[Cite as *In re S.P.*, 2021-Ohio-1822.]

COURT OF APPEALS OF OHIO

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

IN RE S.P., ET AL.	:	
	:	No. 110194
Minor Children	:	
	:	
[Appeal by K.G., Father]	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED
RELEASED AND JOURNALIZED: May 27, 2021

Civil Appeal from the Cuyahoga County Court of Common Pleas
Juvenile Division
Case Nos. AD-18901126 and AD-18908808

Appearances:

Christopher R. Fortunato, *for appellant*.

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Joseph C. Young, Assistant Prosecuting Attorney, *for appellee*.

LARRY A. JONES, SR., J.:

{¶ 1} K.G., Father-appellant ("Father"), appeals from the trial court's two November 24, 2020 judgments — one relative to both of the children subject to this case, granting the motion to modify temporary custody to permanent custody of plaintiff-appellee, the Cuyahoga County Division of Children and Family Services ("CCDCFS" or "the Agency"). For the reasons that follow, we affirm.

Procedural History

{¶ 2} The two children at issue are S.P., whose date of birth is July 15, 2011, and R.P., whose date of birth is August 3, 2014. The Agency first became involved with Mother and Father in January 2018, when it became aware that there were concerns that S.P.'s educational needs were not being met, and Mother was an inappropriate caregiver. On January 24, 2018, CCDCFS filed a complaint alleging that S.P. was neglected and seeking a disposition of protective supervision to the Agency. In May 2018, a hearing was held, after which the trial court found S.P. to be neglected and placed the child under the protective supervision of the Agency.

{¶ 3} On July 13, 2018, CCDCFS filed a complaint alleging that Mother and Father's other child, R.P., was neglected; the Agency sought a disposition of temporary custody and also requested predispositional temporary custody of R.P. A hearing was held in August 2018, after which both S.P. and R.P. were placed in the Agency's emergency custody. In December 2018, R.P. was adjudicated neglected, and both children were placed in the Agency's temporary custody.

{¶ 4} In June 2019, CCDCFS filed a motion to modify temporary custody to permanent custody for both children. In December 2019, CCDCFS amended the motion to alternatively seek extensions of the temporary custody orders; the trial court granted the motion. However, in July 2020, the Agency filed another motion to modify temporary custody to permanent custody for both children.

{¶ 5} In October 2020, Father filed a motion for legal custody of both children.

{¶ 6} The matter proceeded to trial in November 2020. After trial, the court issued the judgments Father now appeals from: the judgments granting CCDCFS's motion to modify temporary custody to permanent custody, thereby terminating Father's parental rights.[1]

Trial Testimony

{¶ 7} CCDCFS presented the testimony of its social worker assigned to the case, Nicole House ("House"). Father also testified. The witnesses provided the following factual background.

{¶ 8} As mentioned, the case was initiated because concerns about whether S.P.'s educational needs were being met and whether the care she was receiving was appropriate. After the Agency's initial involvement with the family, the Agency's concerns expanded to include issues of ongoing domestic violence in the home, substance abuse, and lack of appropriate supervision of the children. Relative to Father, the goal was reunification. His case plan included the following: addressing issues relative to domestic violence,[2] substance abuse, and "keep[ing] himself out of jails and prison to provide [the] children with a stable

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[1]The record shows that Mother had little to no involvement with the children after this case was initiated and she made no progress on her case plan. The trial court found that she abandoned the children. She is not a party to this appeal and, therefore, will not be discussed.

[2]Father had two domestic violence convictions for incidents against Mother and another domestic violence conviction involving a different victim.

parent." The plan noted that Father had "been in and out of prison's [sic] and jails since 1994. His last jail sentence was May 2019."

{¶ 9} In accordance with the issue of Father's substance abuse, CCDCFS referred Father for inpatient treatment; Father started the treatment, but left and did resume treatment upon his release from jail. Father relapsed, however, and violated his probation in November 2019. Social worker House then requested that Father submit to urine screens; she had previously been relying on the results he submitted to the probation department. Father refused to submit to the screens. Further, House testified that she saw alcohol in Father's refrigerator when she made a visit to his home in September 2020.

{¶ 10} The Agency also referred Father to a domestic-violence program. Father contended he completed the program, but when asked for documentation, he never produced it and told House he would just "do it back over." Father also was referred for additional counseling, but never complied with the referral. He told House he was going to voluntarily enroll in a parenting program given the Agency's concerns, but he never engaged in that either.

{¶ 11} House testified that, along with Father's substance-abuse issues, the Agency found Father's "constant" incarceration a "major problem." According to House, Father seemed to be minimizing the situation and not taking it seriously. When questioned about whether he felt his incarceration impacted the children, Father testified, "[w]ell, it could. It could. You know, but like I said, it's not — it's not like I'm doing — really doing anything to get myself put in jail. Now, anybody

can just accuse you of anything nowadays. And the first thing they're going to do is take you to jail."

{¶ 12} In regard to Father's relationship with the children, monthly in-person visitation and weekly phone calls were supposed to take place. House testified that Father was inconsistent in his contact with the children. For example, he stopped initiating the phone calls to the children; their foster parents had to initiate the calls. At the time of the November trial, the last time Father had spoken to R.P. was on her birthday that was on August 3, and the last time he had spoken to S.P. was in September.

{¶ 13} House testified that the children had conflicts with each other and because of that they were placed with separate foster families, but they had in-person and remote visits with each other. Both children were receiving trauma counseling and, according to House, were doing well in their respective foster placements. Father had not participated in the children's counseling or their educational services. House testified that it was the Agency's goal to have the children reunited into a permanent placement.

{¶ 14} House acknowledged the successes Father had with his case plan, and that he loved his children, but testified that his inconsistency with the plan and refusal to submit to urine screens were major concerns. Additionally, his "constantly [being] in and out of jail" was a major concern. She testified that just prior to the trial in this matter, Father told her that he had a warrant out for his arrest but he did not want to turn himself in because he was afraid of contracting

COVID-19 in the jail. At the time of trial, Father was incarcerated; his sentence was set to expire January 7, 2021.

{¶ 15} The children had a guardian ad litem ("GAL"). In a February 2020 report, the GAL found that Father had a girlfriend who seemed to be helping him with being stable. He was re-establishing his relationship with the children "in a positive direction," and the children enjoyed being with him. The GAL reiterated these sentiments in a subsequent July 2020 report. However, at the November 2020 trial, the GAL recommended that the Agency's motion for permanent custody be granted. The GAL's recommendation was based on the same concerns the Agency had.

Assignments of Error

{¶ 16} Father presents the following two assignments of error for our review:

> First Assignment of Error: Appellant's trial counsel was ineffective.
>
> Second Assignment of Error: The trial court erred or abused its discretion when it granted the appellee's motion to modify temporary custody to permanent custody when its reliance on the incarceration of Father would prevent him from parenting.

Law and Analysis

{¶ 17} We begin our discussion by recognizing that a parent has a "'fundamental liberty interest' in the care, custody and management" of his or her child, *In re Murray*, 52 Ohio St.3d 155, 156, 556 N.E.2d 1169 (1990), quoting *Santosky v. Kramer*, 455 U.S. 745, 753, 102 S.Ct. 1388, 71 L.Ed.2d 599 (1982), and the right to raise one's own child is "'an essential and basic civil right,'" *In re N.B.*,

8th Dist. Cuyahoga No. 101390, 2015-Ohio-314, ¶ 67, quoting *In re Hayes*, 79 Ohio St.3d 46, 48, 679 N.E.2d 680 (1997). This right is not absolute, however. It is "'always subject to the ultimate welfare of the child, which is the polestar or controlling principle to be observed.'" *In re L.D.*, 8th Dist. Cuyahoga No. 104325, 2017-Ohio-1037, ¶ 29, quoting *In re Cunningham*, 59 Ohio St.2d 100, 106, 391 N.E.2d 1034 (1979).

{¶ 18} Termination of parental rights is "'the family law equivalent of the death penalty in a criminal case,'" *In re J.B.*, 8th Dist. Cuyahoga No. 98546, 2013-Ohio-1704, ¶ 66, quoting *In re Hoffman*, 97 Ohio St.3d 92, 2002-Ohio-5368, 776 N.E.2d 485, ¶ 14, and, therefore, it is "an alternative [of] last resort." *In re Gill*, 8th Dist. Cuyahoga No. 79640, 2002-Ohio-3242, ¶ 21. It is, however, "sanctioned when necessary for the welfare of a child." *In re M.S.*, 8th Dist. Cuyahoga Nos. 101693 and 101694, 2015-Ohio-1028, ¶ 7, citing *In re Wise*, 96 Ohio App.3d 619, 624, 645 N.E.2d 812 (9th Dist.1994).

Ineffective Assistance of Counsel

{¶ 19} In his first assignment of error, Father contends that his trial counsel was ineffective based on failing to (1) object to portions of social worker House's testimony, (2) cross-examine the GAL, and (3) seek reconsideration of the trial court's decision based on new, additional information.

{¶ 20} "[T]he test for ineffective assistance of counsel used in criminal cases is equally applicable in actions seeking to force the permanent, involuntary termination of parental custody." *In re Heston*, 129 Ohio App.3d 825, 827, 719

N.E.2d 93 (1st Dist.1998), citing *Jones v. Lucas Cty. Children Servs. Bd.*, 46 Ohio App.3d 85, 546 N.E.2d 471 (6th Dist.1988).

{¶ 21} In order to prevail on a claim of ineffective assistance of counsel, the defendant must show both deficient performance and resulting prejudice. *Strickland v. Washington*, 466 U.S. 668, 687, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984); *State v. Bradley*, 42 Ohio St.3d 136, 141-142, 538 N.E.2d 373 (1989). Trial counsel is entitled to a strong presumption that his or her conduct falls within the wide range of effective assistance, and to show deficiency the defendant must demonstrate that counsel's representation fell below an objective standard of reasonableness. *Bradley* at 142. "'Hindsight is not permitted to distort the assessment of what was reasonable in light of counsel's perspective at the time, and a debatable decision concerning trial strategy cannot form the basis of a finding of ineffective assistance of counsel.'" *In re W.T.*, 2d Dist. Montgomery No. 23427, 2009-Ohio-5409, ¶ 50, quoting *State v. Mitchell*, 2d Dist. Montgomery No. 21957, 2008-Ohio-493, ¶ 31.

Lack of Objection to Social Worker House's Testimony

{¶ 22} The testimony Father contends his counsel should have objected to was information House provided about Father's status with his then-most recent criminal case. Specifically, House testified that it was her understanding that Father had violated his community control sanctions. House elaborated as follows: "I spoke with his probation officer several times and he did inform me that he has a charge of rape." Further, Exhibit H, which referenced the new case,

was admitted into evidence. Father contends that his counsel was ineffective for not objecting on the ground that the testimony was inadmissible hearsay.

{¶ 23} It has been recognized that

> hearsay is not admissible in adversarial juvenile court proceedings at which a parent, charged with neglecting his or her children, may lose the right to custody of his or her children. * * * [Because] the judge acts as the factfinder and is presumed to be able to disregard hearsay statements, the person against whom the hearsay statements were admitted in such a case must show that the statements were prejudicial or were relied upon by the judge in making his [or her] decision.

In re Lucas, 29 Ohio App.3d 165, 172, 504 N.E.2d 472 (3d Dist.1985), quoting *In re Vickers Children*, 14 Ohio App.3d 201, 206, 470 N.E.2d 438 (12th Dist.1983), and citing *In re Sims*, 13 Ohio App.3d 37, 468 N.E.2d 111 (12th Dist.1983).

{¶ 24} The trial court did not mention the new charges in its judgment, however. Father has not demonstrated that the trial court relied on the hearsay in making its decision. Further, as mentioned, Father testified. The new case would have been fair game for the Agency to cross-examine Father about under Evid.R. 609. On direct examination, Father explained to the court his criminal cases. In regard to the case at issue, he ostensibly preempted CCDCFS's questioning about the case by explaining to the court that he did not commit the indicted offenses of rape and kidnapping and that he pled guilty to the lesser charge of abduction in hopes of putting the case behind him so that he could gain custody of the children.

{¶ 25} On this record, social worker House's testimony on this issue was harmless and counsel was not ineffective for failing to object to it.

Lack of Cross-Examination of GAL

{¶ 26} The second ground on which Father contends his counsel was ineffective is the lack of cross-examination of the GAL. We recognize that in *In re Hoffman*, 97 Ohio St.3d 92, 2002-Ohio-5368, 776 N.E.2d 485, the Supreme Court of Ohio held that a party has the right to cross-examine a GAL in a permanent custody action. *Id.* at 94-95. Although *Hoffman* gives parties the right to cross-examine the GAL about their report, it does not mandate that parties shall engage in or are required to engage in such cross-examination, nor does it stand for the proposition that counsel's failure to cross-examine the GAL about their report amounts to ineffective assistance of counsel. *In re Shores*, 3d Dist. Allen Nos. 1-07-16 and 1-07-17, 2007-Ohio-5193, ¶ 28.

{¶ 27} Here, the GAL stated in his first two reports that he was on board with Father being reunited with the children. But at the end of trial, the GAL stated that given Father's then-circumstance, he was of the opinion that Father "appear[ed] to be not very stable," and he supported CCDCFS's request for permanent custody. The GAL's recommendation mirrored the Agency's concerns that were testified to in-depth by social worker House. Counsel very well may have decided, as trial strategy, to not call any more attention to the situation Father was in; we will not second-guess trial strategy.

Failure to Seek Reconsideration

{¶ 28} The last ground on which Father contends his counsel was ineffective is based on counsel's failure to seek reconsideration of the decision in

this case. Specifically, Father contends that the trial court in his criminal case purportedly modified Father's community control sanctions in his then-most recent criminal case after the final hearing in this case; thus, according to Father, counsel should have sought reconsideration in this matter based on that modification. CCDCFS has requested that we not consider a copy of the docket from that criminal case that Father has attached to his appellate brief and asks us to take judicial notice of. Because this portion of Father's ineffective assistance of counsel claim is based on that purported modification, we only consider the document as it relates to his contention regarding reconsideration.

{¶ 29} Upon review, we find that the Father has failed to demonstrate that the result of the proceeding would have been different had the court been privy to that information. The concern with Father's criminal history was not based solely on his then-most recent case. Rather, dating back to October 2019, CCDCFS was concerned that Father had "been in and out of prison's [sic] and jails," with his most recent sentence at that time being in May 2019 and, therefore, made keeping "himself out of jails and prison to provide [the] children with a stable parent" a requirement of his amended case plan. Thus, Father has failed to show that the result of the proceeding would have been different if the trial court had reconsidered with the information regarding his modified community control sanctions.

{¶ 30} Having found no merit to any of Father's contentions of ineffective assistance of counsel, the first assignment of error is overruled.

The Permanent Custody Determination

{¶ 31} In his second assignment of error, Father challenges the trial court's decision granting permanent custody of the children to CCDCFS.

{¶ 32} The clear and convincing standard of review applies to permanent custody determinations. "Clear and convincing evidence" is that measure or degree of proof that is more than a "preponderance of the evidence," but does not rise to the level of certainty required by the "beyond a reasonable doubt" standard in criminal cases. *In re M.S.*, 8th Dist. Cuyahoga Nos. 101693 and 101694, 2015-Ohio-1028, at ¶ 8. "It produces in the mind of the trier of fact a firm belief or conviction as to the facts sought to be established." *Id.*

{¶ 33} 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). 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. Before a juvenile court can terminate parental rights and grant permanent custody of a child to CCDCFS, it must apply the two-prong test set forth in R.C. 2151.414.

First Prong: R.C. 2151.414(B)(1)(a)-(e)

{¶ 34} First, the juvenile court must find by clear and convincing evidence that one of the following conditions set forth in R.C. 2151.414(B)(1)(a) through (e) exists:

> (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.

{¶ 35} Here, under R.C. 2151.414(B)(1)(d), the court found that the children had been in agency custody for 12 or more months of a consecutive 22-month

period. Although not required, the trial court further found that the children "cannot be placed with one of the child[ren's] parents within a reasonable time or should not be placed with either parent." *See In re D.A.* 8th Dist. Cuyahoga No. 95188, 2010-Ohio-5618, ¶ 44. The court supported this finding with several of the factors listed under R.C. 2151.414(E). Relative to Father, the court found the following factors under R.C. 2151.414(E) applied:

> 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. [R.C. 2151.414(E)(1)];
>
> 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. [R.C. 2151.414(E)(4)];
>
> The parent is repeatedly incarcerated, and the repeated incarceration prevents the parent from providing care for the child. [R.C. 2151.414(E)(13)]; [and]
>
> Any other factor the court considers relevant. * * * *Father is currently incarcerated and will remain incarcerated until January 2021. Father has not complied with random urine screens for the Agency*. [R.C. 2151.414(E)(16)].

(Emphasis sic.)

{¶ 36} Our review demonstrates that the trial court's findings were supported by some competent, credible evidence. As part of his case plan, Father was to "keep himself out of jails and prison to provide [the] children with a stable parent." Father failed to do that. The requirement was reasonable, because the

record demonstrates that since the children were born, Father had twice been convicted of domestic violence against Mother, once in 2013 and once in 2014. He spent three months in jail for the first conviction and four months in jail for the second conviction. He also had another 2017 domestic violence conviction against a different victim, for which he spent a little over two months in jail.

{¶ 37} Moreover, Father served ten months in jail, and five months in treatment, after pleading guilty to abduction. He was jailed again in March 2018 and July 2020. As the trial date in this case neared, there was a pending arrest warrant, and Father turned himself in and was in custody at the time of trial and not set to be released until January 2021.

{¶ 38} Father's case plan also required him to address substance abuse and domestic-violence issues. The record shows that he was in inpatient substance abuse treatment, but left before he completed the program. Father was then incarcerated, but did reengage with treatment after his release. However, he relapsed, which resulted in a violation of his community control sanctions.

{¶ 39} CCDCFS then requested Father to submit to urine screens; prior to that time, the Agency had been relying on the screens from the probation department. Father failed to submit to the Agency's request, however. Thus, although Father testified at the final hearing that he was drug and alcohol free, there was never any independent verification of that in the form of the urine screens CCDCFS requested. Further, although Father self-reported that he had

completed a domestic-violence program, he failed to provide documentation to the Agency.

{¶ 40} In light of the above, competent, credible evidence supports the trial court's findings under the first prong.

Second Prong: R.C. 2151.414(D)

{¶ 41} 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(D). This court reviews a trial court's best-interest determination under R.C. 2151.414(D) for an abuse of discretion. *In re J.F.*, 2018-Ohio-96, 102 N.E.3d 1264, ¶ 55 (8th Dist.), citing *In re D.A.*, 8th Dist. Cuyahoga No. 95188, 2010-Ohio-5618, ¶ 47. In this regard, "'[a] trial court's failure to base its decision on a consideration of the best interests of the child constitutes an abuse of discretion.'" *In re J.F.* at *id.*, quoting *In re N.B.*, 8th Dist. Cuyahoga No. 101390, 2015-Ohio-314, ¶ 60.

{¶ 42} In considering the best-interest determination, R.C. 2151.414(D)(1) mandates that the juvenile court consider all relevant factors, including 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, including whether 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 * * *;
>
> (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.

{¶ 43} Although the juvenile court is required to consider each factor listed in R.C. 2151.414(D)(1), no one factor is to be given greater weight than the others. *In re T.H.*, 8th Dist. Cuyahoga No. 100852, 2014-Ohio-2985, ¶ 23, citing *In re Schaefer*, 111 Ohio St.3d 498, 2006-Ohio-5513, 857 N.E.2d 532, ¶ 56. Only one of the factors set forth in R.C. 2151.414(D)(1) needs to be resolved in favor of permanent custody. *In re A.B.*, 8th Dist. Cuyahoga No. 99836, 2013-Ohio-3818, ¶ 17.

{¶ 44} Moreover, "the best interest determination focuses on the child, not the parent." *In re K.Z.*, 8th Dist. Cuyahoga No. 107269, 2019-Ohio-707, ¶ 85, citing *In re N.B.*, 8th Dist. Cuyahoga No. 101390, 2015-Ohio-314, at ¶ 59. "A trial court's failure to base its decision on a consideration of the best interests of the child constitutes an abuse of discretion." *In re N.B.*, 8th Dist. Cuyahoga No. 101390, 2015-Ohio-314, at ¶ 60, citing *In re T.W.*, 8th Dist. Cuyahoga No. 85845, 2005-Ohio-5446, ¶ 27, citing *In re Adoption of Ridenour*, 61 Ohio St.3d 319, 574 N.E.2d 1055 (1991).

{¶ 45} The trial court made a "best-interest" finding, stating that "it is in the child[ren's] best interest to be placed in the permanent custody of CCDCFS." Upon review, there is competent, credible evidence to support the trial court's best-interest finding; it did not abuse its discretion.

{¶ 46} The record here shows that Father's interaction with the children was inconsistent. By the time of the November 2020 trial, he was not initiating phone calls to the children as he had once been doing. The last he spoke with R.P. was in August, and the last time he spoke with S.P. was in September. He was not involved in their counseling or educational endeavors. The children were doing well in their respective foster placements and the Agency hoped to reunite them with each other. Their GAL stated that he believed permanent custody was in their best interest. Further, the children were taken into the CCDCFS's custody in August 2018, where they remained and, therefore, at the time of trial, they had been in the Agency's custody for over two years.

{¶ 47} In light of the above, the trial court's best-interest determination was supported by some competent, credible evidence and the trial court did not abuse its discretion in making it. All children have "'the right, if possible, to parenting from either natural or adoptive parents which provides support, care, discipline, protection and motivation.'" *In re J.B.*, 8th Dist. Cuyahoga No. 98546, 2013-Ohio-1704, at ¶ 66, quoting *In re Hitchcock*, 120 Ohio App.3d 88, 102, 696 N.E.2d 1090 (8th Dist.1996). Where parental rights are terminated, the goal is to create "a more stable life" for dependent children and to "facilitate adoption to

foster permanency for children." *In re N.B.*, 8th Dist. Cuyahoga No. 101390, 2015-Ohio-314, at ¶ 67, citing *In re Howard*, 5th Dist. Tuscarawas No. 85 A10-077, 1986 Ohio App. LEXIS 7860, 5 (Aug. 1, 1986). The record here demonstrates that the trial court sought to fulfill that goal.

{¶ 48} The second assignment is therefore overruled.

{¶ 49} 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, 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.

LARRY A. JONES, SR., JUDGE

ANITA LASTER MAYS, P.J., and
EILEEN T. GALLAGHER, J., CONCUR