

**THE COURT OF APPEALS**  
**ELEVENTH APPELLATE DISTRICT**  
**ASHTABULA COUNTY, OHIO**

IN THE MATTER OF:  
HOPE WALKER

:  
:  
:  
**OPINION**  
**CASE NO. 2005-A-0067**

Civil Appeal from the Court of Common Pleas, Juvenile Division, Case No. 00 JF 12.

Judgment: Reversed and remanded.

*Laura M. DiGiacomo*, 3914 C Court, P.O. Box 1175, Ashtabula, OH 44005 (Special Counsel for Ashtabula County Children Services Board).

*Jonathon W. Winer*, 5276 Rome Rock Creek Road, Rome, OH 44085 (For Appellant Gaylene Howser).

WILLIAM M. O'NEILL, J.

{¶1} Appellant, Gaylene Howser ("Gaylene"), appeals the judgment entered by the Ashtabula County Court of Common Pleas. The trial court dismissed Gaylene and her husband, Thomas Howser, as parties to this matter. The underlying action before the trial court is a motion for permanent custody of her grandchild, Hope Walker, filed by appellee, Ashtabula County Children Services Board.

{¶2} This case concerns the procedure for a grandparent, who was made a party to a permanent custody proceeding pursuant to Juv.R. 2(Y), being removed as a

party following the parent reaching the age of majority. The following facts are relevant to a determination of this appeal.

{¶3} Hope Walker was born in November 1999. Hope's mother, Tanna Howser ("Tanna"), was fifteen years old at that time. Johnny Walker, the alleged father of Hope, has not been actively involved in the court proceedings. Gaylene Howser ("Gaylene") is Hope Walker's maternal grandmother.

{¶4} Shortly after Hope's birth, appellee was granted temporary custody of her. There were concerns about Tanna's ability to care for Hope, due to Tanna's age. Another concern was the allegation that Tanna is mild to moderately mentally retarded.

{¶5} Gaylene has been a party to this action from its inception. While the record does not specifically state the reason Gaylene was made a party, it was presumably pursuant to Juv.R. 2(Y), due to Tanna's age when Hope was placed in the temporary custody of appellee.

{¶6} Appellee filed a motion for permanent custody of Hope. A hearing was held before a magistrate. Following the hearing, the magistrate issued a decision recommending the granting of appellee's motion for permanent custody. On September 3, 2002, the trial court granted appellee's motion.

{¶7} Tanna, Gaylene, and Kim Johnson, Tanna's legal custodian, appealed the trial court's September 2002 judgment entry to this court. In Tanna's appeal, this court reversed the judgment of the trial court and remanded the matter for further proceedings due to inadmissible hearsay statements in Dr. Patricia Gillette's testimony and report, which was admitted as an exhibit.<sup>1</sup> Due to our reversal in Tanna's appeal, Gaylene's

---

1. *In re Walker*, 11th Dist. No. 2002-A-0089, 2003-Ohio-799.

appeal was also reversed and remanded.<sup>2</sup> Likewise, Kim Johnson's appeal was reversed and remanded due to the disposition in Tanna's appeal.<sup>3</sup>

{¶8} On remand, the trial court conducted a partial hearing in an attempt to correct the hearsay problem. Thereafter, in December 2004, the trial court again granted appellee's motion for permanent custody. Gaylene and Tanna appealed the trial court's December 2004 judgment entry to this court. In July 2005, this court reversed the trial court's December 2004 judgment entry and remanded the matter for an entirely new, de novo, hearing.<sup>4</sup>

{¶9} After the matter was remanded to the trial court, appellee filed a motion to remove Thomas and Gaylene Howser as parties to this matter. Appellee cited language in this court's July 2005 opinion that the "trial court's determination of appellee's motion should be based on the status of the parties, including their current ages, at the time of the de novo hearing."<sup>5</sup> Appellee argued that since Tanna is over the age of majority, Thomas and Gaylene Howser were no longer necessary parties.

{¶10} Gaylene filed a motion in opposition to appellee's motion to remove her as a party. She argued that she was a necessary party to the action, pursuant to Juv.R. 2(Y), because Hope was removed from Tanna when Tanna was under eighteen years old. On August 12, 2005, the trial court issued a judgment entry granting appellee's motion and removing Thomas and Gaylene Howser as parties to the case. The trial court did not articulate its reasons for granting the motion in its judgment entry.

---

2. *In re Walker*, 11th Dist. No. 2002-A-0087, 2003-Ohio-798.

3. *In re Walker*, 11th Dist. No. 2002-A-0090, 2003-Ohio-795.

4. *In re Walker*, 162 Ohio App.3d 303, 2005-Ohio-3773, at ¶48.

5. *Id.* at ¶47

{¶11} Michael and Angela Williams are Hope's foster parents. On September 20, 2005, the Williams filed a motion to intervene and be joined as parties. The Williams argued that they wished to be heard in this case because they were the primary caregivers for Hope since 1999 and the outcome of the permanent custody hearing would affect "their pending adoption" of Hope. On September 23, 2005, the trial court granted the Williams' motion to intervene, pursuant to Juv.R. 2, for "good cause shown."

{¶12} Gaylene timely appealed the trial court's August 12, 2005 judgment entry to this court. Appellee filed a motion to dismiss Gaylene's appeal for lack of a final, appealable order. In a December 15, 2005 judgment entry, this court denied appellee's motion to dismiss the appeal. This court held that the trial court's dismissal of Gaylene as a party was a final, appealable order.

{¶13} We note that Thomas Howser has not appealed the trial court's judgment entry removing him as a party. Therefore, the trial court's judgment will stand as it relates to Thomas, and it will only be considered on appeal as it relates to Gaylene.

{¶14} Gaylene raises the following assignment of error:

{¶15} "The trial court abused its discretion, removing maternal grandmother as a party."

{¶16} The Supreme Court of Ohio has recognized the importance of parents' rights to raise their children. "Permanent termination of parental rights has been described as "the family law equivalent of the death penalty in a criminal case." \*\*\*

Therefore, parents “must be afforded every procedural and substantive protection the law allows.”<sup>6</sup>

{¶17} The importance of parental rights is reflected in the Juvenile Rules. Juv.R. 2(Y), defining who is a party in juvenile court proceedings, requires the grandparents of a child to be made parties to an action where a children services agency seeks to terminate the parental rights of a minor parent. Specifically, the rule provides:

{¶18} “‘Party’ means a child who is the subject of a juvenile court proceeding, the child’s spouse, if any, the child’s parent or parents, or if the parent of a child is a child, the parent of that parent, in appropriate cases, the child’s custodian, guardian, or guardian ad litem, the state, and any other person specifically designated by the court.”

{¶19} Clearly, if the parent is over eighteen years old when the case begins, the grandparents are not required parties under Juv.R. 2(Y). Likewise, if a matter is entirely determined prior to the parent’s eighteenth birthday, the grandparents are necessary parties for the entire proceeding.

{¶20} When, as in this case, the minor parent’s eighteenth birthday occurs while the case is pending, the issue is less clear. Therefore, the relevant question is at what point in the timeline of a case is the mother’s age observed to determine whether the grandparent(s) should be made, or remain, parties. Gaylene argues that the determination is made when the action originates and that the grandparent should remain a party to the action throughout the proceeding. Appellee argues that the grandparents cease to be parties once the mother reaches her eighteenth birthday.

---

6. *In re Hoffman*, 97 Ohio St.3d 92, 2002-Ohio-5368, at ¶14, quoting *In re Hayes* (1997), 79 Ohio St.3d 46, 48, quoting *In re Smith* (1991), 77 Ohio App.3d 1.

{¶21} Neither party has cited any case law directly addressing this legal issue. In addition, our research has not uncovered a case that has directly addressed this issue.

{¶22} A “trial court’s determination whether to include a person as a party will not be reversed absent an abuse of discretion.”<sup>7</sup> “The term ‘abuse of discretion’ connotes more than an error of law or judgment; it implies that the court’s attitude is unreasonable, arbitrary or unconscionable.”<sup>8</sup>

{¶23} Pursuant to Juv.R. 2(Y), grandparents shall automatically be made parties to the action if they are the parents of a parent who is under eighteen years old. Upon the parent reaching her eighteenth birthday, the grandparents are not automatically removed. Rather, they remain parties to the proceeding until the trial court removes them. We believe the appropriate method to address this concern is that which occurred in this case. Any party may file a motion with the juvenile court to remove the grandparents as parties to the case following the mother’s eighteenth birthday.

{¶24} Our rationale for this holding is the language of Juv.R. 2(Y), that “any other person specifically designated by the court” can be a party. Thus, while the grandparents are necessary parties prior to the mother’s eighteenth birthday, they remain discretionary parties following the mother’s eighteenth birthday.

{¶25} The majority of cases that address the discretionary status of grandparents in cases involving the termination of parental rights do so when

---

7. *Christopher A. L. v. Heather D.R.*, 6th Dist. No. H-03-040, 2004-Ohio-4271, at ¶11, citing *In re Parsons* (May 29, 1996), 9th Dist. No. 95CA006217, 1996 Ohio App. LEXIS 2268.

8. (Citations omitted.) *Blakemore v. Blakemore* (1983), 5 Ohio St.3d 217, 219.

determining whether the trial court properly ruled on a motion to intervene.<sup>9</sup> In these cases, the grandparents were not previously parties to the action.<sup>10</sup> Since the matter inherently involved intervention, courts have held that Civ.R. 24 may be used when considering whether an individual should be made a party under Juv.R. 2(Y).<sup>11</sup>

{¶26} In addressing the issue of grandparents in these types of cases, this court adopted the following portions of Chief Justice Celebrezze's concurring opinion in *State v. Schmidt* and held:

{¶27} "[I]ntervention by grandparents in a permanent custody proceeding is appropriate where the grandparents *have a legal right to or a legally protected interest in custody or visitation* with their grandchild, where the grandparents have stood in loco parentis to their grandchild, or where the grandparents have exercised significant parental control over, or assumed parental duties for the benefit of, their grandchild. Where any of these factors are present, a denial of the grandparents' motion to intervene would constitute an abuse of discretion."<sup>12</sup>

{¶28} We believe a different standard is required when determining whether to *remove* a party than that which is utilized when determining whether to *add* a party. When a party seeks permissive intervention, he is asking the court to be made a party. At that point, the prospective party has no legal interest in the proceeding. In addition, the prospective party bears the burden of demonstrating why he should be made a party. However, the Juvenile Rules have deemed the inclusion of grandparents

---

9. See *In re Goff*, 11th Dist. No. 2001-P-0144, 2003-Ohio-6768, at ¶3; *In re Jones-Dentigance*, 11th Dist. No. 2005-P-0058, 2005-Ohio-5960, at ¶1; and *In re C.M.*, 9th Dist. No. 21720, 2004-Ohio-1984, at ¶1.

10. *Id.*

11. (Citations omitted.) See *In re Goff*, *supra*, at ¶14; and *In re C.M.*, *supra*, at ¶20.

12. (Emphasis in original.) *In re Goff*, 2003-Ohio-6768, at ¶15, citing *In re Schmidt* (1986), 25 Ohio St.3d 331, 338 (Celebrezze, C.J., concurring.)

mandatory when the respective parent is less than eighteen years old. As they are already parties, they have a vested interest in the proceedings. Thus, the burden should fall on the party seeking to remove the grandparents to demonstrate why they should no longer be parties.

{¶29} Thus, after reviewing the relevant case law and Juv.R. 2(Y), we believe the following guidelines are appropriate in these circumstances:

{¶30} When ruling on a motion to remove grandparents after the parent of a child who is the subject of a permanent custody proceeding reaches the age of majority, the following factors should be considered: (1) the involvement of the grandparent(s) in the case to that point, (2) the legal and familial relationship between the grandparent(s) and the child, both before and after the child was placed in the temporary custody of the children services agency, (3) the degree to which the child and/or the parent would be prejudiced by the grandparent(s) removal, and (4) the status of the case at the time the motion to remove the grandparent(s) was filed. If a trial court applies these factors, its decision will not be reversed by a reviewing court unless the trial court's decision constitutes an abuse of discretion.

{¶31} The trial court did not provide any reasoning in its judgment entry when it removed Gaylene as a party. Thus, the trial court's judgment entry, standing alone, does not provide an adequate basis for this court to determine whether the trial court abused its discretion. However, there is one additional factor that needs to be addressed. The trial court joined the foster parents as parties shortly after dismissing Gaylene and her husband as parties.



{¶32} The decision to allow foster parents to intervene in a permanent custody proceeding is left to the discretion of the trial court and will not be reversed by a reviewing court unless there is an abuse of discretion.<sup>13</sup> However, courts have cautioned against the involvement of foster parents at a permanent custody level. Permanent custody hearings are not designed to be adoption proceedings. Rather, “the focus of a permanent custody proceeding is whether parental rights should be terminated.”<sup>14</sup> In addition, “Ohio courts have held that foster parents have no cognizable liberty or property interests in a child’s custody such as warrants intervening in permanent custody proceedings.”<sup>15</sup> The rationale for this holding is that only private child placing agencies and public children services agencies have standing to obtain permanent custody under the relevant statutes.<sup>16</sup>

{¶33} We offer no opinion as to whether the trial court abused its discretion when it permitted the Williams to intervene. It is the cumulative result of the trial court’s actions that troubles this court. Both the decision to allow the Howsers to remain as parties and the decision to allow the Williams to be joined as parties fell within the discretion of the trial court. However, the trial court removed the Howsers (parties opposed to the granting of appellee’s motion for permanent custody) and added the Williams (parties in favor of granting appellee’s motion). The trial court provided no reasoning in support of either decision. The collective nature of the trial court’s decisions regarding the Williams and the Howsers was arbitrary. As such, the trial court

---

13. *In re Franklin* (1993), 88 Ohio App.3d 277, 280-281.

14. *In re Fell*, 5th Dist. No. 05 CA 9, 2005-Ohio-5299, at ¶15, citing *In re Schmidt*, supra.

15. *In re Fell*, at ¶15, quoting *In re Thompson* (Apr. 18, 1995), 10th Dist. Nos. 94APF08-1144 & 94APF08-1145, 1995 Ohio App. LEXIS 1657, at \*11.

16. *Id.*

abused its discretion by removing Gaylene Hoswer as a party to this matter.

{¶34} We will now independently apply the above factors to the case sub judice to determine whether Gaylene should remain as a party to this proceeding.

{¶35} The first factor to be considered is Gaylene's involvement in the proceedings prior to the time appellee's motion to remove her was filed. Gaylene was significantly involved in the proceedings up to the point appellee's motion was filed. She actively participated in both of the evidentiary hearings before the magistrate. She filed objections to the magistrate's decision. Finally, on two occasions, she filed notices of appeal to this court. This factor weighs in favor of Gaylene remaining a party to the action.

{¶36} The second factor is a consideration of Gaylene's relationship with Hope. Hope was placed in the temporary custody of appellee shortly after her birth. Gaylene asserts that she has visited with Hope following her placement. Therefore, we will assume that Gaylene has some degree of familial relationship with Hope. However, Gaylene does not allege, nor does the record demonstrate, that she has a legal relationship with Hope such as custodian or guardian. The second factor weighs in favor of removing Gaylene as a party to this proceeding.

{¶37} The third factor is the prejudice to Tanna and Hope that could arise by dismissing Gaylene as a party to this matter. Tanna was represented by counsel. Accordingly, her interests will continue to be represented in the proceedings should Gaylene be removed. However, appellee's motion for permanent custody alleges that Tanna has developmental difficulties. Permitting Gaylene to remain a party in the case is an additional safeguard for Tanna's interests.

{¶38} Also, the Williams have been added as parties to this action. Thus, in addition to appellee, another party will be presenting evidence in an attempt to demonstrate why Tanna's parental rights should be terminated. Thus, removing Gaylene has potential to prejudice Tanna and Hope, as there are now multiple parties seeking to permanently sever their relationship, and one less party advocating that it be maintained. Permitting Gaylene to remain as a party will permit an additional party to be in Tanna's corner, supporting her opposition to appellee's motion for permanent custody. This is entirely appropriate in light of the trial court's decision to join the Williams as parties.

{¶39} The potential prejudice to Tanna and Hope by removing Gaylene weighs heavily in favor of keeping her as a party to this action.

{¶40} The fourth factor is the status of the case at the time appellee's motion was filed. At the point the trial court dismissed Gaylene, this court had remanded the matter for a de novo hearing. Therefore, Tanna, who was over the age of majority, was facing a permanent custody proceeding from the very beginning. Standing alone, this factor would weigh in favor of removing Gaylene as a party.

{¶41} There are compelling reasons in support of both sides of the argument as to whether Gaylene should remain as a party to this matter. However, the factors in support of her remaining as a party outweigh those calling for her removal. Specifically, the significant level of Gaylene's involvement in the prior proceedings and the fact the trial court joined the foster parents as parties support the conclusion that Gaylene should remain a party to this action.

{¶42} Gaylene's assignment of error has merit.

{¶43} The judgment of the trial court is reversed. This matter is remanded to the trial court for the trial court to vacate its judgment entry removing Gaylene Howser as a party to this matter.

COLLEEN MARY O'TOOLE, J., concurs with Concurring Opinion,

DIANE V. GRENDALL, J., dissents with Dissenting Opinion.

---

COLLEEN MARY O'TOOLE, J., concurs with Concurring Opinion.

{¶44} I concur with the majority in a separate opinion, as I would reverse the trial court in dismissing a grandparent who was made a party to a permanent custody proceeding pursuant to Juv.R. 2(Y) following the parent reaching the age of majority during the pendency of the case.

{¶45} Once an interested or related individual has been made a party to custody litigation they have been considered as necessary pursuant to Civ.R. 24, and have been recognized as having a legal right to, or a legally protected interest in, custody or visitation with the subject of the litigation, in this case the grandchild. *In re Goff*, 11th Dist. No. 2001-P-0144, 2003-Ohio-6768 at 15, citing *In re Schmidt* (1986), 25 Ohio St.3d 331, 338. (Celebrezze, C.J., concurring.)

{¶46} I do not agree with the reasoning of the majority in creating a new standard for determining when a party's right to remain part of the litigation should be

terminated. The civil rules already have procedures embodied in Civ.R. 12(B)(6), failure to state a claim upon which relief can be granted and, Civ.R. 56, summary judgment proceedings, whereby non meritorious or extinguished claims can be eliminated.

{¶47} Upon her joinder, the grandmother was determined to be a proper participant when she was permitted to intervene. The real question is not whether the grandmother continues to be a necessary party or has a legally protected right to participate, but whether she still has a legally protected claim. In the case at bar, the grandmother may seek to gain custody of her grandchild, or her participation may be necessary to assist her daughter to regain custody due to assertions by CHS that the daughter suffers from mental retardation and may need her own mother to adequately parent her child if she should regain custody. This, in and of itself, substantiates the grandmother's participation in the case.

{¶48} I respectfully concur.

---

DIANE V. GRENDELL, J., dissents with a Dissenting Opinion.

{¶49} This court has previously held that a juvenile court has "broad discretion" under Juv.R. 2(Y) to determine those persons who are properly considered parties in a proceeding before it. *In re Byerly* (Sept. 30, 1998), 11th Dist. Nos. 97-P-0096 and 97-P-0097, 1998 Ohio App. LEXIS 4630, at \*11. Today's decision creates, ex nihilo, a four factor test for a juvenile court to apply "when ruling on a motion to remove grandparents after the parent of a child who is the subject of a permanent custody proceeding

reaches the age of majority.” The majority, applying the test it just created to the facts of this case, concludes that the juvenile court erred in removing the grandparents, although “compelling reasons” exist for doing so, and proceeds to substitute its judgment for that of the court below. I respectfully dissent.

{¶50} There are two grounds for dissenting from today’s decision. The first is that the removal of Gaylene Howser is the direct result of this court’s own instructions to the juvenile court in the immediately preceding remand of this matter. The second is that Gaylene Howser has no cognizable legal interest in these proceedings. For both of these reasons, Gaylene is not a proper party in this matter.

{¶51} Appellant, Gaylene, is the mother of Tanna Howser and, through Tanna, grandmother of Hope Walker. Hope was conceived when Gaylene’s husband allowed Johnny Walker, a twenty-seven-year-old then living with the Howsers, to sleep with Tanna. Tanna was fifteen-years-old at that time and mentally retarded. *In re Walker*, 11th Dist. No. 2002-A-0089, 2003-Ohio-799, at ¶¶2-4. Hope Walker was removed from Gaylene’s household on November 1, 1999, when she was eleven days old. On February 2, 2000, Tanna was removed from Gaylene’s household when it was discovered that Gaylene and her husband continued to allow Johnny Walker to reside at their home. In March 2001, Kim Johnson became Tanna’s legal custodian. *Id.* at ¶5.

{¶52} Gaylene was initially made a party to these proceedings in accordance with Juv.R. 2(Y), which defines a “party” to include grandparents, “if the parent of a child is a child.” It is uncertain why Gaylene remained a party to these proceedings after she lost custody of Tanna, as Tanna was represented by both her own attorney and a

guardian ad litem. Kim Johnson retained independent counsel and advocated for Tanna's interests by seeking custody of Hope.

{¶53} In the immediately preceding appeal of this matter, this court reversed the juvenile court's judgment granting permanent custody of Hope to the Ashtabula Children Services. The lower court was instructed, on remand, to hold a de novo hearing on Children Services' motion to terminate parental rights "**based on the status of the parties, including their current ages, at the time of the de novo hearing.**" *In re Walker*, 162 Ohio App.3d 303, 2005-Ohio-3773, at ¶47 (emphasis added).

{¶54} Considering the status of the parties, based on their current ages at the time this case was remanded, Tanna is in her twenties. Accordingly, the sole reason why Gaylene was initially made a party to the proceedings no longer exists. Tanna is no longer a minor and Gaylene does not meet the definition of a party pursuant to Juv.R. 2(Y). The majority today is reversing the juvenile court for complying with this court's instructions.

{¶55} If Gaylene were able to demonstrate alternative grounds for her continued participation in these proceedings as a party, she would be allowed to remain a party. However, there is no justification to continue Gaylene's status as a party.

{¶56} In *In re Goff*, 11th Dist. No. 2001-P-0144, 2003-Ohio-6768, this court addressed the issue of when grandparents are entitled to participate as parties in their grandchild's permanent custody proceeding. In *Goff*, we noted that, at common law, grandparents have no legal right of access to their grandchildren, that grandparents have no constitutional right of association with their grandchildren, and that a court is required to join in custody proceedings "only those parties with colorable rights of

custody or visitation.” Id. at ¶¶15-16 (citations omitted). We concluded that “intervention by grandparents in a permanent custody proceeding is appropriate where the grandparents *have a legal right to or a legally protectable interest in custody or visitation* with their grandchildren, where the grandparents have exercised significant parental control over, or assumed parental duties for the benefit of, their grandchild.” Id. at ¶15 (emphasis sic).

{¶57} In the present case, Gaylene has no legally protectable interest in the custody of or visitation with Hope. Gaylene has never exercised parental control over Hope or assumed parental duties for the benefit of Hope. To the contrary, it was the unsuitable and inappropriate condition of Gaylene’s household that led to the removal of both Hope and Tanna.

{¶58} The majority finds that Gaylene has a “vested interest” in these proceedings by virtue of her prior participation. Mere participation in a legal proceeding does not create a “vested interest” in the outcome of that proceeding without there being some legally cognizable interest in the first place. The majority does not elaborate on what the nature of this “vested interest” might be. Gaylene cannot expect to obtain or to lose anything from these proceedings relative to her legal rights. Her interest is wholly personal and her prior participation in these proceedings dubious, in light of the fact that she was not Tanna’s legal guardian.

{¶59} Apart from the fact that Gaylene was previously permitted to participate in these proceedings, the majority’s decision is based on “the prejudice to Tanna and Hope that could arise by dismissing Gaylene as a party to this matter.” According to the majority, “the potential prejudice to Tanna and Hope by removing Gaylene weighs



heavily in support of keeping her as a party to this action.” By dismissing Gaylene, one of the persons responsible for Tanna and Hope’s removal, and by allowing the foster parents, who have cared for Hope since the eleventh day of her life, to intervene, the majority believes the juvenile court has acted unfairly toward Tanna. Accordingly, the majority concludes, “permitting Gaylene to remain as a party will permit an additional party to be in Tanna’s corner.”<sup>17</sup>

{¶60} The majority’s concern that both sides in this matter be evenly matched is misguided and inappropriate. Whether or not the foster parents have been made parties to this action has no bearing on Gaylene’s legal standing to participate.

{¶61} Beyond this, the majority’s calculus of fairness loses sight of the fact that it is the best interests of the child, Hope Walker, that is the primary and fundamental consideration of this court. *In re Cunningham* (1979), 59 Ohio St.2d 100, 106; *Winfield v. Winfield*, 11th Dist. No. 2002-L-010, 2003-Ohio-6771, at ¶21. As the magistrate below rightly observed earlier in these proceedings: “We are not here to determine what is the best interest of Tanna Howser. We are here to determine the best interest of Hope Walker.”

{¶62} The juvenile court’s decision to dismiss Gaylene as a party would only be reversible if it were arbitrary, unconscionable, or unreasonable. It is none of these. Accordingly, I respectfully dissent.

---

17. The majority has failed to consider that, in prior proceedings, no less than six attorneys were advocating for Tanna’s interests: Tanna’s attorney; Gaylene’s attorney; two attorneys for Thomas Howser; Kim Johnson’s attorney; and Tanna’s guardian ad litem.