

TITLE

People

CASE

BRIEF

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STATEMENT OF ASSIGNMENTS OF ERROR

APPELLANT1'S FIRST ASSIGNMENT OF ERROR

THE COURT ABUSED ITS DISCRETION AND ERRED TO MOTHER'S DETRIMENT WHEN IT DETERMINED...WRITE THIS IN THE BODY ON PAGE 1 IN SENTENCE CASE. CAPS WILL APPEAR HERE IN THE BODY AND IN SENTENCE CASE IN THE TOC

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STATEMENT OF ISSUES PRESENTED

BEST PRACTICES IS TO WRITE THESE AFTER YOU HAVE FINISHED THE BRIEF.

APPELLANT1'S FIRST ISSUE PRESENTED

Ohio's child protective scheme is defined by statute and the only powers of a Juvenile Court are dictated by statute. The court did not address all of the elements required by R.C. 2151.414(D). Does a court have the discretion to ignore statutory direction?

APPELLANT1'S SECOND ISSUE PRESENTED

Ohio's child protective scheme is defined by statute and the only powers of a Juvenile Court are dictated by statute. The court did not address all of the elements required by R.C. 2151.414(D). Does a court have the discretion to ignore statutory direction?

Local Rule 16(A)(4) - Statement of the Issues Presented

The statement of the issues should be a succinct, clear, and accurate statement of the arguments made in the body of the brief. To be most helpful to the reader, each issue should be a separate paragraph of less than 75 words. Ideally, each will be between 60 and 75 words. The first sentence of each issue should be a legal premise. This should be followed by facts demonstrating why the legal premise is applicable in this case. Finally, each should close with a question.

The word "whether" should not appear anywhere in the issue. Bryan Garner has called this "the deep issue" and listed the following principles for stating a good one:

- (i) You must not try to cram everything into one sentence. Use separate sentences.
- (ii) You must hold each issue to 75 or fewer words. (Otherwise, you will lose focus and readers will lose patience.)
- (iii) You must interweave facts into the issue--and keep them in chronological order.
- (iv) The last sentence, which ends with a question mark, must flow directly from what precedes it. But remember that everything in the 75-word statement makes up the issue.

Bryan A. Garner, *The Elements of Legal Style* 184 (2002). The following is an example of the type of issue the Court wants to see:

The excited utterance exception allows a declarant's statement to be admitted if it is made under the stress of a startling event. Officer Johnson testified that he talked to Smith 30 minutes after Smith had made a 911 call reporting that he had been assaulted. Smith told Officer Johnson, "Bob hit me with a baseball bat." Was Officer Johnson's testimony repeating what Smith told him admiss

STATEMENT OF THE CASE

The court overruled the objection and this is the Journal Entry which forms the basis of this appeal.

STATEMENT OF THE FACTS

LAW AND ARGUMENT

APPELLANT1'S FIRST ASSIGNMENT OF ERROR

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Write in the standard of review you are using in the body of the thing

WHEN YOU WRITE THIS, INSERT THE TYPE OF STANDARD IN THE BODY AND CHOOSE Standard of Review – X as 4 Subtitle Class Things in sentence case are collections, not cites. Quotations are justified, indented.

NB In a PC, you will ALWAYS begin with

STANDARD OF REVIEW

STANDARD OF REVIEW FOR PC MANIFEST OR SUFFICIENCY NOT ABUSE

[*P6] We accepted the certified conflict on the following question: "When reviewing a trial court's decision to terminate parental rights, is the appellate standard of review abuse of discretion, manifest weight of the evidence, clear and convincing evidence, or sufficiency of the evidence?" 169 Ohio St.3d 1439, 2023-Ohio-482, 203 N.E.3d 730

[*P11] Given that R.C. 2151.414 requires that a juvenile court find by clear and convincing evidence that the statutory requirements are met, we agree with those appellate courts that have determined that the sufficiency-of-the-evidence and/or manifest-weight-of-the-evidence standards of review are the proper appellate standards of review of a juvenile court's permanent-custody determination, as appropriate depending on the nature of the arguments that are presented by the parties. We therefore conclude that the court of appeals here erred in applying an abuse-of-discretion standard.

In re Z.C. 2023-Ohio-4703

VARIOUS BOILER PLATE CASES:

BACKGROUND OF LAW

WHEN YOU WRITE THIS, INSERT THE TYPE OF STANDARD IN THE BODY AND CHOOSE Stanard of Review – X as 4 Subtitle Class Things in sentence case are collections, not cites. Quotations are justified, indented.

STANDARD OF REVIEW FOR PC MANIFEST OR SUFFICIENCY NOT ABUSE

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In re Z.C. 2023-Ohio-4703

LEGISLATIVE INTENT

[I]t has long been the precedent in Ohio that the overriding consideration in child custody matters is the best interest of the child. See. e.g., *Clark v. Bayer*, 32 Ohio St. 299, 310 (1877) (“[I]n all cases of controverted right to custody, the welfare of the minor is first to be considered.”). The legislature has also mandated the liberal interpretation and construction of R.C. §Chapter 2151 to “provide for the care, protection, and mental and physical development of children possible, in a family environment, separating the child from the child’s parents only when necessary for the child’s welfare or in the interests of public safety[.]” (Emphasis added.) R.C. §2151.01(A).

In re L.R., 9th Dist. Lorain Nos. 18CA011378 and 18CA011385, 2019-Ohio-1 152 35.

AUTHORITY OF JUVENILE COURT

[*P25] As this Court has frequently noted, the juvenile court derives its sole authority in dependency, neglect, and abuse cases from the comprehensive statutory scheme set out in R.C. Chapter 2151. E.g., *In re A.P.*, 9th Dist. Medina No. 12CA0022-M, 2012-Ohio-3873, ¶ 16. R.C. §2151.412 addresses case plans and further directs the director of job

and family services to adopt rules regarding the content, format, development, implementation, and modification of case plans. Those rules are found in various provisions of the Ohio Administrative Code.

In re B.H., 9th Dist. Summit, C.A. Nos. 29998, 29999, 2021-Ohio-4152

DUE PROCESS NOTICE AND OPPORTUNITY FOR HEARINGS

Prior cases establish, first, that due process requires, at a minimum, that absent a countervailing state interest of overriding significance, persons forced to settle their claims of right and duty through the judicial process must be given a meaningful opportunity to be heard. Early in our jurisprudence, this Court voiced the doctrine that "[w]herever one is assailed in his person or his property, there he may defend," *Windsor v. McVeigh*, 93 U. S. 274, 277 (1876). See *Baldwin v. Hale*, 1 Wall. 223 (1864); *Hovey v. Elliott*, 167 U. S. 409 (1897). The theme that "due process of law signifies a right to be heard in one's defense," *Hovey v. Elliott*, supra, at 417, has continually recurred in the years since *Baldwin*, *Windsor*, and *Hovey*.^[3] Although "[m]any controversies 378*378 have raged about the cryptic and abstract words of the Due Process Clause," as Mr. Justice Jackson wrote for the Court in *Mullane v. Central Hanover Tr. Co.*, 339 U. S. 306 (1950), "there can be no doubt that at a minimum they require that deprivation of life, liberty or property by adjudication be preceded by notice and opportunity for hearing appropriate to the nature of the case." *Id.*, at 313.

Boddie v. Connecticut, 401 US 371, 378 (1971)

DUE PROCESS PC PROCEDURAL AND SUBSTANTIVE

{¶13} When the state seeks to terminate parental rights, a fundamental liberty interest is involved. In such cases, parents must be afforded every procedural and substantive protection the law allows. This Court is obligated to ensure that the parties have received a fair hearing, and that their constitutional and other legal rights have been recognized and enforced. R.C. §2151.01. Unless a parent-child relationship has been measured by fair procedures, the courts exceed their bounds in terminating that relationship.

In re C.S., 9th Dist. Summit No. 26178, 2012-Ohio-2884, ¶13. (Internal citations omitted); see also, *In re R.K.*, 152 Ohio St.3d 316, 2018-Ohio-23, 95 N.E.3d 394, ¶5.

DUE PROCESS PROCEDURAL AND SUBSTANTIVE HEIGHTENED

The Fourteenth Amendment provides that no State shall "deprive any person of life, liberty, or property, without due process of law." We have long recognized that the Amendment's Due Process Clause, like its Fifth Amendment counterpart, "guarantees more than fair process." *Washington v. Glucksberg*, 521 U. S. 702, 719 (1997). The Clause also includes a substantive component that "provides heightened protection against government interference with certain fundamental rights and liberty interests." *Id.*, at 720; see also *Reno v. Flores*, 507 U. S. 292, 301-302 (1993).

Troxel v. Granville, 530 U.S. 57, 65, 120 S.Ct. 2054, 147 L.Ed.2d 49 (2000)

DUE PROCESS ELEVATED LEVEL IN PC

¶{12} The United States Supreme Court has explained that an elevated level of procedural due process should be accorded to parties for whom the potential for loss is great, and that parents in a permanent custody case are among those to whom a greater level of protection is due. *Santosky v. Kramer* (1982), 455 U.S. 745, 758. “The extent to which procedural due process must be afforded the recipient is influenced by the extent to which he may be ‘condemned to suffer grievous loss.’” (Internal citations and quotations omitted.) *Id.* at 758. And, it is “‘plain beyond the need for multiple citation’ that a natural parent’s ‘desire for and right to the companionship, care, custody, and management of his or her children’ is an interest far more precious than any property right.” *Id.* at 758-759, quoting *Lassiter v. Dept. of Social Services* (1981), 452 U.S. 18, at 27, quoting *Stanley v. Illinois* (1972), 405 U.S. 645, at 651. When the State initiates a parental rights termination proceeding, it seeks “not simply to infringe upon that interest but to end it. If the State prevails, it will have worked a unique kind of deprivation. A parent’s interest in the accuracy and justice of the decision to terminate his or her parental status is, therefore a commanding one.” (Internal citations omitted.) *Lassiter*, 452 U.S. at 27. In reaching these conclusions, the United States Supreme Court, has considered that “[t]he State’s ability to assemble its case almost inevitably dwarfs the parents’ ability to mount a defense.” *Id.*, 455 U.S. at 763.

In re J.M., 9th Dist. Summit No. 24827, 2010-Ohio-1967. (Internal citations omitted.)

BEST INTERESTS

BEST INTERESTS- APPELLANT CUSTODY, NOT PC

¶{11} "Following an adjudication of neglect, dependency, or abuse, the juvenile court's determination of whether to place a child in the legal custody of a parent or a relative is based solely on the best interest of the child." *In re K.H.*, 9th Dist. Summit No. 27952, 2016-Ohio-1330, ¶ 12. ...“The statutory scheme regarding an award of legal custody does not include a specific test or set of criteria, but Ohio courts agree that the juvenile court must base its decision to award legal custody on the best interest of the child. *In re B.B.*, 9th Dist. Lorain No. 15CA010880, 2016-Ohio-7994, ¶ 18, 74 N.E.3d 904, quoting *In re N.P.*, 9th Dist. Summit No. 21707, 2004-Ohio-110, ¶ 23. In that regard, the juvenile court is guided by the best interest factors enumerated in R.C. 2151.414(D) relating to permanent custody. *In re B.G.*, 9th Dist. Summit No. 24187, 2008-Ohio-5003, ¶ 9, citing *In re T.A.*, 9th Dist. Summit No. 22954, 2006-Ohio-4468, ¶ 17. Those factors include the interaction and interrelationships of the child, the child's wishes, the custodial history of the child, the child's need for permanence, and whether any of the factors in R.C. 2151.414(E)(7)-(11) are applicable. R.C. 2151.414(D)(1)(a)-(e); see also *In re*

B.C., 9th Dist. Summit Nos. 26976 and 26977, 2014-Ohio-2748, ¶ 16. In addition, the juvenile court may also look to the best interest factors in R.C. 3109.04(F)(1) for guidance. *In re K.A.*, 9th Dist. Lorain Nos. 15CA010850 and 15CA010860, 2017-Ohio-1, ¶ 17. While some factors overlap with those above, others include the child's adjustment to his or her environment; the mental and physical health of all persons involved; the parents' history of providing support and honoring companionship orders; certain indicia of violence, abuse, or neglect in any household involved; and whether a parent plans to or has established a residence outside of Ohio. R.C. 3109.04(F)(1).
In re E.C. B.C., 9th Dist. Summit, C.A. Nos. 30096, 30097, (2022)

MANIFEST WEIGHT BEST INTERESTS R.C. §2151.414(D) AND R.C. 3109.04(F)

[*P22] In considering the merits of the pending motions to modify the award of legal custody regarding J.B., the juvenile court referenced and properly applied R.C. §2151.42(B). After making the threshold determination of the requisite change in circumstances, the trial court considered the best interest of the child. It applied the best interest factors enumerated in R.C. §2151.414(D) and R.C. §3109.04(F). This comports with well settled law.

The statutory scheme regarding an award of legal custody does not include a specific test or set of criteria, but Ohio courts agree that the juvenile court must base its decision to award legal custody on the best interest of the child. *In re: B.B.*, 9th Dist. Lorain No. 15CA010880, 2016-Ohio-7994, 74 N.E.3d 904 ¶ 18, quoting *In re N.P.*, 9th Dist. Summit No. 21707, 2004-Ohio-110, ¶ 23. In that regard, the juvenile court is guided by the best interest factors enumerated in R.C. §2151.414(D) relating to permanent custody. *In re B.G.*, 9th Dist. Summit No. 24187, 2008-Ohio-5003, ¶ 9, citing *In re T.A.*, 9th Dist. Summit No. 22954, 2006-Ohio-4468, ¶ 17. Those factors include the interaction and interrelationships of the child, the child's wishes, the custodial history of the child, the child's need for permanence, and whether any of the factors in R.C. §2151.414(E)(7)-(11) are applicable. R.C. §2151.414(D)(1)(a)-(e); see also *In re B.C.*, 9th Dist. Summit Nos. 26976 and 26977, 2014-Ohio-2748, ¶ 16. In addition, the juvenile court may also look to the best interest factors in R.C. §3109.04(F)(1) for guidance. *In re K.A.*, 9th Dist. Lorain Nos. 15CA010850 and 15CA010860, 2017-Ohio-1, ¶ 17. While some factors overlap with those above, others include the child's adjustment to his or her environment; the mental and physical health of all persons involved; the parents' history of providing support and honoring companionship orders; certain indicia of violence, abuse, or neglect in any household involved; and whether a parent plans to or has established a residence outside of Ohio. R.C. §3109.04(F)(1).

In re B.D., 9th Dist. Summit Nos. 30194, 30195, and 30196, 2022-Ohio-1832, ¶ 15.

PREPONDERANCE OF THE EVIDENCE

PREPONDERANCE OF THE EVIDENCE SHORT VERSION

{¶7} On appeal, an award of legal custody will not be reversed if the judgment is supported by a preponderance of the evidence. Preponderance of the evidence entails the greater weight of the evidence, evidence that is more probable, persuasive, and possesses greater probative value. In other words, when the best interest of the child is established by the greater weight of the evidence, the trial court does not have discretion to enter a judgment that is adverse to that interest. Thus, our standard of review is whether a legal custody decision is against the manifest weight of the evidence. (Internal citations and quotations omitted.) The Ohio Supreme Court has clarified that this standard of review is the same in all cases—criminal, civil, or juvenile—alike. See *Eastley v. Volkman*, 132 Ohio St.3d 328, 2012-Ohio-2179, ¶17-23.

In re M.F., 9th Dist. Lorain No. 15CA010823, 2016-Ohio-2685, ¶ 7.

PREPONDERANCE OF THE EVIDENCE LONG VERSION SAME CASE

[*P7] On appeal, an award of legal custody will not be reversed if the judgment is supported by a preponderance of the evidence. *In re Nice*, 141 Ohio App.3d 445, 455, 2001 Ohio 3214, 751 N.E.2d 552 (7th Dist.2001); *In re S.A.*, 11th Dist. Trumbull Nos. 2011-T-0098, etc., 2012-Ohio-2006, P25; *In re S.D.*, 5th Dist. Stark Nos. 2013CA0081 & 2013CA0082, 2013-Ohio-5752, P32; *In re A.C.*, 12th Dist. Clermont No. CA2006-12-105, 2007-Ohio-3350, P14. "Preponderance of the evidence entails the 'greater weight of the evidence,' evidence that is more probable, persuasive, and possesses greater probative value." *Davis v. KB Compost Servs.*, 9th Dist. Summit No. 21186, 2002-Ohio-7000, P10, quoting *State v. Williams*, 5th Dist. Knox No. 01 CA 24, 2002-Ohio-4267, P13. In other words, when the best interest of a child is established by the greater weight of the evidence, the trial court does not have discretion to enter a judgment that is adverse to that interest. Thus, our standard of review is whether a legal custody decision is against the manifest weight of the evidence. The Ohio Supreme Court has clarified that this standard of review is the same in all cases—criminal, civil, or juvenile—alike. See *Eastley v. Volkman*, 132 Ohio St.3d 328, 2012-Ohio-2179, P17-23, 972 N.E.2d 517. *In re M.F.*, 9th Dist., Lorain, C.A. No. 15CA010823, 2016-Ohio-2685.

CLEAR AND CONVINCING EVIDENCE

EVIDENCE STANDARDS

[*¶9] Clear and convincing evidence is the level of proof greater than a "preponderance of the evidence," but less than the certainty of "beyond a reasonable doubt" as required by criminal cases. *State v. Schiebel* (1990), 55 Ohio St. 3d 71, 74, 564 N.E.2d 54, citing *Cross v. Ledford* (1954), 161 Ohio St. 469, 120 N.E.2d 118. An appellate court reviews the record to determine whether sufficient evidence exists to meet the clear and convincing standard. See *Cross, 161 Ohio St. at 477*.

In re M. B., 9th Dist. Summit, C. A. No. 21812, 2004-Ohio-2666.

CLEAR AND CONVINCING EVIDENCE FOR ADJUDICATIONS

[*P14] Juvenile abuse, neglect, and dependency cases are initiated by the filing of a complaint. See; Juv.R. 10; R.C. §2151.27(A). The complaint is "the legal document that sets forth the allegations that form the basis for juvenile court jurisdiction." Juv.R. 2(F). The juvenile court must base its adjudication on the evidence adduced at the adjudicatory hearing to support the allegations in the complaint. See *In re Hunt*, 46 Ohio St.2d 378, 380, 348 N.E.2d 727 (1976). If allegations in the complaint are not proved by clear and convincing evidence at the adjudicatory hearing, the juvenile court must dismiss the complaint. Juv.R. 29(F); R.C. §2151.35(A)(1). Clear and convincing evidence is that which will "produce in the mind of the trier of facts a firm belief or conviction as to the facts sought to be established." (Internal quotations omitted.) *In re Adoption of Holcomb*, 18 Ohio St.3d 361, 368, 18 Ohio B. 419, 481 N.E.2d 613 (1985), quoting *Cross v. Ledford* (1954), 161 Ohio St. 469, 120 N.E.2d 118, paragraph three of the syllabus.

In re J.R., 9th Dist. C.A. No. 29086 (2019)

ALTERNATIVE CLEAR AND CONVINCING

{¶18} Juvenile abuse, neglect, and dependency cases are initiated by the filing of a complaint. See: Juv.R. 10; R.C. §2151.27(A). The complaint is "the legal document that sets forth the allegations that form the basis for juvenile court jurisdiction." Juv.R. 2(F). The juvenile court must base its adjudication on the evidence adduced at the adjudicatory hearing to support the allegations in the complaint. See *In re Hunt*, 46 Ohio St.2d 378, 380 (1976). If allegations in the complaint are not proved by clear and convincing evidence at the adjudicatory hearing, the juvenile court must dismiss the complaint. Juv.R. 29(F)(1); R.C. §2151.35(A)(1). Clear and convincing evidence is that which will "produce in the mind of the trier of facts a firm belief or conviction as to the facts sought to be established." (Internal quotations omitted.) *In re Adoption of Holcomb*, 18 Ohio St.3d 361, 368 (1985), quoting *Cross v. Ledford* (1954), 161 Ohio St. 469, 120 N.E.2d 118, paragraph three of the syllabus.

{¶19} This court reviews as follows:

In determining whether the juvenile court's adjudication of dependency is against the manifest weight of the evidence, this court [reviews] the entire record, weighs the evidence and all reasonable inferences, considers the credibility of witnesses and determines whether in resolving conflicts in the evidence, the [trier of fact] clearly lost its way and created such a manifest miscarriage of justice that the [adjudication] must be reversed[.] (Alterations sic.)

In re R.L., 9th Dist. Summit No. 28387, 2017-Ohio-4271, ¶ 8, quoting *In re C.S.*, 9th Dist. Summit No. 26178, 2012-Ohio-2884, ¶ 5, quoting *In re A.W.*, 195 Ohio App.3d 379, 2011-Ohio-4490, 18 (9th Dist.).

In re G.G., Ninth Dist. Summit County, C.A. No. 29952, 2022-Ohio-1654.

STANDARD OF REVIEW – CLEAR AND CONVINCING EVIDENCE FOR ADJUDICATIONS, DEPENDENCY © CONDITIONS OR ENVIRONMENTAL ELEMENTS THAT WERE ADVERSE TO THE NORMAL DEVELOPMENT OF THE CHILD.

[*P14] Juvenile abuse, neglect, and dependency cases are initiated by the filing of a complaint. See; Juv.R. 10; R.C. §2151.27(A). The complaint is "the legal document that sets forth the allegations that form the basis for juvenile court jurisdiction." Juv.R. 2(F). The juvenile court must base its adjudication on the evidence adduced at the adjudicatory hearing to support the allegations in the complaint. See *In re Hunt*, 46 Ohio St.2d 378, 380, 348 N.E.2d 727 (1976). If allegations in the complaint are not proved by clear and convincing evidence at the adjudicatory hearing, the juvenile court must dismiss the complaint. Juv.R. 29(F); R.C. §2151.35(A)(1). Clear and convincing evidence is that which will "produce in the mind of the trier of facts a firm belief or conviction as to the facts sought to be established." (Internal quotations omitted.) *In re Adoption of Holcomb*, 18 Ohio St.3d 361, 368, 18 Ohio B. 419, 481 N.E.2d 613 (1985), quoting *Cross v. Ledford* (1954), 161 Ohio St. 469, 120 N.E.2d 118, paragraph three of the syllabus.

[*P15] This Court reviews as follows:

BEST INTERESTS STATUTES

R.C. §2151.414(D)

Those factors include

1. The interaction and interrelationship. R.C. §3109.04(F)(1)(c) & R.C. §2151.414(D)(a)
2. The wishes of the child, guardian ad litem. R.C. §3109.04(F)(1)(b) & R.C. §2151.414(D)(b)
3. The custodial history of the child. R.C. §2151.414(D)(c)
4. The child's need for a legally secure permanent placement. R.C. §2151.414(D)(d)
5. Whether any of the factors in divisions R.C. §2151.414(E)(7) to (11) of this section apply in relation to the parents and child. R.C. §2151.414(D)(e)

In determining the child's best interest, the Court is required to consider all relevant factors. The Court must specifically consider the following:

1. 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;
2. 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; 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, or the child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period and, as described in division (D)(1) of section 2151.413 of the Revised Code, the child was previously in the temporary custody of an equivalent agency in another state;
4. 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;
Whether any of the factors in divisions (E)(7) to (11) of this section apply in relation to the parents and child.

R.C. §2151.414(E)(7)-(11)

1. The parent has been convicted of or pleaded guilty to one of the following:
2. Crimes of violence or of a sexual nature here or elsewhere and the victim of the offense is the child, a sibling of the child, or another child who lived in the parent's household at the time of the offense; R.C. §3109.04(F)(1)(h) & R.C. §2151.414(E)(7)
3. The parent has repeatedly withheld medical treatment or food. R.C. §2151.414(E)(8)
4. The parent has placed the child at substantial risk of harm two or more times due to alcohol or drug abuse and has rejected treatment two or more times. R.C. §2151.414(E)(9)
5. The parent has abandoned the child. R.C. §3109.04(F)(1)(g) & R.C. §2151.414(E)(10)
6. The parent has had parental rights involuntarily terminated. R.C. §2151.414(E)(11)

R.C. §3109.04(F)(1)

1. The wishes of the child's parents regarding the child's care; R.C. §3109.04(F)(1)(a)
2. The child's wishes expressed to the court. R.C. §2151.414(D)(b) & R.C. §3109.04(F)(1)(b)
3. The child's interaction and interrelationships. R.C. §2151.414(D)(a) & R.C. §3109.04(F)(1)(c)
4. The child's adjustment to the child's home, school, and community; R.C. §2151.414(D)(a) & R.C. §3109.04(F)(1)(d)
5. The mental and physical health of all persons involved in the situation; R.C. §3109.04(F)(1)(e)
6. The parent more likely to honor and facilitate court-approved parenting time rights or visitation and companionship rights; R.C. §3109.04(F)(1)(f)

7. Whether either parent has failed to make all child support payments, including all arrearages, that are required of that parent pursuant to a child support order under which that parent is an obligor; R.C. §2151.414(E)(10) & R.C. §3109.04(F)(1)(g)
8. The parent more likely to honor and facilitate court-approved parenting time rights or visitation and companionship rights; R.C. §3109.04(F)(1)(f)

APPELLANT1'S SECOND ASSIGNMENT OF ERROR

WRITE THIS IN THE BODY IN SENTENCE CASE. CAPS WILL APPEAR HERE IN THE BODY AND IN SENTENCE CASE IN THE TOC

Standard Of Review

CONSTITUTIONS

The Public Debt Clause

“The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.”

LAW REVIEWS

Volume 56, Issue 3 (2023) Sports and Entertainment Law Symposium
Game Changers: Rewriting the Playbook - A Sports and Entertainment Law Symposium
Luke Fedlam

SECONDARY REFERENCES

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https://en.wikipedia.org/wiki/Common_law

TREATIES

Treaty of Tripoli https://avalon.law.yale.edu/19th_century/bar1805t.asp#:~:text=Art%2020-,Treaty%20of%20Peace%20and%20Amity%2C%20signed%20at%20Tripoli%20June%204,and%20consent%20April%2012%2C%201806.

IF YOU ADD A NEW INDEX, NAME IT SOM

CONCLUSION

Wherefore, for the reasons stated herein, Appellant asks this Court to sustain HISHER assignment of error and hold that the trial court committed reversible error in granting

Appellant respectfully asks this Court to reverse and remand for further proceedings.

Wherefore, for the reasons stated herein, Appellee asks this Court to uphold the order granting

CONCLUSION

Summit County Children Services respectfully submits, pursuant to the argument offered, that the Juvenile Court committed no error prejudicial to Appellant in the instant case. Summit County Children Services, therefore, contends that the judgment of the Juvenile Court should be affirmed.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2024, a copy of the foregoing Brief of **AAEE ROLE** was filed electronically with the Summit County Clerk of Court. Pursuant to Civ.R. 5(B)(3) notice of this filing will be sent by operation of the Clerk's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Clerk's Website.



Alexandra Hull

APPENDIX

Summit County Court Of Common Pleas, Juvenile Division

Case Numbers DN 21-01-030, DN 21-01-031, and DN 21-08-601

Judgments of the Court Decided: December 15th, 2023

In Re: DE.J. DN 21-01-030 A-1 through A-4

In Re: DW.J. DN 21-01-031 B-1 through B-4

In Re: DI.J. DN 21-08-601 C-1 through C-4

REFERENCES

BEST INTERESTS CHEAT SHEET:

R.C. §2151.414(D)(1)(A)-(D)

- (a) The interaction and interrelationship
- (b) The wishes of the child,
- (c) The custodial history of the child
- (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 (1 1) of this section apply in relation to the parents and child.

R.C. §2151.414(D)

Those factors include

- The interaction and interrelationship. R.C. §3109.04(F)(1)(c) & R.C. §2151.414(D)(a)
- The wishes of the child, guardian ad litem. R.C. §3109.04(F)(1)(b) & R.C. §2151.414(D)(b)
- The custodial history of the child. R.C. §2151.414(D)(c)
- The child's need for a legally secure permanent placement. R.C. §2151.414(D)(d)
- Whether any of the factors in divisions (E)(7) to (11) of this section apply in relation to the parents and child. R.C. §2151.414(D)(e)

R.C. §2151.414(E)(7)-(11)

The parent has been convicted of or pleaded guilty to one of the following:

- Crimes of violence or of a sexual nature here or elsewhere and the victim of the offense is the child, a sibling of the child, or another child who lived in the parent's household at the time of the offense; R.C. §3109.04(F)(1)(h) & R.C. §2151.414(E)(7)
- The parent has repeatedly withheld medical treatment or food. R.C. §2151.414(E)(8)
- The parent has placed the child at substantial risk of harm two or more times due to alcohol or drug abuse and has rejected treatment two or more times. R.C. §2151.414(E)(9)
- The parent has abandoned the child. R.C. §3109.04(F)(1)(g) & R.C. §2151.414(E)(10)
- The parent has had parental rights involuntarily terminated. R.C. §2151.414(E)(11)

R.C. §3109.04(F)(1)

- The wishes of the child's parents regarding the child's care; R.C. §3109.04(F)(1)(a)
- The child's wishes expressed to the court. R.C. §2151.414(D)(b) & R.C. §3109.04(F)(1)(b)
- The child's interaction and interrelationships. R.C. §2151.414(D)(a) & R.C. §3109.04(F)(1)(c)
- The child's adjustment to the child's home, school, and community; R.C. §2151.414(D)(a) & R.C.

