[Cite as ***In re T.G.***, **2023-Ohio-2576.]**

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

In re T.G., C.G.

Court of Appeals No . L-23-1073

Trial Court No. JC 22290902

DECISION AND JUDGMENT

Decided: July 26, 2023

* * * * *

Anthony R. McGeorge, for appellee.

Laurel A. Kendall, for appellant.

* * * * *

MAYLE, J.

{¶ 1} The appellant, M.K. ("mother") appeals the March 1, 2023 judgment of the Lucas County Court of Common Pleas, Juvenile Division terminating her parental rights and granting permanent custody of her children, T.G. and C.G., to Lucas County Children Services ("LCCS"), the appellee herein. For the following reasons, we affirm.

I. Background

A. The Family's Involvement with LCCS

{¶ 2} Mother is parent to four children. This case pertains to her two younger children, T.G., born in 2016, and C.G., born in 2017. The father to those two is T.G. Sr. ("father"). LCCS first became involved with this family in 2016 due to domestic violence between mother and father.

{¶ 3} In 2019, LCCS filed a complaint in dependency and neglect, as to all four of mom's children. (LCCS Case No. 1927779). According to records, the agency filed a complaint, in large part, because mother "rekindled" her relationship with father. LCCS was granted protective supervision, and the children remained in mother's care. Mother's case plan called for her to participate in domestic violence training, which mother completed, and to obtain a dual assessment. Following the dual assessment, mother was recommended for mental health services and substance abuse treatment, which she failed to complete (mental health) or refused (substance abuse).

{¶ 4} In January of 2021, the children were removed from mother's care, and LCCS was granted temporary custody of the children. Mother was allowed two hours of supervised visitation with the children, every week. As a result of the temporary protection order, the children were placed first with a relative of T.G. and C.G.'s older siblings. Subsequently, the children were placed into one foster home and then another.

{¶ 5} According to a Magistrate Decision dated February 18, 2021, mother was in a "dating relationship" with T.A. ("boyfriend"), who was suspected of sexual abuse, domestic violence, and abusing drugs. Mother was ordered not to allow boyfriend to have contact with any of her children or to allow him into the "family home."

{¶ 6} In October of 2021, while in foster care, T.G. and C.G. reported that each had been sexually abused by boyfriend. The abuse was reported to LCCS, which opened an investigation. This issue is discussed in more detail below.

{¶ 7} In November of 2021, the children were placed with their maternal aunt, K.P. ("aunt"), and aunt was named their legal guardian in January of 2022. LCCS supported the custodial change due to "continuous domestic violence" between mother and father, "unaddressed mental health concerns, substance abuse and lack of compliance with case plan services." The grant of legal custody to aunt terminated LCCS's temporary custody over the children, and the agency closed its case (at least as it relates to T.G. and C.G.), in February of 2022.

{¶ 8} The children were reportedly "harshly punished" during their time with aunt, and a referral was made to LCCS in June of 2022 regarding "bruises and belt marks" that were observed on T.G. and C.G. According to the record, the referral was "never substantiated."

{¶ 9} Approximately seven months into the legal guardianship, in September of 2022, aunt contacted the agency and said that she could no longer care for T.G. and C.G.

Aunt cited behavioral issues of the children and the impact those issues were having on her biological children and home life.

B. LCCS files a complaint, and a new case plan is developed.

{¶ 10} On September 19, 2022, after LCCS learned that aunt could no longer care for T.G. and C.G., the agency filed the instant complaint in dependency and simultaneously sought permanent custody of the children. The case (filed as case No. 22290902) pertains to T.G. and C.G. only. After the complaint was filed, the juvenile court granted LCCS interim temporary custody of the children. This time, T.G. and C.G. were placed into separate foster homes. It was the fifth placement for each child, since their removal from mother's care in 2019.

{¶ 11} As for case-planning, mother was asked to obtain a dual assessment at Renewed Mind, which she completed in October of 2022. Mother had been a patient there since before the second case was filed, and, following her dual assessment, she continued her treatment. The case plan did not call for mother to complete any other services.

{¶ 12} Keith Jepson, a court appointed special advocate ("CASA") was named as guardian ad litem ("GAL") to the children. Jepson also served as the GAL in the previous case.

{¶ 13} An adjudicatory hearing was held on December 7, 2022. The purpose of an adjudicatory hearing is "to determine whether a child is * * * abused, neglected, or

dependent or is otherwise within the jurisdiction of the court." Juv.R. 2(B). Mother attended the hearing and consented to a finding of dependency. Father did not attend the hearing. The juvenile court entered a finding of dependency as to the children and set the matter for trial.

C. A trial is held on LCCS's motion for permanent custody.

{¶ 14} A two-day trial was held, on January 13 and February 6, 2023. In all, 4 witnesses testified: the LCCS caseworker (Jennifer Walker), mother, mother's therapist (Sara Freeman) and the GAL. A summary of their testimony is set forth below.

The LCCS Caseworker

{¶ 15} Jennifer Walker ("caseworker") was assigned in September of 2022, after the complaint was filed, but she reviewed records and was knowledgeable regarding the events and history of the former case as well.

{¶ 16} During the pendency of the first case, father was jailed for committing domestic violence against mother. Because of his confinement, father was removed from the case plan, and he was not added back to the case plan after his release. In the instant case, caseworker confirmed that father did not attend the adjudicatory hearing or trial, despite being served, never responded to any of her communications, or had any contact with T.G. or C.G. in more than the 90 days—if not significantly more—prior to trial.

{¶ 17} With regard to mother, caseworker testified that mother did not complete the case planning services that were offered in the first case. Specifically, mother refused

to participate in substance abuse treatment or to engage fully in her mental health treatment. Under cross-examination, caseworker agreed that mother "absolutely" made progress with regard to "substances."

{¶ 18} Mother's case plan in the instant case was limited to addressing her mental health needs. The "main goal" of that therapy was for mother to "work on understanding protecting [sic] her children and how to keep them safe from [domestic violence] and other situations." On the day of trial, caseworker confirmed with mother's therapist that mother never "discussed with the counselor anything regarding domestic violence" or the abuse her children suffered. Moreover, although mother "definitely utilize[ed]" counseling services, most of her sessions were "unscheduled" and "[un]structured."

{¶ 19} Caseworker testified about the sexual abuse perpetrated by boyfriend. The abuse was reported by both children in October of 2021, while they were in foster care, but related back to the time when they were living with mother. According to caseworker, the children claimed that boyfriend, who was living in mother's home, forced C.G. to "do sexual acts to her brother T.G." C.G. was "descriptive saying [boyfriend] had her kiss [T.G.'s] shoulders, little [T.G.'s] shoulders, and then down to his private area and kiss there as well." The children told mother about the abuse. Although the abuse occurred before caseworker was assigned to the case, C.G. also raised the subject with her personally, one day while "playing dolls in a dollhouse."[1]

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[1] During the trial, another referral was made regarding abuse by boyfriend. On February 6, 2023, the second day of trial, caseworker testified that C.G. told the referral source

{¶ 20} Caseworker talked to mother about "what she knew." Under direct examination by the juvenile court, caseworker testified that the last time she had a conversation with mother regarding this subject was in November of 2022, and at that time, mother denied that boyfriend abused the children. Mother told caseworker that "[boyfriend] would never do that," i.e. sexually abuse T.G. or C.G. The agency "absolutely" believes that the children were abused by boyfriend.

{¶ 21} Mother also maintained a relationship with boyfriend, despite having been told of the abuse. For example, mother went to a concert with boyfriend in July of 2022 and admitted, in October of 2022, that the two still saw each other "periodically," although she denied that they were still "together." However, caseworker believes that the two were still involved romantically, at least as of November of 2022, based upon social media posts that caseworker saw. Caseworker saw "several" pictures of mother and boyfriend. In one, mother described boyfriend as the "love of her life."

{¶ 22} Caseworker also testified about domestic violence between mother and boyfriend. In the summer of 2022—which was the time in between case filings when aunt had legal custody of T.G. and C.G.—aunt reportedly allowed mother to have unsupervised visits with the children, in mother's home. After the new case was filed,

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that, "while visiting mom in mom's home" that boyfriend "touched her vagina." Boyfriend instructed that it was "a secret," but C.G. told mother "immediately." Mother told boyfriend to go to their bedroom "because he's a bad boy and that's where they sleep together." C.G. reported that the abuse happened "once." Caseworker estimated that it occurred in the summer of 2022, which would have been while aunt had legal custody of the children. An investigation was opened as a result of the referral.

the children reported to caseworker that there were "many occasions of domestic violence" between mother and boyfriend. When asked, mother denied to caseworker that any domestic violence occurred "around" the children.

{¶ 23} When asked how the children were doing in their respective foster homes, the caseworker testified that they were "better than they were four months ago." Caseworker elaborated that "a lot of their behaviors are slowly just a little decreasing as far as their violent tendencies, [but] the one thing that is not really decreasing is the sexual behaviors that they're doing." For example, "any time" T.G., aged seven, "brings back something that mom gives him at visits, at nighttime, [foster mom] finds him humping and touching himself and making noises in his bed." This behavior "definitely increased after visits" with mother. He also "started wetting the bed" but "only" after those visits. Likewise, C.G., aged six, will "get on" an object, like a baby gate, for example, and "grind herself" and "hump these objects." C.G. has reportedly "been doing this consistently since she arrived" at her foster home. Caseworker concluded that it was a "good thing" that the children were placed into different foster homes because, due to the sexual abuse that they suffered, the children "have a lot of anger and * * * talk about hating *each other*. They talk about each other being violent with each other." (Emphasis added.)

{¶ 24} The caseworker opined that it would be in the children's best interest if the agency was awarded permanent custody because the children "need stability * * * to be

safe * * * [and] someplace to call home." Given their "high needs," both children require "lots of services." As of the hearing date, both children were receiving counseling services, with T.G. sometimes utilizing school services "every day" to help address "different behaviors and staying on task." The focus for C.G. is on "feelings and managing her anger appropriately." C.P. was also scheduled to be evaluated at a developmental pediatric center due to her physical, occupational, and educational delays, and was on a "wait list" to be evaluated for fetal alcohol syndrome. Both children are "behind educationally." T.G. is repeating kindergarten and C.G. is in the "lower five percent of all kids her age * * * in every [subject area] that she was tested in."

Mother

{¶ 25} Mother testified that she lives alone, in a three-bedroom house, and has lived there for two years. She has been employed at the same place for "over a year." She denied that she is romantically involved with anyone.

{¶ 26} Mother concedes that she did not complete her case planning services. But, she maintained, "I remained in counseling. I've gotten housing. I've done everything [LCCS] asked me to do except [to] complete the drug and alcohol treatment program which I have reasons for." Mother claims that she never "ha[d] an issue" with alcohol or marijuana and that the substance abuse disorder diagnosis was "pushed because of the [former] caseworker." At trial, mother claimed to have "stopped everything completely."

{¶ 27} Mother admitted at trial that boyfriend "had [T.G. and C.G.] do some things to each other." Despite her knowledge of that and the February, 2021 "no contact" order, mother maintained her relationship with boyfriend "on and off" until November of 2022. When asked why, mother testified, "I don't know how to explain what is on my mind about that situation. Like that wasn't in this paperwork, and it would only have been mentioned once. So I wasn't sure of the accuracy of it at the time." Mother came to the realization that boyfriend abused her children in the "last couple of months," which she defined as "after" November of 2022.

Mother's Therapist

{¶ 28} Sara Freeman ("therapist") has served as mother's therapist for over three years, since LCCS referred mother to her in the first case.

{¶ 29} Therapist described mother as "engaged" and confirmed that she was consistent with her appointments. But, due to therapist's "licensure," she was "not allowed to share details" regarding the substance of those appointments, including whether mother discussed the sexual abuse claims by her children. Therapist could only say that, if that issue was identified in her "individualized treatment plan" as a "goal," then mother was "making good progress" toward "working on" that goal. Therapist also could not say whether mother had "processed" that issue or whether mother was "adequate to parent her children." She identified a previous progress note that she

prepared, in which she described mother as having "developed good insight" and as stable.

The GAL

{¶ 30} The children's guardian ad litem, Keith Jepson, was first appointed in 2019, during the first case. He was reappointed in September of 2022, after LCCS filed the complaint in the instant case. The GAL conducted an independent investigation and authored a report, dated November 7, 2022, which was admitted at trial.

{¶ 31} Much of the GAL's testimony focused on the hurdles faced by T.G. and C.G., due to the trauma they have experienced, their sometimes "violent" and "unruly" behavior, and their emotional and educational delays.

{¶ 32} The GAL's recommendation regarding permanent custody changed over time. He recalled that 2021 was a "low point" for mother, but since then, he has watched mother "turn herself around" by, for example, securing housing and working with her counselor. Although the GAL was "really rooting" for mother, he supported permanent custody in favor of LCCS, "[m]ostly because of the sexual allegations" and specifically, mother's decision to continue her relationship with boyfriend, despite her knowledge of the claims against him.

D. The court grants LCCS's motion.

{¶ 33} On March 1, 2023, the trial court granted LCCS's motion, terminating mother and father's parental rights and awarding permanent custody of T.G. and C.G. to

LCCS. Father did not appeal this decision. Mother appealed and assigned the following errors for our review:

> I. The trial court's finding that the children cannot be placed with their mother within a reasonable time or should not be placed with their mother pursuant to R.C. 2151.414(E)(1) was not supported by clear and convincing evidence.
>
> II. The trial court's finding that mother demonstrated a lack of commitment to the children by failing to regularly support, visit, or communicate with the children when able to do so pursuant to R.C. 2151.414(E)(4) was not supported by clear and convincing evidence.

II. Law and Analysis

{¶ 34} R.C. 2151.414 sets forth "specific findings a juvenile court must make before granting an agency's motion for permanent custody of a child." *In re A.M.,* 166 Ohio St.3d 127, 2020-Ohio-5102, 184 N.E.3d 1, ¶ 18 citing *In re C.F.*, 113 Ohio St.3d 73, 2007-Ohio-1104, 862 N.E.2d 816, ¶ 22. As relevant here, the court must find by clear and convincing evidence "(1) that one or more of the conditions in R.C. 2151.414(B)(1)(a) through (e) applies and (2) that a grant of permanent custody is in the child's best interest. R.C. 2151.414(B)(1)." *Id.*

{¶ 35} R.C. 2151.414(B)(1)(a) requires a finding that the child has not been abandoned or orphaned, has not been in the custody of a public children services agency

or a private child placing agency for at least 12 months of a consecutive 22-month period, and cannot be placed with either parent within a reasonable time or should not be placed with either parent; subsection (b) requires a finding that the child is abandoned; subsection (c) requires a finding that the child is orphaned and there are no relatives who are able to take permanent custody; subsection (d) requires a finding that the child has been in the temporary custody of a public children services agency or a private child placing agency for at least 12 months of a consecutive 22-month period; and subsection (e) requires a finding that the child or another child the parent had custody of has been adjudicated abused, neglected, or dependent on three separate occasions.

{¶ 36} Here, the juvenile court determined that R.C. 2151.414(B)(1)(a) applies to the facts of this case. Therefore, the court was required to consider whether granting permanent custody to the agency is in the child's best interest *and* whether any of the factors enumerated in R.C. 2151.414(E) are present that would indicate that the child cannot be placed with either parent within a reasonable time or should not be placed with either parent. *In re B.K.*, 6th Dist. Lucas No. L-10-1053, 2010-Ohio-3329, ¶ 42-43. On appeal, mother challenges the juvenile court's findings, as to her, under Section (E), i.e. that the children cannot within a reasonable time, or should not be placed with her. She does not contest the court's finding that a grant of permanent custody to the department was in the children's best interest. Therefore, we confine this decision to the juvenile

court's determination, under R.C. 2151.414(B)(1)(a), that the children should not, and could not within a reasonable time, be placed with mother. *Accord In re A.M.*, at ¶ 18.

{¶ 37} We review a trial court's determination in a permanent custody case under a manifest-weight-of-the-evidence standard. *In re P.W.*, 6th Dist. Lucas No. L-12-1060, 2012-Ohio-3556, ¶ 20. In doing so, we must weigh the evidence and all reasonable inferences, consider the credibility of the witnesses, and determine whether the trier of fact clearly lost its way in resolving evidentiary conflicts so as to create such a manifest miscarriage of justice that the decision must be reversed. *State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997). But, while we review the evidence and consider the witnesses' credibility, we must be mindful that the juvenile court, as the trier of fact, is in the best position to weigh evidence and evaluate testimony. *In re. P.W.* at ¶ 20.

{¶ 38} In its decision, because the court found that R.C. 2151.414(B)(1)(a) applies, it examined the R.C. 2151.414(E) factors. A court need only find one (E) factor present to support a finding that the child cannot be placed with either parent within a reasonable time or should not be placed with either parent. *In re C.F.* at ¶ 50, citing *In re William S.*, 75 Ohio St.3d 95, 661 N.E.2d 738 (1996), syllabus.

{¶ 39} The court found that Sections (E)(1) and (4) applied to mother. Those sections provide,

> (E) In determining at a hearing held pursuant to division (A) of this section or for the purposes of division (A)(4) of section 2151.353 of the

Revised Code whether a child cannot be placed with either parent within a reasonable period of time or should not be placed with the parents, the court shall consider all relevant evidence. If the court determines, by clear and convincing evidence, at a hearing held pursuant to division (A) of this section or for the purposes of division (A)(4) of section 2151.353 of the Revised Code that one or more of the following exist as to each of the child's parents, the court shall enter a finding that the child cannot be placed with either parent within a reasonable time or should not be placed with either parent:

(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. * * *

(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; * * *

{¶ 40} All of the court's findings under R.C. 2151.414 must be by clear and convincing evidence. "Clear and convincing evidence" is evidence sufficient for the trier of fact to form a firm conviction or belief that the essential statutory elements for a termination of parental rights have been established. *Cross v. Ledford*, 161 Ohio St. 469, 120 N.E.2d 118 (1954), paragraph three of the syllabus; *In re Tashayla S.*, 6th Dist. Lucas No. L-03-1253, 2004-Ohio-896, ¶ 14.

The evidence supports the trial court's findings under Section (E)(1).

{¶ 41} As to Section (E)(1), the court found that mother failed to remedy the conditions that caused the children to be removed. It said,

> Mother has not utilized the medical, psychiatric, psychological, and other social rehabilitative services and material resources that were made available to her for the purpose of changing her parental conduct to allow her to resume and maintain parental duties. In the prior case, Mother was aware that there were sexual abuse allegations between [boyfriend] and her children since early 2021. [Boyfriend] was accused of forcing both children into engaging in sexual acts. Mother was also aware that

> [boyfriend] refused to complete a background check for LCCS, and Mother denied there were any issues with [boyfriend]. Ultimately, Mother lost legal custody of her children because of these issues. Despite this, Mother admitted to maintaining a relationship with [boyfriend] until at least November 2022, two months after this new case began. It is clear that something traumatic happened to these children at [boyfriend's] hands. [C.G.], specifically, is still talking about the sexual abuse to the point that a new referral was received by LCCS regarding [boyfriend's] actions while the children were in Mother's care. Mother's disbelief over the allegations continued until recently, when she began talking about the issue. (March 1, 2023 J.E. at 7).

{¶ 42} In mother's first assignment of error, she alleges that the juvenile court's finding—that she failed to remedy the situation causing the children's removal—was not supported by clear and convincing evidence. In support of that claim, mother first argues that the "primary" reason for the children's removal, was her "unstable housing," which she corrected. We disagree.

{¶ 43} The children were removed, not because of housing concerns, but "because [mother] failed to have the children attend medical appointments, psychiatric appointments and school." At trial, mother acknowledged all of those as factors in the decision to remove the children from her care. (1/13/2023 Tr. at 99). Specifically,

mother failed to ensure that T.G. attend his counseling and speech therapy appointments and failed to take C.G. to have her blood drawn. Mother also failed to obtain trauma and counseling services with respect to her two older children—who were also part of the original case plan—or to send them to school. According to a magistrate's findings, LCCS sought temporary custody because mother "constantly minimized the concerns for the children and did not seem to comprehend the seriousness of the missed medical appointments, psychiatric appointments, and school attendance." (Magistrate's Decision, 3/30/2021; Case No. JC19277779). The magistrate also found that mother failed to comply with her own case planning services, by "refus[ing] to follow through" in obtaining a protection order against father; "fail[ing] to drop [drug screens] for several months in late 2020;" and testing positive in early January of 2021 for alcohol. In short, the record does not support mother's argument that the children were removed because of housing concerns. That is not to diminish the strides mother made to secure stable housing. It is only to say that housing did not cause the children's removal, and, conversely, her success in securing and maintaining housing did not remedy the issue that caused the removal.

{¶ 44} We further reject mother's argument that unavoidable "obstacles," such as the pandemic, transportation, head lice, and a lack of help from LCCS, prevented her from obtaining services for T.G. and C.G. Mother admitted at trial that she "failed" to ensure that T.G. attend his speech therapy because she could "understand him just fine"

and did not feel that he "needed it." Likewise, mother offered no reason for failing to reschedule C.G.'s blood test after her tire "blew out."

{¶ 45} Mother also argues, under Section (E)(1), that because boyfriend's sexual abuse was not a reason for the children's removal—since it was not disclosed until after they were in foster care—the abuse is not relevant as to whether mother remedied the issues that caused the children's removal. In the words of LCCS, mother's argument "falls flat."

{¶ 46} First, mother cites no legal authority to support her position that the court should not have considered post-removal evidence when it determined that mother failed to substantially remedy the conditions that caused the children to be placed outside of her home. To the contrary, under R.C. 2151.414(E), the juvenile court was required to "consider all relevant evidence" when determining whether the children can or should be returned to mother's care. We find that the abuse, irrespective of when it was disclosed, *and mother's response to that abuse,* are highly relevant in determining whether mother substantially remedied the problems that initially led to the children's removal.

{¶ 47} Here, there is no record of mother admitting that the children were abused *until the trial* in January of 2023. And, even then, mother described boyfriend's actions as "allegations." Prior to trial, mother insisted that boyfriend "would never" do the things he was accused of, and she maintained a relationship with him for over a year *after* learning of the abuse and after he had refused a background check. We agree with the

caseworker who concluded that mother cannot provide a protective home if she "does not believe her children."

{¶ 48} Mother also violated the court's no contact order in the summer of 2022, when she allowed the children to visit her home while boyfriend was there. At that time, T.G. and C.G. witnessed "many occasions of domestic violence." Of course, LCCS originally filed for protective supervision of T.G. and C.G. due to domestic violence between their parents. Thus, despite mother's completion of domestic violence training, she has shown an unwillingness or inability to apply the tools she should have learned at that time by maintaining *any* relationship with boyfriend.

{¶ 49} A parent "is afforded a reasonable, not an indefinite, period of time to remedy the conditions causing [a child's] removal." *In re A.L.A.,* 11th Dist. Lake Nos. 2011-L-020 and 2011-L-021, 2011-Ohio-3124, ¶ 108. (Finding that mother was not entitled to more than the 18 months that had elapsed since the case plan in that case was filed). We find that mother's response (or lack thereof) to boyfriend's sexual abuse of T.G. and C.G. was properly considered by the juvenile court. We further find that the record contains clear and convincing evidence to support the trial court's finding under Section (E)(1) that mother failed continuously and substantially to remedy the conditions that caused the children's removal. Accordingly, mother's first assignment of error is found not well-taken.

The evidence supports the trial court's findings under Section (E)(4).

{¶ 50} Under R.C. 2151.414(E)(4), a child cannot, or should not, be returned to a parent when the parent has demonstrated a lack of commitment by "failing to regularly support, visit, or communicate with the child * * * or by other actions showing an unwillingness to provide an adequate permanent home for the child."

{¶ 51} In her second assignment of error, mother argues that the trial court erred in finding that she demonstrated a "lack of commitment" to T.G. and C.G. because the evidence established that she regularly visited and communicated with the children, whether in the custody of the state or aunt, and that nothing "untoward" occurred during those visits.

{¶ 52} Under Section (E)(4), a lack of commitment is demonstrated by failing to "support, visit, or communicate" *or* "by other actions showing an unwillingness to provide an adequate permanent home." In this case, the trial court found that the latter part of that section applied, i.e. that mother demonstrated a lack of commitment by "other actions." Specifically, it found that,

> Mother has demonstrated a lack of commitment toward her children by continuing to have a relationship with [boyfriend]. As detailed at length above, [boyfriend] was accused of sexually abusing the children. Despite this, Mother continued to pursue a relationship with [boyfriend] until November 2022, after she lost legal custody of [T.G.] and [C.G.]. This

> Court finds that Mother's continued contact with [boyfriend] demonstrates an inability to adequately protect her children from dangers. (J.E. at 8).

{¶ 53} A mountain of evidence supports the trial court's findings. For example, the GAL's report, which was admitted at trial, highlights mother's lack of candor, misplaced priorities, and failure to appreciate the gravity of the harm her children experienced. The GAL wrote,

> The [new] case opened on 09/19/2022, and since then, the [GAL] asked the Mother on three separate occasions if she was still involved with the boyfriend, because [the GAL] had grave concerns regarding her children's safety if he was still around. Mother denied that [boyfriend] was still a part of her life, stating that she had not seen him for months prior to the case opening. On Saturday, November 5, 2022, [the GAL] received a text message from a family member with a link to the Mother's TikTok account. Mother had just posted a video showing pictures of her with the boyfriend and expressing that they were in a relationship together. Obviously, Mother is more concerned about being with her boyfriend then she is with the safety of her children. As such, the [GAL] has no recourse but to change his recommendation and ask that permanent custody * * * be awarded to [LCCS].

{¶ 54} While mother has finally "come to believe" that her children were abused, she has never acknowledged the effect of that abuse. The litany of problems T.G. and C.G. now face—including hypersexualized and "violent" behavior and significant developmental delays—is hard to reconcile with mother's testimony that she "would like another chance" and promise that she would "absolutely" be willing to complete additional case planning. We agree with caseworker that T.G. and C.G. "don't have any more time to wait for mom to be ready." In sum, we find that competent, credible evidence also supports the trial court's finding—that mother demonstrated a lack of commitment—under R.C. 2151.414(E)(4). Accordingly, mother's second assignment of error is found not well-taken.

{¶ 55} The trial court was only required to make findings under one subsection of R.C. 2151.414(E) to support its decision. *Carlos R.*, 6th Dist. Lucas No. L-07-1194, 2007-Ohio-6358, ¶ 38. Here, the trial court found that the children could not or should not be returned to mother under Sections (E)(1) and (4). We find that clear and convincing evidence supports the juvenile court's determination under both sections. Therefore, we find, under R.C. 2151.414(B)(1)(a), that T.G. and C.G. could not be returned to mother within a reasonable time or should not be returned to mother and that an award of permanent custody to LCCS was in the children's best interests under R.C. 2151.414(D)(1). We further find that the juvenile court's award of permanent custody to

LCCS in this case was not against the manifest weight of the evidence. Accordingly, mother's assignments of error are not well-taken.

III. Conclusion

{¶ 56} For the reasons expressed above, we find that the trial court's decision was supported by clear and convincing evidence and was not against the manifest weight of the evidence. We find that the mother's assignments of error are without merit. Therefore, the March 1, 2023 judgment of the Lucas County Court of Common Pleas, Juvenile Division, is affirmed. Pursuant to App.R. 24, costs of this appeal are assessed to mother.

Judgment affirmed.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. *See also* 6th Dist.Loc.App.R. 4.

Christine E. Mayle, J. ____________________
JUDGE

Gene A. Zmuda, J. ____________________
JUDGE

Charles E. Sulek, J. ____________________
CONCUR. JUDGE

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