

**IN THE COURT OF APPEALS**  
**FIRST APPELLATE DISTRICT OF OHIO**  
**HAMILTON COUNTY, OHIO**

IN RE: L.P. : APPEAL NO. C-140732  
 : TRIAL NO. F05-3048 x  
 : *JUDGMENT ENTRY.*

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. See S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

L.P.'s father appeals from the trial court's judgment awarding legal custody of L.P. to L.P.'s long-time caregiver, C.M. For the following reasons, we affirm.

L.P. was adjudicated an abused and dependant child, and, following a trial before a magistrate, legal custody of L.P. was awarded to C.M. Father objected to the magistrate's decision. His objections were denied, and the trial court entered judgment adopting the magistrate's decision. Father now appeals.

In his sole assignment of error, father appears to contend that the court erred because its judgment was against the weight and sufficiency of the evidence. We review the trial court's judgment for an abuse of discretion. *In re A.W.*, 1st Dist. Hamilton No. C-140142, 2015-Ohio-489, ¶ 10. An abuse of discretion occurs where a trial court's decision is unreasonable, arbitrary, or unconscionable. *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219, 450 N.E.2d 1140 (1983).

In determining child-custody matters, a court considers the "best-interest" factors in R.C. 2151.414. *In re A.C.*, 1st Dist. Hamilton No. C-140273, 2015-Ohio-153,

¶ 6, citing *In re Needhom*, 1st Dist. Hamilton Nos. C-080107 and C-080121, 2008-Ohio-2196, ¶ 15. These factors include the child's interactions and relationships with his or her parents, siblings, relatives, and foster caregivers or any other out-of-home providers; the wishes of the child, expressed directly through the child or through the child's guardian ad litem; the custodial history of the child; and the child's need for a legally secure placement. *See* R.C. 2151.414(D)(1).

In this case, after independently reviewing the proceedings before the magistrate, the trial court found that during the three years that L.P. had lived with C.M., L.P. had formed a deep bond with C.M. and her family, that C.M. had successfully met L.P.'s day-to-day needs, that C.M. facilitated visits with L.P.'s siblings, who had been placed elsewhere, and that C.M. would most likely facilitate visits between L.P. and her mother. The court found that father did not consistently visit with L.P. and did not initially seek legal custody of L.P., and that disrupting L.P.'s placement would not be in her best interest given L.P.'s strong bond with C.M. and father's somewhat erratic commitment to L.P.

Upon a review of the record, we hold that the trial court's judgment was supported by sufficient evidence. *See In re A.B.*, 1st Dist. Hamilton Nos. C-150307 and C-150310, 2015-Ohio-3247, ¶ 15. We also hold that the trial court did not lose its way in weighing the evidence presented so as to create a manifest miscarriage of justice warranting a new trial. *See State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997); *State v. Martin*, 20 Ohio App.3d 172, 175, 485 N.E.2d 717 (1983). Because there was sufficient evidence going to all elements of the case, and because the court's judgment was not against the manifest weight of the evidence, we hold that the court did not abuse its discretion in adopting the magistrate's decision. *See In re A.W.*, 1st Dist. Hamilton No. C-140142, 2015-Ohio-489 at ¶ 10, citing *In re*

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*Wilkenson*, 1st Dist. Hamilton Nos. C-010402 and C-010408, 2001 Ohio App. LEXIS 4589, \*5-6 (Oct. 12, 2001). Father's sole assignment of error is overruled.

The trial court's judgment is affirmed.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**FISCHER, P.J., MOCK and STAUTBERG, JJ.**

To the clerk:

Enter upon the journal of the court on February 3, 2016  
per order of the court \_\_\_\_\_.

Presiding Judge