [Appellant on budgeting but she] was not able to comprehend budgeting. * * *.

41. Ms. Graham described K.W.'s relationship with the foster family as being [a] loving one: K.W. gets along well with the family and wants to remain there.

42. Ms. Graham was not able to see the same type of bond between [Appellant] and K.W. as K.W. has with the foster mother. K.W. had requested not to go to visitation and her mood visibly changed from happy with the foster mother to sad with her biological mother during visitation.

43. K.W. had to repeat the third grade in the 2017-2018 school year due to her being so far behind academically. The child remains in the third grade despite being eleven years old.

44. All of the child's basic and educational needs are met in the foster home. K.W. is well adjusted there and the foster family is willing to be permanent connection for the child. * * *

48. After the visitation ceased, the child made progress in therapy. She stopped clawing at her scalp, she was obedient in the foster home, and did much better in school.

49. During the therapy, Ms. Mazzone and K.W. were able to discuss the child triggers. One of the main triggers for the child was her mother. The child stated that she was fearful of mother. K.W. expressed she did not want to go back to living in shelters and being hungry. * * *

60. The [GAL] and the attorney for child both were in favor of granting of permanent custody.

{¶20} The trial court found that K.W. "is not abandoned or orphaned or has not been in temporary custody of public children services agency or private child placing agency under one

or more separate orders of disposition for twelve or more months of a consecutive twenty-two month period." The court also found, by clear and convincing evidence, that the "grant of permanent custody is in the best interest of the child and the child cannot be placed with one of the child's parents within a reasonable time or should not be placed with either parent."

Reasonable Time Determination

{¶21} Within her first assigned error, appellant argues that the trial court's determinations that she would not be able to parent K.W. within a reasonable time, and that K.W. could not or should not be placed with her within a reasonable time are against the manifest weight of the evidence.

{¶22} A juvenile court's decision to grant permanent custody will not be reversed as being against the manifest weight of the evidence "if the record contains some competent, credible evidence from which the court could have found that the essential statutory elements for permanent custody had been established by clear and convincing evidence." *In re A.P.*, 8th Dist. Cuyahoga No. 104130, 2016-Ohio-5849, ¶ 16; *In re N.B.*, 8th Dist. Cuyahoga No. 101390, 2015-Ohio-314, ¶ 48. In determining whether a juvenile court based its decision on clear and convincing evidence, a reviewing court will examine the record to determine whether the trier of fact had sufficient evidence before it to satisfy the degree of proof. *In re T.S.*, 8th Dist. Cuyahoga No. 92816, 2009-Ohio-5496, ¶ 24, citing *State v. Schiebel*, 55 Ohio St.3d 71, 74, 564 N.E.2d 54 (1990).

{¶23} In order to grant permanent custody to CCDCFS pursuant to R.C. 2151.353, a trial court must find by clear and convincing evidence one of the conditions set forth in R.C. 2151.414(B)(1) which provides:

(a) The child is not abandoned or orphaned, has not been in the temporary custody

> of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period, or has not been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period if, as described in division (D)(1) of section 2151.413 of the Revised Code, the child was previously in the temporary custody of an equivalent agency in another state, and 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.
>
> (c) The child is orphaned, and there are no relatives of the child who are able to take permanent custody.
>
> (d) The child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period, or the child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period and, as described in division (D)(1) of section 2151.413 of the Revised Code, the child was previously in the temporary custody of an equivalent agency in another state.
>
> (e) The child or another child in the custody of the parent or parents from whose custody the child has been removed has been adjudicated an abused, neglected, or dependent child on three separate occasions by any court in this state or another state.

{¶24} The time period for meeting the conditions set forth in R.C. 2151.414(B)(1)(d) is calculated from when the child enters custody of the agency and the filing of the motion for permanent custody. *In re C.W.*, 104 Ohio St.3d 163, 2004-Ohio-6411, 818 N.E.2d 1176, ¶ 26. The time that passes between the filing of a motion for permanent custody and the permanent-custody hearing does not count toward the 12-month period under R.C. 2151.414(B)(1)(d). *Id.*

{¶25} R.C. 2151.414(E) lists factors for determining whether a child cannot be placed with either parent within a reasonable period of time or should not be placed with his or her parents. Additionally, the juvenile court must find by clear and convincing evidence that granting permanent custody to the agency is in the best interest of the child. R.C. 2151.414(B); 2151.414(D).

{¶26} Here, as to the first part of the court's finding, the juvenile court in this matter concluded that K.W. had not been in the custody of CCDCFS for 12 or more months of the past 22 months, and that she"cannot be placed" with appellant "within a reasonable time or should not be placed with either parent." The court specifically listed R.C. 2151.414(E)(1):

> (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 parents have failed continuously and repeatedly to substantially remedy the conditions causing the child to be placed outside the child's home.

{¶27} Regarding this factor, a parent's substantial compliance with a caseplan is not dispositive in and of itself on the issue of reunification and does not preclude a grant of permanent custody to a social services agency. *In re A.G.*, 8th Dist. Cuyahoga No. 105254, 2017-Ohio-6892, ¶ 39; *In re J.M.*, 8th Dist. Cuyahoga No. 104030, 2016-Ohio-7307, ¶ 49. The crucial issue is whether the parent has remedied the conditions that caused the child's removal. *Id.*

{¶28} In this matter, we find competent, credible evidence in the record to support the trial court's findings that appellant would not be able to parent her child within a reasonable time

and that K.W. could not be placed with her within a reasonable time. As an initial matter, we note that it is undisputed in the record that in 2009 and 2011, K.W. was in "substitute" or agency care in Georgia, and in 2012, the Stephens County, Georgia Juvenile Court adjudicated K.W. a "deprived" child. After K.W. was returned to appellant's care, K.W. and appellant lived in appellant's car and homeless shelters, K.W. was not in school, and was underweight. Within the instant proceedings, it is clear that by 2017, appellant completed key case-plan objectives, including obtaining independent housing, securing an income, and taking parenting classes. However, the record indicates that she did so in a "checklist" fashion, while refusing to recognize her role in K.W.'s difficulties and blaming CCDCFS for K.W.'s weight and other issues. She also continued to manifest an argumentative and aggressive attitude in connection with this matter that interfered with K.W.'s medical treatment, impaired visitation, and caused problems at the foster home. Unfortunately, whether due to her own difficulties, resistance to treatment, or simple frustration with not having custody of K.W., appellant has not demonstrated an ability to appreciate the gravity of K.W.'s issues or provide appropriate care for her.

{¶29} This portion of the first assigned error is without merit.

Hearsay

{¶30} Appellant also argues within this assigned error that the trial court impermissibly relied upon hearsay evidence in this matter, and that hearsay tainted the proceedings.

{¶31} Hearsay is not admissible at permanent custody hearings. *In re M.H.*, 8th Dist. Cuyahoga No. 80620, 2002-Ohio-2968, ¶ 48. However, the trial judge is presumed capable of disregarding improper testimony. *In re W.C.*, 8th Dist. Cuyahoga No. 90748, 2008-Ohio-2047, ¶ 33, citing *In re Sims*, 13 Ohio App.3d 37, 41, 468 N.E.2d 111 (12th Dist.1983). Therefore, a reviewing court should be reluctant to overturn a judgment due to the admission of inadmissible

testimony, unless it appears that the juvenile court judge actually relied on such testimony in arriving at its judgment. *Id.*; *In re W.C.* at ¶ 73.

{¶32} In this matter, appellant complains that the court relied upon inadmissible hearsay in reference to events occurring in the foster home. However, the court simply stated that visitation was suspended "over [K.W.'s] behavioral concerns relating to the visits," which included withdrawal and self-harming. Appellant also complains that the court impermissibly cited her "guarded responses" during appellant's mental health assessments. Although this hearsay was referenced by the court, the court additionally noted that no diagnoses could be made. Therefore, the hearsay was not relied upon for the truth of the matter asserted, but only to demonstrate that the assessment did not lead to a productive avenue toward reunification.

{¶33} Appellant also complains that the entire record was tainted with hearsay. However, the overwhelming amount of testimony and the court's findings involved the firsthand observations and experiences of the witnesses who interacted with K.W. and appellant. Other challenged items qualified as statements made in furtherance of medical diagnosis and treatment, and admissions of a party opponent. In short, we cannot say that the admission of hearsay testimony prejudiced the proceedings.

{¶34} This aspect of the assigned error is without merit.

{¶35} The first assigned error is without merit.

Best Interests

{¶36} In her third assigned error, appellant asserts that the trial court's determination that the award of permanent custody to CCDCFS is in K.W.'s best interest is against the manifest weight of the evidence.

{¶37} As noted, before a juvenile court can terminate parental rights and grant permanent custody of a child to CCDCFS, the court must first find by clear and convincing evidence, the existence of one of the conditions set forth in R.C. 2151.414(B)(1)(a) through (e). Under R.C. 2151.414(B)(1)(a), one such condition is:

> the child is not abandoned or orphaned, has not 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, * * * and 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.

The court reached this conclusion herein, applying R.C. 2151.414(E)(1).

{¶38} Second, the juvenile court must find by clear and convincing evidence that granting permanent custody to the agency is in the best interest of the child. R.C. 2151.414(B)(1). In determining whether permanent custody is in the best interest of the child, the juvenile court consider must consider "all relevant factors," including, but not limited to the factors listed in R.C. 2151.414(D). *In re J.H.*, 8th Dist. Cuyahoga No. 105078, 2017-Ohio-7070, ¶ 39; *In re J.M.*, 8th Dist. Cuyahoga No. 104030, 2016-Ohio-7307, at ¶ 50. These factors include the child's interactions and relationships, the wishes of the child, the custodial history of the child, the child's need for a legally secure permanent placement, whether a secure placement can be achieved without a grant of permanent custody to the CCDCFS, and any other additional factors apply.

{¶39} The juvenile court has considerable discretion in weighing these factors. *In re J.H.* at ¶ 53. The best interest determination focuses on the child, not the parent. *In re A.C.*, 8th Dist. Cuyahoga No. 105347, 2018-Ohio-386, ¶ 36; *In re N.B.*, 8th Dist. Cuyahoga No. 101390, 2015-Ohio-314, ¶ 59.

{¶40} As to this second requisite finding, the record demonstrates that the juvenile court concluded that while with appellant, K.W. lived in a car and a homeless shelter, was extremely underweight, and did not attend school. After CCDCFS obtained temporary custody and established a caseplan, appellant displayed a combative and argumentative attitude that served as an impediment to improvement. Appellant caused distress to K.W. by expressing displeasure over foster family activities. Appellant did not appear to appreciate the gravity of K.W.'s issues or take responsibility for her actions leading to removal. Moreover, it is also undisputed that appellant did not benefit from the services provided, which included additional assistance from a specialist at Community Collaborative. Rather, appellant consistently blamed the CCDCFS placement for K.W.'s issues. Additionally, the record indicates that K.W. was fearful of appellant, and did not want to go back to living in shelters and being hungry. K.W. also manifested adverse behavioral and emotional reactions to visiting with appellant. Conversely, the court noted that K.W. has a loving bond with the foster family, and that they meet her basic and educational needs. Finally, in recommending the termination of parental rights, the GAL opined that it is in her best interest to be adopted by the foster family.

{¶41} From all of the foregoing, the trial court correctly determined, based upon K.W.'s interactions, relationships, expressed wishes, custodial history, and need for a legally secure permanent placement, that the award of permanent custody to CCDCFS is in K.W.'s best interest. Based on the facts in the record, we find clear and convincing evidence to support the juvenile court's findings under R.C. 2151.414(D).

{¶42} The third assigned error is without merit.

Reasonable Efforts

{¶43} In the second assigned error, appellant asserts that the trial court's findings that CCDCFS used reasonable efforts in case planning and diligent efforts to assist her, as required under R.C. 2151.414(E)(1), are against the manifest weight of the evidence. Appellant complains that CCDCFS failed to offer new caseplan services after determining that she derived no benefit from services provided. She also complains that CCDCFS did not complete a referral for her to obtain counseling with K.W.

{¶44} In this case, the juvenile court cited R.C. 2151.414(E)(1), in determining that K.W. cannot or should not be placed with appellant within a reasonable time. Under this provision, the court was required to find that despite CCDCFS's "reasonable case planning and diligent efforts" to assist the parents in remedying the problems causing removal, the parents have failed continuously and repeatedly to substantially remedy those conditions. *See also* *In re Brown*, 98 Ohio App.3d 337, 344, 648 N.E.2d 576 (3d Dist.1994); *In re J.H.*, 8th Dist. Cuyahoga No. 105078, 2017-Ohio-7070, at ¶ 60. That is, CCDCFS must make reasonable efforts to reunify the family during the child-custody proceedings prior to the termination of parental rights. *Id.* Further, R.C. 2151.419(A)(1) provides in relevant part:

> [A]t any hearing * * * at which the court removes a child from the child's home or continues the removal of a child from the child's home, the court shall determine whether the public children services agency * * * that filed the complaint in the case, removed the child from home, has custody of the child, or will be given custody of the child has made reasonable efforts to prevent the removal of the child from the child's home, to eliminate the continued removal of the child from the child's home, or to make it possible for the child to return safely home. The agency shall have the burden of proving that it has made those reasonable efforts. * * *.

{¶45} The "diligent efforts" required of the agency under this section are typically set forth in a caseplan adopted pursuant to R.C. 2151.412. The goals of any caseplan are: (1) to achieve a safe out-of-home environment for the children during their removal, and (2) eliminate

with all due speed the need for an out-of-home placement so that the children can return home. R.C. 2151.412(G)(1). *See also In re M.B.*, 8th Dist. Cuyahoga Nos. 101094, 101095, and 101096, 2014-Ohio-4837, ¶ 29. *Accord In re J.L.*, 8th Dist. Cuyahoga Nos. 85668, 85669, and 85670, 2005-Ohio-6125, ¶ 18 (considering whether CCDCFS caseplan was adequate). However, whether an agency has made reasonable efforts pursuant to R.C. 2151.419 is based on the circumstances of each case, not whether there was anything more the agency could have done. *In re A.C.*, 2018-Ohio-386, at ¶ 45.

{¶46} In this case, the record supports the juvenile court's determination that CCDCFS used reasonable case planning and diligent efforts to promote reunification and eliminate the items causing K.W.'s removal. CCDCFS established a case-plan, provided a Community Collaborative specialist to further assist appellant when she had difficulty accomplishing case-plan objectives, and referred appellant for neuropsychological and psychological assessments. CCDCFS also provided additional instruction regarding appellant's behavior at K.W.'s medical appointments, provided a visitation coach, and a therapist for K.W., all in an effort to facilitate reunification and address the problems leading to K.W.'s removal.

{¶47} Moreover, with regard to the lack of mother-daughter counseling, the record demonstrates that it would not be in K.W.'s best interest to pursue this counseling because appellant is one of K.W.'s "triggers," and appellant's visitation was suspended.

{¶48} Accordingly, the trial court's finding that CCDCFS made reasonable efforts to prevent the removal or continued removal of K.W. was supported by competent, credible evidence in the record.

{¶49} The second assigned error is without merit.

{¶50} In accordance with the foregoing, the trial court properly concluded that the evidence of record clearly and convincingly supports the award of permanent custody to CCDCFS.

{¶51} Judgment affirmed.

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 issue out of this court directing the common pleas 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.

PATRICIA ANN BLACKMON, PRESIDING JUDGE

FRANK D. CELEBREZZE, JR., J., and
KATHLEEN ANN KEOUGH, J., CONCUR