



Former R.C. 2151.414(B)(1); *In re M., R., & H. Children* at ¶ 17. While the juvenile court must find that both prongs are supported by clear and convincing evidence, we will not substitute our judgment for that of the juvenile court where some competent, credible evidence supports the essential elements of the case. *Id.*; *In re C.E.1*, 1st Dist. Hamilton No. C-140674, 2015-Ohio-5710, ¶ 9.

The juvenile court found that the child could not or should not have been placed with either parent within a reasonable time as required by former R.C. 2151.414(B)(1)(a). Clear and convincing evidence supported that finding.

Father primarily challenges the court's finding that permanent custody was in the child's best interest. In determining the child's best interest, the court should consider all relevant factors, including the factors set forth in former R.C. 2151.414(D)(1).

The record demonstrates that the court considered all of the relevant factors. Father could not provide any home for the child at the time of the hearings on the motion for permanent custody, because he was incarcerated for crimes against the child's mother. The child was removed from father's custody when he and mother had gotten into a fight at the hospital by the newborn child's bed side. For a while, HCJFS could not locate father to provide services because he was homeless and did not have a phone. Once they located him, father did not engage in any services or visit the child, and he was involved in other incidents of domestic violence against the child's mother. Though father claimed to have engaged in services in prison, his efforts were too little, too late. Further, the child had an excellent caregiver, she was doing well, and the caregiver wished to adopt her.

**OHIO FIRST DISTRICT COURT OF APPEALS**

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Consequently, clear and convincing evidence supported the trial court's decision to grant permanent custody of D.N. to HCJFS, and its decision was not against the manifest weight of the evidence. *See Eastley v. Volkman*, 132 Ohio St.3d 328, 2012-Ohio-2179, 972 N.E.2d 517, ¶ 12. We overrule father's assignment of error and affirm the trial court's judgment.

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

**ZAYAS, P.J., MYERS and DETERS, JJ.**

To the clerk:

Enter upon the journal of the court on September 13, 2017  
per order of the court \_\_\_\_\_.  
Presiding Judge