

Wise, Earle, J.

{¶ 1} Appellant-Mother, M.J., appeals the January 8, 2019 judgment entries of the Court of Common Pleas of Knox County, Ohio, Juvenile Division, finding her children to be dependent children and placing them in the temporary custody of appellee, the Knox County Department of Job and Family Services.

FACTS AND PROCEDURAL HISTORY

{¶ 2} On August 3, 2016, appellee removed three children from their home due to filthy living conditions: T.J. born October 2004, D.J. born August 2006, and J.J. born April 2011. Mother of the children is appellant herein; father is R.J. who has been incarcerated during the proceedings. Filings and services continued beyond the two-year timeframe for case completion under R.C. 2151.353(G). As a result, the case was dismissed.

{¶ 3} On November 8, 2018, appellee refiled complaints alleging the children to be abused and/or dependent (Case Nos. 218 2156, 218 2157, and 218 2158). An adjudicatory hearing was held on November 27, 2018. By judgment entries filed January 8, 2019, the trial court found the children to be dependent and placed them in the temporary custody of appellee.

{¶ 4} Appellant filed an appeal in each case and this matter is now before this court for consideration. Assignments of error are identical and are as follows:

I

{¶ 5} "THE JUDGMENT ENTRY FILED JANUARY 8, 2019 FINDING T.J., D.J. AND J.J. TO BE DEPENDENT CHILDREN FAILED TO COMPLY WITH R.C. § 2151.28(L)."

II

{¶ 6} "THE DECISION OF THE TRIAL COURT FINDING T.J., D.J. AND J.J. TO BE DEPENDENT CHILDREN IS NOT SUPPORTED BY THE EVIDENCE."

III

{¶ 7} "THE COURT ERRED IN PERMITTING HEARSAY TESTIMONY OVER THE OBJECTION OF COUNSEL."

I

{¶ 8} In her first assignment of error, appellant claims the trial court's judgment entries finding dependency failed to comply with R.C. 2151.28(L). We agree.

{¶ 9} R.C. 2151.28 governs adjudicatory hearing. Subsection (L) states the following:

If the court, at an adjudicatory hearing held pursuant to division (A) of this section upon a complaint alleging that a child is an abused, neglected, dependent, delinquent, or unruly child or a juvenile traffic offender, determines that the child is a dependent child, the court shall incorporate that determination into written findings of fact and conclusions of law and enter those findings of fact and conclusions of law in the record of the case. The court shall include in those findings of fact and conclusions of law specific findings as to the existence of any danger to the child and any underlying family problems that are the basis for the court's determination that the child is a dependent child.

{¶ 10} Appellant argues the trial court failed to make the requisite findings. In its appellate brief at 5, appellee concedes the trial court's judgment entries do not "include the specific findings of fact identified in R.C. 2151.28(L)." A review of the judgment entries reveals the entries are devoid of any findings of fact and conclusions of law "as to the existence of any danger to the child and any underlying family problems that are the basis for the court's determination that the child is a dependent child."

{¶ 11} Upon review, we find the trial court erred in failing to comply with R.C. 2151.28(L). See *In re A.B.C.*, 5th Dist. Stark No. 2010CA00087, 2011-Ohio-531.

{¶ 12} Assignment of Error I is granted.

II, III

{¶ 13} Appellant's second and third assignments of error are rendered premature by our decision in Assignment of Error I.

{¶ 14} The judgments of the Court of Common Pleas of Knox County, Ohio, Juvenile Division, are hereby reversed. The matter is remanded to said court for findings of fact and conclusions of law in accordance with the statute.

By Wise, Earle, J.

Wise, John, P.J. and

Delaney, J. concur.

EEW/db