

[Cite as *In re S.C.*, 2015-Ohio-2280.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 102349

**IN RE: S.C.
Minor Child**

[APPEAL BY FATHER]

**JUDGMENT:
AFFIRMED**

Civil Appeal from the
Cuyahoga County Court of Common Pleas
Juvenile Division
Case No. AD 12918472

BEFORE: Kilbane, P.J., E.T. Gallagher, J., and Stewart, J.

RELEASED AND JOURNALIZED: June 11, 2015

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MARY EILEEN KILBANE, P.J.:

{¶1} Appellant, the father of S.C., appeals¹ from the order of the juvenile court that awarded permanent custody of S.C. to the Cuyahoga County Division of Children and Family Services (“CCDCFS”). Having reviewed the trial court record, transcripts, and relevant case law, we affirm.

Procedural History and Substantive Facts

{¶2} S.C. was born in October 2012. On November 1, 2012, CCDCFS filed a complaint alleging that she is neglected pursuant to R.C. 2151.03(A)(2). In relevant part, CCDCFS alleged that S.C.’s mother, J.R. (“Mother”), has developmental delays and mental health issues, and she no longer has custody of her other five children. CCDCFS further alleged that appellant has three other children, “none of whom are in his care and custody due to issues of neglect,” has a “conviction for attempted felonious assault [upon] the Mother while she was pregnant,” failed to provide a safe and stable home for S.C., and has substance abuse issues.

{¶3} Also on November 1, 2012, CCDCFS social worker Dori Lehman presented sworn testimony to the court regarding the allegations of neglect. On that same date, the court issued an ex parte order awarding CCDCFS emergency temporary custody of S.C., and she was placed in a certified foster home that day.

¹ The agency’s complaint was filed against both parents. Mother has filed a separate appeal in *In re S.C.*, 8th Dist. Cuyahoga No. 102350.

{¶4} The following day, appellant, Mother, and their attorneys appeared at a hearing and stipulated to probable cause for CCDCFS to have predispositional temporary custody of S.C. Guardians ad litem (“GAL”) were also appointed for appellant, Mother, and S.C.

{¶5} A case plan for the family was filed on November 27, 2012. In relevant part, the case plan required appellant to complete a drug assessment, abstain from drugs and alcohol, obtain safe housing, complete an anger management program, and obtain employment. Mother was to work on parenting skills, emotional stability, housing, and issues associated with domestic violence.

{¶6} On January 22, 2013, appellant and Mother, with their counsel, stipulated to an amended complaint for temporary custody that alleged as follows:

1. Mother has developmental delays.
2. Mother has five other children, none of whom are in her care or custody due to issues of neglect. One child is reported to reside in Florida; one is reported to reside in New York. One child is in the care of the maternal grandmother in Pennsylvania. Two children were adjudicated and committed to the legal custody of the paternal grandmother. See case no. 08189109, Lucas County Court of Common Pleas, Juvenile Division, Lucas County, Ohio.
3. Alleged Father, S.C., has three other children, none of whom are in his care and custody. One child is in the care of the maternal grandmother in Pennsylvania. Two children were adjudicated and committed to the legal custody of the paternal grandmother. See case no. 08189109, Lucas County Court of Common Pleas, Juvenile Division, Lucas County, Ohio.
4. Alleged Father, S.C., has a criminal history including a conviction for Attempted Felonious Assault. See case no. CR-11-549551-A.

5. Alleged Father, S.C., has an anger management problem and is willing to work services.
6. Alleged Father, S.C., has a history of substance abuse and is in need of an assessment.
7. Alleged Father, S.C., has failed to establish paternity.
8. The parents lack stable housing due to issues with the landlord.
9. Alleged Father, John Doe, has failed to establish paternity and has failed to support, visit, or communicate with the child since birth.

{¶7} On that same date, S.C. was adjudicated to be dependent. The court additionally concluded that no suitable relatives were willing or able to provide substitute care.

{¶8} On September 6, 2013, CCDCFS notified the trial court that appellant had filed an affidavit of paternity of S.C. On that same date, CCDCFS filed a motion to modify temporary custody to permanent custody. In support of this motion, CCDCFS social worker Monique Comiskey (“Comiskey”) averred, in relevant part, that appellant “has not completed a psychological evaluation, has not addressed his anger management issues, and does not have appropriate housing or a stable income.” On September 27, 2013, the case plan was amended to discontinue Mother’s visitation with S.C. after the social worker observed that Mother became aggressive with S.C. during several supervised visitations.

{¶9} On November 19, 2014, the trial court held a hearing on the motion for permanent custody filed by CCDCFS. At the start of the hearing, the trial court noted

that it had made arrangements with the parties for the parents to present testimony from the maternal grandmother, who resides in Florida. CCDCFS presented testimony from Comiskey and Juvenile Court Diagnostic Clinic psychologist Robert Kurtz (“Dr. Kurtz”).

{¶10} Comiskey testified that Mother, who is 31, has a total of six children, five of whom have been removed from her care. Appellant, who is 34, has been with Mother for approximately 14 years. They have four children together, and they have been involved with Children and Family Services in Lucas County, Ohio since 2003. Two of their other children were removed because of neglect and substance abuse, and they now reside with appellant’s Mother. Another child resides with the maternal grandmother in Florida.

{¶11} Comiskey next testified that S.C. came into the emergency custody of CCDCFS on November 2, 2012, or shortly after her birth. At that time, neither parent recommended anyone for placement of the child, and she was placed in foster care. The case plan required Mother to address parenting issues in light of her cognitive delays, as well as substance abuse, housing, and issues related to domestic violence. Although Mother had completed parenting services and had learned some coping skills, in Comiskey’s view, Mother had failed to benefit from these programs. She seemed overwhelmed and did not attain emotional stability. She continued to have anger management issues and had become hostile during her supervised visitations, which were eventually terminated. She did not want to participate in a referral for psychiatric services.

{¶12} Comiskey further testified that appellant was required to address parenting, anger management, housing, employment, emotional stability, and substance abuse issues. Appellant indicated that he had obtained employment.

{¶13} As to housing, Comiskey testified that she is concerned about the parents residing together in light of the domestic violence background and appellant's failure to understand Mother's limitations in caring for S.C. Appellant informed CCDCFS that he obtained housing for himself and the child, but the landlord noted that he had still seen Mother at the apartment. The October 2014 semi-annual review also indicates that the parents are still living together. Appellant also informed Comiskey that he would have Mother watch S.C. while he was at work.

{¶14} Comiskey next noted that appellant completed parenting classes, but Comiskey stated that appellant has not adequately addressed the parenting issues because he still does not understand Mother's limitations in caring for the child. In addition, appellant is scheduled to have two-hour supervised visitations with S.C. each week, but his visits are sporadic and he has had limited interactions with S.C. during the visitations. Appellant also continued to express verbal hostility.

{¶15} As to anger issues, appellant has completed anger management classes and has improved to some degree, but Comiskey noted an incident when he slammed doors after a visitation. Appellant has also completed substance abuse assessments and had negative drug screens, but by February 2014, he stopped complying with the requirement that he undergo urine screening.

{¶16} Comiskey opined that the parents had not benefitted from the services provided to them and had failed to remedy the conditions that caused removal of S.C. from the home. Comiskey also stated that she did not believe that appellant or Mother could provide a safe and permanent home for S.C., nor could they provide for her basic needs. According to Comiskey, the award of permanent custody to CCDCFS is in the best interest of S.C.

{¶17} Comiskey further testified that appellant and Mother have suggested that S.C. be placed in the legal custody of the maternal grandmother, who also has one of their other children living with her. The CCDCFS completed the out-of-town investigation (“OTI”) required for the maternal grandmother, who had been residing in Pennsylvania, but moved to Florida within the last year. According to Comiskey, the maternal grandmother had been approved for placement in March 2014. OTI approvals are valid for six months, but in July 2014, there was a domestic violence incident at the maternal grandmother’s home. The charges from the Florida incident were later dropped , but the police report for this incident also referenced substance abuse. Consequently, the maternal grandmother was asked to complete a substance abuse assessment. The maternal grandmother informed Comiskey that she was not able to complete the assessment, citing the demands of caring for one of the parties’ children who has autism. CCDCFS also indicated that if the maternal grandmother’s ex-husband remains in the home, they should receive counseling. Based upon these factors, CCDCFS had concerns

about placing S.C. with the maternal grandmother and, according to Comiskey, it was “unlikely” that the maternal grandmother would be approved for placement.

{¶18} The paternal grandmother was also suggested as a substitute care giver; however, according to Comiskey, she stated that she was not in a position to care for S.C. because she was already caring for two of their other children.

{¶19} Comiskey next testified that S.C. weighed between five and six pounds at birth and was two years old at the time of the hearing. S.C. has remained in the same foster home since her birth, and the foster parents want to adopt the child. S.C. is very bonded to the foster parents. The foster parents also have a son who is approximately nine years old. Comiskey noted “no concerns” with the foster home.

{¶20} Comiskey also noted “no concerns” with S.C.’s developmental and motor skills during the initial assessment of the child. Her speech is delayed, however, and the foster mother takes her to speech therapy. S.C. is also currently participating in Help Me Grow, a learning program to help toddlers reach their potential.

{¶21} Dr. Kurtz testified that he completed psychological evaluations and administered a battery of tests to both parents. According to Dr. Kurtz, Mother has low intelligence, and her IQ is 78. She displays confusion in thinking and, based upon her test results, she likely has poor functioning skills. He also recommended that she be evaluated by a psychiatrist and considered for medication.

{¶22} Dr. Kurtz also testified that, based upon the test results, appellant's cognitive functioning is higher than Mother's.² However, appellant's test result indicated that he is highly suspicious and, therefore, Dr. Kurtz questioned whether his score on the Minnesota Multiphasic Personality test may be invalid by under-reporting past events in order to present himself in a more positive light. Other test results suggest that appellant responds aggressively toward others and could be easily aggravated. He is also vulnerable to relapse in substance abuse. According to Dr. Kurtz, the parents had benefitted from the interventions of CCDCFS, but they had reacted negatively to the intervention of CCDCFS and lack insight as to why their parenting was being questioned.

{¶23} In the meeting with Dr. Kurtz, appellant reported that after being convicted of attempted felonious assault, he stopped drinking and attends Alcoholics Anonymous meetings weekly.

{¶24} Dr. Kurtz additionally noted that appellant and Mother were trying hard to be affectionate with S.C., but S.C. was not bonded to them.

{¶25} Appellant elected to present evidence, and Gerald Sensel ("Sensel"), Douglas Fawcett ("Fawcett"), and David Walker ("Walker") testified on his behalf.

{¶26} Sensel testified that appellant attends Alcoholics Anonymous meetings four or five times per week. He takes his sobriety seriously and is actively engaged in maintaining it.

² Appellant informed Dr. Kurtz that he had recently taken some of the tests in connection with an application for Social Security Disability benefits.

{¶27} Fawcett testified that he is appellant's landlord. Appellant helps out with maintenance at the building, and he obtains a reduction in rent in exchange for this work.

According to Walker, appellant is extremely reliable. In addition, according to Walker, appellant has a part-time job at a restaurant in Minerva, Ohio. Walker also testified that Mother is not allowed to reside with appellant, and the lease is only for appellant and one child. Walker had not verified, however, that Mother moved out of the apartment.

{¶28} The GAL for S.C. submitted a report in which he opined that it is in the best interest of S.C. that permanent custody be awarded to CCDCFS. The GAL admitted on cross-examination, however, that housing is no longer an issue for appellant, his employment is adequate, and there has been substantial compliance with the terms of the case plan. The problems, according to the GAL, are that there is an issue as to basic bonding, and it is of concern that appellant does not have custody of his three other children.

{¶29} Finally, at the close of the hearing, the trial court made numerous attempts to contact the maternal grandmother in an effort to have her testify via Skype, an online service that enables individuals to see and hear one another. Ultimately, however, these attempts were unsuccessful.

{¶30} On December 10, 2014, the trial court awarded permanent custody of S.C. to CCDCFS. In granting permanent custody to CCDCFS, the court considered each of the factors in R.C. 2151.414(D)(1)(a)-(e) and found as follows:

Upon considering the interaction and interrelationship of the child with the child's parents; the foster parents; the custodial history of the child, including whether the child has been in temporary custody of a public children services agency or private child placing agency under one or more separate orders of disposition for twelve or more months of a consecutive twenty-two month period; the child's need for a legally secure placement and whether that type of placement can be achieved without a grant of permanent custody; and, the report of the Guardian Ad Litem, the court finds by clear and convincing evidence that a grant of permanent custody is in the best interest of the child and the child cannot be placed with one of the child's parents within a reasonable time or should not be placed with her mother * * * or father[.]

{¶31} The trial court additionally concluded, pursuant to R.C. 2151.414(E)(2), that

[f]ollowing the placement of the child outside the child's home and notwithstanding reasonable case planning and diligent efforts by the agency to assist the parents to remedy the problems that initially caused the child to be placed outside the home, the parents have failed continuously and repeatedly to substantially remedy the conditions causing the child to be placed outside the child's home.

* * *

Mother and father have neglected the child between the date the original complaint was filed and the date of the filing of this motion by the failure to regularly visit, communicate [with], or support the child.

{¶32} Appellant appeals that ruling, assigning the following errors for our review:

Assignment of Error One

The trial court's decision to award permanent custody to CCDCFS was against the manifest weight of the evidence as it was not supported by clear and convincing evidence.

Assignment of Error Two

The trial court erred in granting the motion for permanent custody when there was a suitable relative who could provide a legally secure alternative placement option for the minor child.

Law and Analysis

{¶33} In his first assignment of error, appellant asserts that the trial court erred in awarding permanent custody of S.C. to CCDCFS.

{¶34} As an initial matter, we note that an appellate court will not reverse a juvenile court's termination of parental rights and award of permanent custody to an agency if the judgment is supported by clear and convincing evidence. *In re M.J.*, 8th Dist. Cuyahoga No. 100071, 2013-Ohio-5440, ¶ 24.

{¶35} In order to terminate parental rights and grant permanent custody to CCDCFS, the court must apply the two-prong test set forth in R.C. 2151.414. First, the court must find by clear and convincing evidence, that it is in the best interest of the child to grant permanent custody to the agency, and one of the factors listed in R.C. 2151.414(B)(1) has been met. Second, the court must determine by clear and convincing

evidence, in accordance with the factors listed in R.C. 2151.414(E), that “the child cannot be placed with one of the child’s parents within a reasonable time or should not be placed with either parent,” and determines in accordance with division (D) of this section that “permanent custody is in the best interest of the child.” R.C. 2151.414(D)(2); *In re R.M.*, 8th Dist. Cuyahoga Nos. 99809, 99810, and 99811, 2013-Ohio-4928, ¶ 7.

{¶36} The factors for the first prong of consideration under R.C. 2151.414(B)(1) include the following: (a) the child cannot be placed with either parent within a reasonable period of time or should not be placed with either parent; (b) the child is abandoned; (c) the child is orphaned and no relatives are able to take permanent custody of the child; or (d) the child has been in the temporary custody of one or more public or private children services agencies for 12 or more months of a consecutive 22-month period.

{¶37} In addition, R.C. 2151.414(E) sets forth the factors to consider in undertaking an R.C. 2151.414(B)(2) determination, by clear and convincing evidence, that the child cannot or should not be placed with his or her parents within a reasonable time. This statute provides in relevant part:

(1) Following the placement of the child outside the 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 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.

(2) Chronic mental illness, chronic emotional illness, mental retardation, physical disability, or chemical dependency of the parent that is so severe that it makes the parent unable to provide an adequate permanent home for the child at the present time and, as anticipated, within one year[.]

* * *

(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;

* * *

(7) The parent has been convicted of or pleaded guilty to an offense [including felonious assault].

* * *

(11) The parent has had parental rights involuntarily terminated with respect to a sibling of the child pursuant to this section or section 2151.353 or 2151.415 of the Revised Code, or under an existing or former law of this state, any other state, or the United States that is substantially equivalent to those sections, and the parent has failed to provide clear and convincing evidence to prove that, notwithstanding the prior termination, the parent can provide a legally secure permanent placement and adequate care for the health, welfare, and safety of the child.

* * *

(16) Any other factor the court considers relevant.

{¶38} The existence of one factor alone will support a finding that a child cannot be reunified with the parents within a reasonable time. *See In re William S.*, 75 Ohio St.3d 95, 99, 1996-Ohio-182, 661 N.E.2d 738; *In re C.F.*, 113 Ohio St.3d 73, 2007-Ohio-1104, 862 N.E.2d 816, ¶ 50.

{¶39} With regard to the second consideration in R.C. 2151.414(B)(2), that it is in the best interest of the child to terminate parental rights, R.C. 2151.414(D)(1)(a) through (e) set forth the relevant factors a court must consider in determining the best interest of the child and include, but are not limited to, 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.

{¶40} Compliance with a case plan is not, in and of itself, dispositive of the issue of reunification. *In re C.C.*, 187 Ohio App.3d 365, 2010-Ohio-780, 932 N.E.2d 360, ¶ 25 (8th Dist.); *In re J.B.*, 8th Dist. Cuyahoga Nos. 98566 and 98567, 2013-Ohio-1706, ¶ 139. ““The issue is not whether the parent has substantially complied with the case plan, but whether the parent has substantially remedied the conditions that caused the child's removal.”” *Id.*, quoting *In re McKenzie*, 9th Dist. No. 95CA0015, 1995 Ohio App. LEXIS 4618 (Oct. 18, 1995).

{¶41} In this case, with regard to the first prong of the two-prong test, the trial court found by clear and convincing evidence that S.C. has been in temporary custody for over two years. The record supports the court's finding, because S.C. has been in agency custody since November 2012.

{¶42} The court also determined, under the first prong of the test, that S.C. cannot be placed with either parent within a reasonable time or should not be placed with the parents. The record supports the court's determination. In this case, it is undisputed that appellant has previously had two other children adjudicated and committed to the legal custody of the paternal grandmother. A third child is in the care of the maternal grandmother. Mother also has children from another relationship, and none of her other children reside with her. This factor alone would have supported the trial court's finding that S.C. cannot be placed with the parents within a reasonable period of time. R.C. 2151.414(E)(11); *In re D.G.*, 8th Dist. Cuyahoga No. 99587, 2013-Ohio-3537, ¶ 16; *In re M.W.*, 8th Dist. Cuyahoga No. 91539, 2009-Ohio-121, ¶ 49. Moreover, where this factor is established, the burden is then on the parent to provide clear and convincing evidence to prove that he or she can provide a legally secure permanent placement and adequate care for the health, welfare, and safety of the child. *In re E.A.*, 9th Dist. Medina No. 12CA0059-M, 2012-Ohio-5925, ¶ 14.

{¶43} The record also discloses that appellant has been convicted of attempted felonious assault upon the mother. This factor alone would have supported the trial court's finding that S.C. cannot be placed with the parents within a reasonable period of

time. R.C. 2151.414(E)(7). Comiskey and Dr. Kurtz believe appellant responds aggressively to others despite completing services for this issue. Appellant completed anger management classes and has improved to some degree, but the social worker continued to express a concern with his attitude. Comiskey noted an incident when he slammed doors after a visitation. The record also indicates that the parents' negative feelings toward CCDCFS has occasionally impacted visitations with S.C. as "often the visit centered around these negative feelings[.]"

{¶44} Appellant completed substance abuse assessments and had negative drug screens. Appellant presented evidence concerning his attendance at Alcoholics Anonymous meetings but, according to the record, by February 2014, he stopped complying with the requirement that he undergo urine screening.

{¶45} Appellant indicated that he addressed his housing issue and presented evidence that Mother no longer lives with him, yet his landlord testified that he has recently seen Mother at the apartment.

{¶46} Appellant was required to complete the parenting requirements of his case plan and learn to understand Mother's limitations in caring for S.C. Appellant took parenting classes, but he still fails to understand Mother's limitations in caring for S.C., and he indicated that he would have her care for S.C. while he is at work. He also continues to lack insight as to why CCDCFS became involved with the family. The record further indicates that on the days of his scheduled visitations with S.C., he visited her only sporadically, and was often passive or an observer during visitation.

{¶47} As to the issue of whether the award of permanent custody is in S.C.'s best interest, the evidence demonstrates that Mother is not able to provide for her care and has significant anger issues, and appellant does not have a proper plan for caring for her.

{¶48} The evidence also clearly and convincingly demonstrates that the foster parents are bonded with S.C. They are addressing her speech delay, and they want to adopt her. Significantly, the child's GAL also indicated that the award of permanent custody is in S.C.'s best interest.

{¶49} Therefore, viewing the record as a whole, although appellant has undoubtedly made significant efforts to remedy the conditions that caused S.C. to be removed from the home, and there was some evidence of his compliance with the case plan, we agree with the trial court's conclusion that appellant did not substantially remedy the conditions that caused S.C.'s removal from the home. Further, the record as a whole clearly and convincingly demonstrates that S.C. cannot be placed with either parent, and it is in the best interest of S.C. to grant permanent custody to the agency.

{¶50} The first assignment of error lacks merit.

Suitable Family Member

{¶51} In his second assignment of error, appellant asserts that the trial court erred in failing to award legal custody of S.C. to the maternal grandmother.

{¶52} In ruling upon a motion for permanent custody under R.C. 2151.414, the trial court must weigh all of the relevant factors in determining a child's best interests. R.C. 2151.414(D)(1). Although family unity and "blood relationship" are important

factors in determining the best interest of a child, neither of these factors is controlling. *In re T.W.*, 8th Dist. Cuyahoga Nos. 86084, 86109, and 86110, 2005-Ohio-6633, ¶ 15. Further, “[t]he statute does not make the availability of a placement that would not require a termination of parenting rights an all-controlling factor [and] does not even require the court to weigh that factor more heavily than other factors.” *In re Schaefer*, 111 Ohio St.3d 498, 2006-Ohio-5513, 857 N.E.2d 532, ¶ 63. *See also In re J.B.*, 8th Dist. Cuyahoga Nos. 98518 and 98519, 2013-Ohio-1703, ¶ 31. Rather, this court has recognized that a child’s best interests require permanency and a safe and secure environment. *In re T.W.*, citing *In re T.W.*, 8th Cuyahoga No. 85845, 2005-Ohio-5446.

{¶53} In this matter, the record indicates that at the start of the hearing, the trial court noted that it had made arrangements with the parties for the parents to present testimony from the maternal grandmother who resides in Florida. Before concluding the hearing, the trial court made numerous attempts to contact the maternal grandmother to have her testify via Skype. All of the attempts, however, were unsuccessful. Nonetheless, it is clear from the record that CCDCFS considered placing S.C. with the maternal grandmother, and it completed an OTI investigation for her in Florida. CCDCFS approved placement of S.C. with the maternal grandmother in March 2014. Several months later, however, in July 2014, a domestic violence incident occurred at the maternal grandmother’s home. Although the charges were later dropped, the police report indicated that alcohol was a factor, and the maternal grandmother failed to complete an alcohol assessment requested by CCDCFS. By the date of the hearing,

therefore, there was no evidence that the maternal grandmother's home continued to be a suitable placement for S.C.

{¶54} The second assignment of error lacks merit.

{¶55} Therefore, based upon our thorough review of the record, despite appellant's cooperation with CCDCFS and his participation in the services offered to him, and despite his sincere efforts at reunification, the trial court properly terminated parental rights and awarded permanent custody of S.C. to CCDCFS.

{¶56} Judgment affirmed.

It is ordered that appellee recover of 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.

MARY EILEEN KILBANE, PRESIDING JUDGE

EILEEN T. GALLAGHER, J., and
MELODY J. STEWART, J., CONCUR