

Circuit Court for St. Mary's County
Case Nos. C-18-JV-22-000044
C-18-JV-22-000045
C-18-JV-22-000046
C-18-JV-22-000047

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

Nos. 171 & 213

September Term, 2024

IN RE: A.F., Ab. F., H.B., & W.F.

Leahy,
Friedman,
Beachley,

JJ.

Opinion by Leahy, J.

Filed: December 19, 2024

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

These consolidated appeals arise from orders terminating parental rights to four children: A.F. (born November 2013), Ab. F. (born November 2014), H.B. (born September 2015), and W.F. (born September 2018) (collectively, “the Children”).¹ Appellant Mr. F. (“Father”) is the father of all four Children. Appellant Ms. F. is Father’s wife and the mother of W.F. The biological mother of A.F., Ab. F., and H.B. consented to the termination of her parental rights and is not a party to this appeal. For ease of reference, we shall refer to Ms. F. as “Mother,” even though she is the stepmother of A.F., Ab. F., and H.B.

On May 20, 2020, Father and Mother were arrested and charged with multiple counts of child abuse and child neglect. On the same date, the St. Mary’s County Department of Social Services (“Department”) removed the Children from the family home and placed them into emergency shelter care. On September 11, 2020, the Circuit Court for St. Mary’s County, sitting as the juvenile court, declared each of the Children to be a Child in Need of Assistance (“CINA”).²

¹ H.B. is referred to in the CINA petition as H.F., but is otherwise referred to in the record as H.B.

² A “child in need of assistance” is “a child who requires court intervention because: (1) The child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and (2) The child’s parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child’s needs.” Md. Code (1973, 2020 Repl. Vol.), Courts and Judicial Proceedings Article (“CJP”) § 3-801(f).

Mother pleaded guilty to two counts of second-degree child abuse and was sentenced to 30 years of incarceration, with all but 15 years suspended, to be followed by five years of supervised probation. Father pleaded guilty to four counts of child neglect and was sentenced to a total of 20 years of incarceration, with all but eight years suspended, to be followed by five years of supervised probation. Neither parent has had contact with any of the Children since they were placed in the care of the Department on May 20, 2020.

On July 22, 2022, the Department petitioned the court for an order of guardianship with respect to all four Children. On March 25, 2024, following an evidentiary hearing that was held after the Children had been in the care of the Department for over three and a half years without any contact with Father or Mother, the court granted the Department’s petitions. The court terminated Father’s parental rights to all four Children and Mother’s parental rights to W.F., and awarded guardianship to the Department with the right to consent to adoption. Father and Mother filed these timely appeals.

Father presents the following question for our review:

“Did the hearing court abuse its discretion in terminating the parental rights of [Father] where the Department provided virtually no reunification services to [Father]?”

Mother asks:

“Did the trial court err in terminating [Mother’s] parental rights?”

For the following reasons, we shall affirm the judgments of the circuit court.

BACKGROUND

A. Department’s Investigation of Report of Abuse and Neglect

On May 19, 2020, the Department received information that raised numerous concerns about the safety of the Children. It was reported that Mother hit one of the Children 15 times, in the presence of Father, who did not intervene. Mother allegedly made A.F., Ab. F., and H.B. “stand on the walls [sic] for hours holding books[.]” The Children were reportedly being deprived of food. W.F. had been bitten in the face by a dog and had a “gash” on the top of his head, but he had not received medical care. In addition, the report raised concerns about the safety of another child who lived in the house, Mother’s then 14-year-old daughter, D.C., “due to ‘drug dealers being after [Mother.]’”

On May 20, 2020, an investigator for the Department and a detective from the St. Mary’s County Sheriff’s Office made an unannounced visit to the home where the Children lived with Father, Mother, and Mother’s two older children, D.C., and A.C.³ Also living in the home were Mother’s mother, sister, and brother.

W.F. was observed to have a red mark under his eye and a “large cut” on the top of his head. When asked if W.F. had received medical attention for the cut, Mother said that she “saw a nurse” at a drugstore who told her to “put ointment on it[.]” The Department noted that the cut was “caked with dried blood” and “had not been tended to.”

³ As noted above, D.C. was 14 years old in May of 2020. D.C.’s CINA case was closed on January 30, 2024, after she turned 18-years old. A.C.’s age is not apparent from the record. Neither D.C. nor A.C. are parties to these appeals.

Father and Mother “refused to provide access” to A.F., Ab. F., and H.B., and “denied entry” to a locked room in the house. It “became apparent” to the Department that A.F., Ab. F., and H.B. were “being hidden.” They were located at the home of Jessica Thompson later that day.

When the Department responded to Ms. Thompson’s home, she immediately advised that, during the unannounced visit at the family home, A.F., Ab. F., and H.B. were being hidden in an upstairs bathroom by Mother’s mother. After the investigator and detective left the home, Mother brought them to Ms. Thompson’s house and told her to say that they had been with her all day.

A.F. was observed to have “significant bruising to [her] face, neck, and head.” H.B. had “several dark bruises” on his face. According to Ms. Thompson, Mother had instructed them to say that they fell, and told them that they would “go somewhere bad” if they told anyone what “actually” happened.

A.F., Ab. F., and H.B. were transported to the Child Advocacy Center where they underwent a physical examination and were interviewed and photographed. They were “observed to be visibly underweight and malnourished.” H.B.’s abdomen was “distended.”

Ab. F. and H.B. had bruises on their inner thighs. They both reported that Mother “kicks them there.” A.F.’s vagina was “blistered and raw[,]” and she had “what appeared to be a burn” on her labia. She reported that Mother “kicks [her] there.” A.F. further disclosed that Mother “makes her go in the basement,” where Mother “ties her hands up with socks[,]” and then kicks her or “pulls her arms out[.]” When asked what happens after

that, A.F. said, “the monster turns off the lights and yells and screams and scares me[,] and [Mother] and the monster hit, punch, bite, and kick me[,] and it hurts.”

Father’s mother (“Paternal Grandmother”) told the Department that Father and the Children lived with her for three months in 2019 due to Mother’s “violence.” During that time, A.F. complained that her mouth hurt, and told Paternal Grandmother that Mother had “shoved a marker down her throat.” Paternal Grandmother provided the Department with a photograph, evidently taken in April of 2019, that showed a “large significant cut in the back of [A.F.’s] throat.” Paternal Grandmother provided additional photographs “documenting the physical abuse of [A.F.] for a period of time.”

A.F. told the interviewer that she shares a room with Ab. F. and H.B. She said that Ab. F. and H.B. sleep in a bed, and she sleeps on the floor. Ab. F. reported that A.F. “isn’t allowed” to sleep in a bed. When Ab. F. was asked to describe their bedroom, she said that the windows are covered with boards because A.F. was “being bad.” H.B. was not interviewed “due to his inability to speak.” The Department noted that he communicated by “making grunting noises and pointing[.]”

A.F. and H.B. were transported to the emergency room for further evaluation of their injuries. Because of his distended abdomen, a skeletal survey was taken which revealed “a healed right lateral third rib and healed features of the third and fourth metacarpal bones.” A.F. was prescribed medication to treat a bacterial infection in her vaginal and inner thigh area.

A search warrant for the home was executed on the same day as the unannounced visit. In an upstairs bedroom that Mother claimed was used for storage, police observed a

mattress and box spring on a frame, and a crib mattress leaned up against a wall. Blood and feces were found on the floors, walls, and plastic bed covering. The lower portion of the two windows in the room were boarded up with plywood that was screwed into the window frames. Two more pieces of plywood with screws were located in the closet, and it was suspected that they had been secured across the upper part of the windows. Two cameras were mounted in the upper corner of the room.

An anonymous family member who lived in the home disclosed to the Department that the Children were “locked in that room all day” and were “sometimes” never let out. Father reportedly knew what was happening. The family member said that there were “some” days when she never saw the Children eat, and that she would “sneak” food to them when Mother was out of the house. She said, “I couldn’t help them when [Mother] was home because I would get in trouble. [Mother] told me she will kill me.” The family member further disclosed that D.C. was “made to fight” A.F., Ab. F., and H.B., and, if she refused, “she would be in trouble.”

Mother and Father were arrested, and both were charged with 12 counts of felony child abuse and four counts of neglect of a minor. The Children were placed in emergency shelter care.⁴ Mother and Father were denied bond.

⁴ Mother’s two older children, D.C. and A.C., were also removed from the family home. D.C. was placed in the care of the Department. A.C. was placed with his biological father.

B. CINA Proceedings

On May 22, 2020, the Department filed a CINA petition on behalf of each of the Children along with a request for continued shelter care.⁵ On August 5, 2020, the court held an adjudication and disposition hearing. Mother and Father were present and were represented by counsel. Following the hearing, the court declared each of the Children to be a CINA. The court ordered a permanency plan of reunification. Both parents were ordered to (1) complete mental health and substance abuse assessments and follow all recommendations; (2) maintain safe and stable housing, and (3) complete a parenting class and follow all recommendations. The court ordered that any contact between Father and the Children, and any contact between Mother and W.F., was to be as approved by the Department.

C. Father’s Status During CINA Proceedings

On July 9, 2020, Father was released from detention and placed on pretrial supervision. A condition of his release was that he have no contact with the Children. Father agreed to sign a service agreement with the Department to the same effect. While on pretrial supervision, Father went back to work on a full-time basis.

On November 17, 2020, Father entered a plea of guilty to four counts of neglect of a minor. He remained on pretrial supervision until January of 2022, when he was sentenced. In a report dated December 22, 2020, the Department noted that Father was not

⁵ Shelter care is defined as “a temporary placement of a child outside of the home at any time before disposition.” CJP § 3-801(cc).

engaging in visitation with any of the Children due to the no contact order issued in his criminal case.

Father provided the Department with documentation confirming that he completed a substance abuse assessment, and that no additional services were recommended. He informed the Department that he completed a mental health assessment, but he did not provide documentation and refused to sign a release to allow the Department to obtain those records. He repeatedly told the Department caseworker that he “didn’t do anything[,]” and that the Department was “out to get [him].” He became “angry and upset” when the caseworker explained that “by doing nothing, he did not protect the [C]hildren from abuse.” The caseworker noted that Father “does not appear to understand [that] his inaction is considered neglect and is a form of abuse[.]”

The Department provided Father with a referral for a parenting class, which he completed. According to the final report from the parenting program, Father’s remained at a “medium risk” level in all categories, and further education was recommended. In a report filed with the court on May 3, 2021,⁶ the Department noted that Father had completed parenting classes, but “continues to not understand his role in neglecting the [C]hildren.”

⁶ The date on the report is April 26, 2020, but, because it references events that occurred on April 14, 2021, and it was filed with the court on May 3, 2021, we assume that the report was finalized on April 26, 2021.

On January 21, 2022, the court sentenced Father to a total of 20 years of incarceration, with all but eight years suspended, commencing on May 20, 2020. In addition to a prison sentence, the court imposed five years of supervised probation.

On October 10, 2022, Father was released on parole and began his probation. A condition of Father’s probation is that he may not have unsupervised contact with the Children unless (1) permitted by a therapist and by the Department, and (2) ordered by the court.

D. Mother’s Status During CINA Proceedings

In December of 2020, Mother asked the Department to connect her with parenting skills classes and mental health services. Mother was unable to complete court-ordered tasks in the detention center, however, due to the COVID-19 pandemic.

On August 27, 2021, Mother pleaded guilty to two counts of second-degree child abuse. As a consequence, she was found to be in violation of conditions of probation related to a previous conviction for assaulting the biological mother of A.F., Ab. F., and H.B. She was sentenced to two and a half years for violation of probation.

On January 21, 2022, Mother was sentenced to a total of 30 years for the child abuse convictions, with all but 15 years suspended, to be followed by five years of supervised probation. Like Father, a condition of Mother’s probation is that she may not have unsupervised contact with the Children except with the permission of a therapist and the Department and upon further order of the court.

E. Children’s Placement and Progress

Upon removal from the family home on May 20, 2020, H.B. and W.F. were placed with Ms. Y, a licensed resource parent. A.F. and Ab. F were placed in a different foster home.

Paternal Grandmother expressed an interest in being a placement resource for the Children. The Department noted, however, that she had shown the caseworker “multiple photographs and videos of instances of abuse that were not reported[.]” The Department also noted that she “blames [Mother] for all of the abuse and defends [Father] despite obvious evidence [that] he was neglectful/abusive to the [C]hildren.” The Department ultimately excluded Paternal Grandmother as an option for placement.

Mother’s mother was excluded as a placement option due to “extensive CPS [Child Protective Services] involvement to include her children being placed in foster care when they were children.” It was also noted that Mother’s mother had hidden the Children in the bathroom during the Department’s unannounced visit on May 20, 2020.

H.B. and W.F. adapted to their placement in Ms. Y’s home and became “well bonded” with her. The Department noted that H.B.’s speech “greatly improved” after his removal from the family home, and he was referred for speech therapy services. He received bi-weekly mental health therapy, which was discontinued on September 28, 2021, after the therapist determined that he had “stabilized.”

W.F. was evaluated for “behavioral concerns,” including throwing rocks and biting other children, and having “temper tantrums” when Ms. Y. or his daycare provider put him

in “time out.” After some involvement by the Infants and Toddlers Program,⁷ it was noted that his “distress behaviors” had become age-appropriate and no further intervention was required.

A.F. and Ab. F. were moved to a second resource home in June of 2020. They were referred for “[t]rauma [f]ocused” therapy and began participating in twice-weekly virtual sessions.

A.F.’s behavior “became increasingly aggressive and potentially dangerous[.]” She was diagnosed with post-traumatic stress disorder and adjustment disorder. In October of 2020, she was moved to a diagnostic residential home upon the recommendation of her therapist, who believed A.F. needed a “higher level of care[.]” A.F. “[did] well with the structure” at the residential home and no longer displayed any of the behaviors that led to her placement. On April 14, 2021, A.F. was transitioned to a therapeutic resource home.

Ms. Y., the foster parent of H.B. and W.F., informed the Department that she wanted to reunify the Children. Ab. F. was moved to Ms. Y.’s home in January of 2021. In a report dated September 13, 2021, the Department noted that Ab. F., H.B. and W.F. were “extremely bonded” with Ms. Y., whom they referred to as “mommy.”

⁷ The St. Mary’s County Infants and Toddlers Program is “an interagency program” that is “designed for children birth to age three who are experiencing developmental delays . . . the areas of cognitive development, physical development, speech/language, social skills and/or self-help skills.” See St. Mary’s County Public Schools, *Infants and Toddlers*, <https://www.smcps.org/offices/special-education/infants-toddlers> (last visited November 21, 2024)

A.F. was transitioned to Ms. Y.’s home in September of 2021. In a report dated February 25, 2022, the Department noted that A. F. was “thriving in this placement with her siblings.” In a report dated September 10, 2023, the Department advised the court that A.F. “continues to thrive in [Ms. Y.’s] home and has a very close bond” with Ms. Y.

The Children have remained in the care of Ms. Y., who is committed to becoming their adoptive parent.

F. Permanency Plan of Reunification Changed to Adoption

In a report filed with the court on May 3, 2021, the Department advised the court that Mother and Father had not had contact with the Children since their removal from the home in May of 2020. The Department expressed concern about the pending criminal cases and informed the court that neither Mother nor Father had been “identified as safe and appropriate[.]”

In September of 2021, the Department recommended that the permanency plan for the Children be changed to adoption by a non-relative with a concurrent plan of guardianship by a non-relative. In support of its recommendation, the Department noted that the Children had been in care for 16 months, and Mother and Father remained under orders to have no contact with the Children. The Department advised the court that Mother was “not a resource for the [C]hildren for the foreseeable future[.]” as she had been sentenced to two and a half years of incarceration for violation of probation related to a previous conviction, and she was yet to be sentenced for the child abuse convictions. As for Father, the Department noted that he was awaiting sentencing for child neglect and was under a court order that prohibited him from having contact with the Children. The

Department noted that Father “continues to blame the Department and take no ownership of his involvement in the extreme abuse” of the Children.

On December 2, 2021, following a review hearing, the court rejected the Department’s recommendation for a permanency plan of adoption and instead ordered that the permanency plan for the Children be changed to custody and guardianship by a non-parent.

In a Department report dated February 25, 2022, the Department again recommended a permanency plan of adoption by a non-relative. The Department noted the Children had been in care for 21 months, during which time there had been no contact between the Children and either parent. The Children were “well[-]bonded” with Ms. Y., who had been identified as a pre-adoptive parent.

On June 1, 2022, following a review hearing, the court ordered that the permanency plan be changed to adoption by a non-relative. On July 22, 2022, the Department filed petitions seeking an order of guardianship as to all four Children, with the right to consent to adoption.

G. Termination of Parental Rights Hearing

The two-day Termination of Parental Rights (TPR) hearing began on November 20, 2023, and concluded on March 25, 2024.⁸ At that time, A.F. was ten years old; Ab. F. was

⁸ The Supreme Court of Maryland explained that “there are three ways in which TPR proceedings may be initiated.” *In re Adoption of Jayden G.*, 433 Md. 50, 78 (2013).

Specifically,

(Continued)

nine, H.B. was eight, and W.F. was five. They had been in the care of the Department for three and a half years and had not had any contact with Father or Mother during that time. Both Mother and Father were represented by counsel, as were the Children.

The Department’s Evidence

At the Department’s request, the court took judicial notice of the records of the CINA cases. The Department introduced photographs of the Children that were taken after their removal from the home in May of 2020, and photographs of the family home taken during execution of the search warrant.

According to the testimony of Megan Roberts, the Crime Lab Supervisor for St. Mary’s County Sheriff’s Office, the photographs of A.F. depicted “suspected bruising”

First, . . . the department is required to file a TPR petition after the juvenile court finds that a permanency plan of adoption by a non-relative is in the child’s best interests. *See* CJP § 3-823(g). Second, [Maryland Code (1984, 2019 Repl. Vol.), Family Law Article (“FL”)] § 5-525.1(b) requires the department to file a TPR petition when “the child has been in an out-of-home placement for 15 out of the most recent 22 months.” Third, if the department “determines that adoption . . . is in the best interest of the child,” it is required to “refer the case to the agency attorney,” and the attorney must file a TPR petition. FL § 5-525.1(a).

Id. Thus, “[a]lthough ‘a CINA adjudication must precede a TPR determination, it is a separate legal proceeding.’” *Id.* (emphasis added) (internal citations omitted). Once initiated, the procedures for the TPR proceedings are outlined in FL § 5-313, *et seq.* Although FL § 5-319(a) provides that the juvenile court “shall rule on a TPR petition within 180 days of filing[,]” the 180-day time limit is “not mandatory on the court.” *Jayden G.*, 433 Md. at 81. In this appeal, the TPR proceedings were continued multiple times: first on January 20, 2023, by consent of the parties, then on August 14, 2023, on motions by both Father and Mother, and on October 25, 2023, again by consent of the parties.

under one of her eyes, on her inner thigh and on her lower back, “suspected rash and bruising” on her inner thigh, “suspected wounds” on her elbows and legs, and “scarring” on her cheeks. Photographs of Ab. F. showed “ligature” marks on her legs, which was an indication that something had been “bound around” them, resulting in a “linear red line in that area.”⁹ The photographs also depicted “suspected” bruises on Ab. F.’s knees, lower back, and abdomen. Photographs of H.B. showed the distention of his abdomen. Photographs of W.F. showed what appeared to be “bruising and potentially some . . . scabbing” on the top of his head, and a “scabbed wound” on his leg.

Stacey Hancock, a Crime Analyst employed by the St. Mary’s County Sheriff’s Office, testified about the evidence recovered during execution of the search warrant. She confirmed that the fluids and other substances depicted in the photographs of the floor and mattress in the room shared by A.F., Ab. F., and H.B. were positively identified as urine, blood, and feces. She testified that a window in the room was covered with boards, and that an audiovisual monitoring device that was taped to the wall of the room was connected to a screen in a bedroom believed to be occupied by Mother and Father.

Yvonne Wilson, a foster care caseworker assigned to the case, testified that the Children were “very much bonded” to each other, and to their foster parent, Ms. Y., who wanted to adopt them. Ms. Wilson stated that Ms. Y. is the president of the St. Mary’s

⁹ The photos were marked, as a group, as Petitioner’s Exhibit 3. Ms. Robert’s identifies the child in the first six photos as “A.” and the child in the next two photos as “A.F.” We assume that “A.” is Ab. F., as she is also younger than A.F., and the child shown in the first six photos appears younger.

County Foster Parent Association. She is employed by the federal government and holds a top-secret clearance. According to Ms. Wilson, Ms. Y. is “very nurturing and very responsive to [the Children’s] needs[,]” and the Children feel “very . . . stable and loved in [Ms. Y.’s] home.”

Ms. Wilson testified that it was in the Children’s best interest to be adopted by Ms. Y. She explained: “Ms. Y. has shown that . . . she cares for the [C]hildren. She’s able to provide a stable home for them. She’s able to provide the support for them. She’s able to advocate for them when necessary.”

Father’s Evidence

Father testified that, since his release on parole in October of 2022, the Department contacted him once, to obtain consent for one of the Children to have a medical procedure. On cross examination, Father said that he did not contact the Department because he did not know the name of the caseworker. Father attended all but one hearing, which the caseworker also attended, but Father claimed the caseworker was never identified. He also admitted that he did not ask his attorney for the caseworker’s name or call the Department to request that information.

When Father was asked about his plan for the Children in the event his parental rights were not terminated, he said that he would be “willing to find out” how to have the order restricting his contact with the Children lifted. He claimed that he had tried to get in touch with his criminal attorney, but the attorney had not returned any of his calls or responded to any of his text messages.

In response to questioning by the court, Father said that he did not know about the bruises and ligature marks on the Children because he was not involved in dressing or bathing them. He stated that the “little gash” on W.F.’s head was the result of a fall, and he claimed that he had bandaged it. When the court asked Father to comment on the allegations that the Children were kept locked up in the bedroom, Father replied that he “didn’t spend very much time around the house” because he “worked pretty late” and was sometimes “out of town.” When the court asked Father to explain the boarded-up windows and the presence of feces, blood, and urine in the bedroom where A.F., Ab. F., and H.B. slept, Father said only that one of the windows had been boarded up because it was broken. When the court asked about the remaining evidence, Father responded, “I don’t have an explanation for it.”

Father admitted into evidence reports from 22 therapy sessions he participated in from September of 2020 to August of 2021. The sessions focused almost exclusively on his “unstable relationships” with Mother, his first wife, and his father, who had abused him; his fear of conflict; and his difficulty expressing anger and “standing up for himself.” The only mention of the Children was in a report dated January 11, 2021, in which the therapist noted: “We also explored the challenge for [Father] with his children, how he was not able to protect them from the abuse, because he had worked so hard not to see this, in the same way that his mother did not see his abuse. We explored his concerns about what would happen if he did see the abuse.”

Father asked the court not to terminate his parental rights. He said, “I know that I’ve made mistakes. There’s no denying it. I’ve been to [jail], I did my time. . . . I’m trying

to change everything.” He added that he “definitely learned a lesson about this situation[,]” and that he “believe[d]” that he had “changed a lot.”

Mother’s Evidence

Mother introduced a report of her pre-sentence psychiatric evaluation, dated October 8, 2021. Mother told the psychiatrist who performed the evaluation that she did not assault the Children. She instead blamed A.F., stating that “she put her hands on the kids and it was not me[.]”

According to the report, prior to Mother’s incarceration, she experienced symptoms of “unmodulated anger, anxiety, and depression.” It was noted that Mother’s history “is significant for childhood trauma and abuse[,]” and that her “clinical profile is consistent with an individual struggling with complex trauma.” The report contains the following conclusion:

The evaluator acknowledges that [Mother] has a history of trauma and mental health concerns in addition to the stress of caring for multiple children. However, the gravity of the injuries and neglect, maladaptive and dysfunctional behaviors, and maltreatment simply cannot be ignored. Given a review of the documentation, it is this evaluator’s clinical belief that [Mother] presents as a risk of safety to her child[.]

It is imperative that [Mother] continues to adhere to psychiatric treatment. This should include pharmacological interventions and **long term** individual therapy.”

(Emphasis in original).

Mother testified that she had completed parenting and anger management classes during her incarceration. She completed training to become a “facilitator” for an “Alternatives to Violence” program and taught the class one weekend a month. She

participated in therapy and a “Celebrate Recovery” program. She was a member of a book club and a writer’s club and had taken GED (General Educational Development) classes. She said that she had learned how to control her anger and that she had “changed a lot.”

Mother told the court that her parental rights should not be terminated because her rights had been violated. She said that she had only been given one update regarding W.F.; she was not advised that he had a surgical procedure; and she was not told why he was prescribed medication for ADHD. She added, “I feel [my] parental rights shouldn’t be terminated because I am his mother and he was only one and a half when he was taken from me. He hasn’t had a relationship with me due to the situation and circumstances.”

Mother stated that her mandatory release date was November 9, 2029. She would become eligible for parole in August of 2026. She proposed that W.F. be placed with Paternal Grandmother (whom the Department had previously ruled out as a placement resource) until such time as she was released and “completely . . . back on [her] feet” and “stable enough” to care for him.

On cross-examination, Mother was asked to explain her mistreatment of the Children and whether she had any regret for her actions. Mother declined to answer the question because there was a post-conviction motion pending in her criminal case.

The court then engaged in a colloquy with Mother. The court told Mother that he respected her attorney’s advice to refrain from saying anything that would negatively affect her request for post-conviction relief, but that he was “in somewhat of a difficult situation,” because he had to make a decision regarding W.F.’s welfare, which he preferred to do “based on information and not out of ignorance.” The court asked Mother whether she

wanted to add anything to her testimony regarding the events that led to the Department’s investigation in May of 2020. Mother responded:

I can say that[,] from the time [A.F., Ab. F, and H.B] were in my home[,] to 2020, things were very up and down an[d] I tried to do the best that I [could] with them. And then I ended up having [W.F.] and that made things a little bit more difficult. Other than that, . . . I don’t want to say anything.

The Court’s Findings

After the parties had rested their cases, the court postponed argument and its ruling so that it could review the records in the CINA cases, and so that Father could submit documentation that he had completed mental health and substance abuse assessments. The hearing resumed on March 25, 2024.

At the conclusion of the hearing, the court the summarized the history of the case and the evidence presented at the hearing. The court engaged in an analysis of the statutory factors set forth in FL § 5-323(d), which requires the court to consider numerous factors that are grouped into four subcategories:

(1) the services that the Department has offered to assist in achieving reunification of the child with the parents; (2) the results of the parent’s effort to adjust their behaviors so that the child can return home; (3) the existence and severity of aggravating circumstances [including abuse or neglect by the parent]; [and] (4) the child’s emotional ties, feelings, and adjustment to community and placement and the child’s general well-being.

In re Adoption/Guardianship of C.E., 464 Md. 26, 51 (2019) (discussing FL § 5-323(d)).

We summarize the court’s findings as to the relevant factors in each category.

a. Services That the Department Offered to Assist in Achieving Reunification – FL § 5-323(d)(1)(i-iii)

The court commented that the Department was “not going to get an A” for its efforts in attempting to contact Mother and Father, and found that the Department “[p]erhaps” could have provided additional services. At the same time, the court questioned the extent to which additional reunification services would have been “practical,” given the “criminal aspects” and the orders that restricted contact with the Children. The court found that reunification with either parent was unlikely to occur until the ultimate conclusion of their respective criminal cases. The court concluded that, in light of the “unique circumstances” of the case, the Department had offered “appropriate” reunification services.

b. Parents’ Effort to Adjust Behaviors So That the Children Could Return Home - FL § 5-323(d)(2)(i-iv)

The court commended Mother for her participation in programs while incarcerated. The court noted, however, that it was possible that Mother would remain incarcerated until 2029. The court found that, because of Mother’s incarceration, she would not be able to care for W.F. at any time “in the near future.”

The court credited Father with completing a substance abuse assessment and parenting classes. The court found that Father had made “minimal efforts” to maintain contact with the Department, but noted that his lack of effort could be attributable to the “no contact” order.¹⁰ The court found that, although Father was no longer incarcerated,

¹⁰ Although the court referred to the condition of Father’s probation as a “no contact” order, the language of the provision prohibits “unsupervised contact,” unless

(Continued)

and was employed, there was no evidence that he had contributed financially to the Children’s support.

c. Existence and Severity of Aggravating Circumstances – FL § 5-323d(3)(i-v)

The court commented that this was one of the worst cases of child abuse that he had seen. He described the conditions under which the Children had lived as “squalid, troublesome, [and] upsetting[.]” The court found that Mother subjected the Children to chronic abuse; that both Mother and Father subjected the Children to life-threatening neglect, and that both parents had been convicted of crimes as a result. The court remarked said that the “scale” of the abuse and neglect was comparable to cases that had garnered national attention, and found that the maltreatment of the Children was a form of torture.

d. The Children’s Emotional Ties, Adjustments, and Well-Being – FL § 5-323(d)(4)(i-iv)

The court found that the Children had been in care for almost four years. They were bonded with each other as well as with Ms. Y., who wished to adopt them. The court determined that the Children were in a stable environment and had a stable future ahead of them. The court commented that cases “of this nature[.]” did not often end with “that kind of resolution and hope.” The court found that, because the Children had been in care for almost four years, without having any contact with Mother and Father, and were adjusted to their placement, terminating Mother’s and Father’s parental rights would not have a detrimental impact on the Children.

approved by a therapist and by the Department and ordered by the court. The court noted that it had no authority to modify the order for probation issued in Father’s criminal case.

The Court’s Ruling

Ultimately, the court concluded that Mother and Father were unfit, and that there were extraordinary circumstances that made termination of their parental rights in the best interest of the Children. On March 25, 2024, the court issued written orders that provided for the termination of Mother’s parental rights to W.F., and the termination of Father’s parental rights to all four Children. The court granted guardianship of the Children to the Department, with the right to consent to adoption or long-term care short of adoption.

We shall include additional facts as necessary in our discussion of the issues.

STANDARD OF REVIEW

Our review of a decision to terminate parental rights “involves three interrelated standards: (1) a clearly erroneous standard, applicable to the juvenile court’s factual findings; (2) a *de novo* standard, applicable to the juvenile court’s legal conclusions; and (3) an abuse of discretion standard, applicable to the juvenile court’s ultimate decision.” *In re Adoption/Guardianship of C.A. and D.A.*, 234 Md. App. 30, 45 (2017) (citing *In re Yve S.*, 373 Md. 551, 586 (2003)).

The juvenile court’s factual findings are not “clearly erroneous” if there is any “competent material evidence” in the record to support them. *In re Ryan W.*, 434 Md. 577, 593-94 (2013) (quoting *Figgins v. Cochrane*, 403 Md. 392, 409 (2008)). “In making that decision, we must assume the truth of all of the evidence, and of all the favorable inferences fairly deducible therefrom, tending to support the factual conclusion of the trial court.” *C.A. and D.A.*, 234 Md. App. at 46 (quoting *In re Adoption No. 09598*, 77 Md. App. 511, 518 (1989)). Furthermore, “in a case involving termination of parental rights,

the greatest respect must be accorded the opportunity [the trial court] had to see and hear the witnesses and to observe their appearance and demeanor.” *Id.* (quoting *In re Adoption/Guardianship Nos. 2152A, 2153A, 2154A in the Circuit Court for Allegany County*, 100 Md. App. 262, 270 (1994)).

“‘[I]f it appears that the [court] erred as to matters of law, further proceedings in the trial court will ordinarily be required unless the error is determined to be harmless.’ *C.E.*, 464 Md. at 47 (quoting *In re Adoption/Guardianship of Ta’Niya C.*, 417 Md. 90, 100 (2010)). “In reviewing whether the juvenile court abused its discretion . . . [w]e are mindful that ‘to be reversed[,] the decision under consideration has to be well removed from any center mark imagined by the reviewing court and beyond the fringe of what the court deems minimally acceptable.’” *Id.* at 47-48 (quoting *In re Adoption of Cadence B.*, 417 Md. 146, 155-56 (2010)).

DISCUSSION

It is well-established that parents have a fundamental right to raise their children. *C.A. and D.A.*, 234 Md. App. at 47. “Nevertheless, the fundamental right of a parent to raise [their] child ‘is not absolute[.]’” *Id.* (quoting *In re Mark M.*, 365 Md. 687, 705 (2001)). “When it is determined that a parent cannot adequately care for a child, and efforts to reunify the parent and child have failed, the State may intercede and petition for guardianship of the child pursuant to its *parens patriae* authority.” *C.E.*, 464 Md. at 48 (citing *In re Najasha B.*, 409 Md. 20, 33 (2009)). “The grant of guardianship terminates the existing parental relationship and transfers to the State the parental rights that emanate from a parental relationship. . . . Ideally, the State will re-transfer the parental rights to an

adoptive family.” *Id.* (citing *In re Adoption/Guardianship of Rashawn H.*, 402 Md. 477, 496 (2007)).

“In deciding whether parental rights should be terminated, the juvenile court’s overriding consideration is the best interest of the child.” *In re: K.H.*, 253 Md. App. 134, 158 (2021) (citing *Ta’Niya C.*, 417 Md. at 112). “The law presumes that a child’s best interests are served by maintaining a parental relationship between the child and the child’s parents, but the Department may overcome this presumption if it establishes, by clear and convincing evidence, that the parent is unfit or that exceptional circumstances exist that would make continuing the parental relationship detrimental to the child’s best interests.” *Id.* (citing *C.E.*, 464 Md. at 50). *See also* FL § 5-323(b).¹¹

The Maryland General Assembly created a list of factors that a court must consider in determining whether a parent is unfit, whether exceptional circumstances exist, and, ultimately, whether it is in the best interest of a child to terminate the relationship. *Rashawn H.*, 402 Md. at 499. The factors are set forth in FL § 5-323(d), which provides:

[I]n ruling on a petition for guardianship of a child, a juvenile court shall give primary consideration to the health and safety of the child and consideration

¹¹ FL § 5-323(b) provides:

If, after consideration of factors as required in this section, a juvenile court finds by clear and convincing evidence that a parent is unfit to remain in a parental relationship with the child or that exceptional circumstances exist that would make a continuation of the parental relationship detrimental to the best interests of the child such that terminating the rights of the parent is in a child’s best interests, the juvenile court may grant guardianship of the child without consent otherwise required under this subtitle and over the child’s objection.

to all other factors needed to determine whether terminating a parent’s rights is in the child’s best interests, including:

- (1)(i) all services offered to the parent before the child’s placement, whether offered by a local department, another agency, or a professional;
 - (ii) the extent, nature, and timeliness of services offered by a local department to facilitate reunion of the child and parent; and
 - (iii) the extent to which a local department and parent have fulfilled their obligations under a social services agreement, if any;
- (2) the results of the parent’s effort to adjust the parent’s circumstances, condition, or conduct to make it in the child’s best interests for the child to be returned to the parent’s home, including:
 - (i) the extent to which the parent has maintained regular contact with:
 1. the child;
 2. the local department to which the child is committed; and
 3. if feasible, the child’s caregiver;
 - (ii) the parent’s contribution to a reasonable part of the child’s care and support, if the parent is financially able to do so;
 - (iii) the existence of a parental disability that makes the parent consistently unable to care for the child’s immediate and ongoing physical or psychological needs for long periods of time; and
 - (iv) whether additional services would be likely to bring about a lasting parental adjustment so that the child could be returned to the parent within an ascertainable time not to exceed 18 months from the date of placement unless the juvenile court makes a specific finding that it is in the child’s best interests to extend the time for a specified period;
- (3) whether:
 - (i) the parent has abused or neglected the child or a minor and the seriousness of the abuse or neglect;

- (ii) 1. A. on admission to a hospital for the child’s delivery, the mother tested positive for a drug as evidenced by a positive toxicology test; or
B. upon the birth of the child, the child tested positive for a drug as evidenced by a positive toxicology test; and
2. the mother refused the level of drug treatment recommended by a qualified addictions specialist . . . or by a physician or psychologist[;]
 - (iii) the parent subjected the child to:
 - 1. chronic abuse;
 - 2. chronic and life-threatening neglect;
 - 3. sexual abuse; or
 - 4. torture;
 - (iv) the parent has been convicted, in any state or any court of the United States, of:
 - 1. a crime of violence against:
 - A. a minor offspring of the parent;
 - B. the child; or
 - C. another parent of the child; or
 - 2. aiding or abetting, conspiring, or soliciting to commit a crime described in item 1 of this item; and
- (4)(i) the child’s emotional ties with and feelings toward the child’s parents, the child’s siblings, and others who may affect the child’s best interests significantly;
- (ii) the child’s adjustment to:
 - 1. community;
 - 2. home;
 - 3. placement; and
 - 4. school;
 - (iii) the child’s feelings about severance of the parent-child relationship; and
 - (iv) the likely impact of terminating parental rights on the child’s well-being.

FL § 5-323(d).

“[I]t is not necessary that every factor apply, or even be found, in every case.” *In re Adoption/Guardianship of Jasmine D.*, 217 Md. App. 718, 737 (2014). Moreover, the court is not required to “weigh any one statutory factor above all others. Rather, the court must review all relevant factors and consider them together.” *K.H.*, 253 Md. App. at 160 (quoting *In re Adoption/Guardianship No. 94339058/CAD*, 120 Md. App. 88, 105 (1998)). “Ultimately, these factors seek to assist the juvenile court in determining whether the parent is, or within a reasonable time will be, able to care for the child in a way that does not endanger the child’s welfare.” *Id.* (quoting *C.E.*, 464 Md. at 51-52) (additional citation and internal quotation marks omitted).

Parties’ Contentions

Mother’s primary challenge, and Father’s sole challenge to the termination of their parental rights is narrowly focused on the court’s analysis of one of the statutory factors, specifically FL § 5-323(d)(1)(ii), which requires the court to consider “the extent, nature, and timeliness of services offered by a local department to facilitate reunion of the child and parent[.]” “Implicit in that requirement is that a reasonable level of those services, designed to address both the root causes and the effect of the problem, must be offered[.]” *Rashawn H.*, 402 Md. at 500. Examples of reunification services include “educational services, vocational training, assistance in finding suitable housing and employment, teaching basic parental and daily living skills, therapy to deal with illnesses, disorders, addictions, and other disabilities suffered by the parent or the child, [and] counseling designed to restore or strengthen bonding between parent and child, as relevant. *Id.*

Both Mother and Father claim that the Department failed to demonstrate that its efforts to provide reunification services were reasonable. The Department maintains that “any inadequacy in the Department’s provision of reunification services” was “vastly outweighed by “aggravating circumstances and other statutory factors” that favored the termination of parental rights.¹² Similarly, the argument presented on behalf of the Children is that, under the facts of the case, the “limited” reunification services provided by the Department had “little practical impact on the possibility of reunification,” and, therefore, the court did not abuse its discretion in giving less weight to that factor.

Father’s Appeal

Father asserts that, although the Department provided him with referrals for a parenting class, a substance abuse assessment, and a mental health assessment, the Department failed to make reasonable efforts to provide “meaningful” reunification services. Specifically, he claims that he “repeatedly sought” a referral to a therapist “to assess the continuing viability” of the provision of his probation order that prohibits him from having unsupervised contact with the Children. He argues that the Department failed to provide him with such a referral, and, for that reason, the court abused its discretion in terminating his parental rights. We are not persuaded.

¹² The Department points out that, pursuant to FL § 5-323(e), reunification efforts would have been irrelevant to the TPR court’s analysis if, in the CINA proceedings, reunification efforts were waived upon a finding that the parent “engaged in or facilitated . . . chronic or severe physical abuse . . . chronic and life-threatening neglect[,]” or torture of one or more of the Children. *See* CJP § 3-812(d). There is no indication in the record that reunification efforts were waived by the CINA court.

“There are some limits . . . to what the State is required to do” in providing reunification services. *Rashawn H.*, 402 Md. at 500. For example, “[t]he State is not obliged to find employment for the parent, to find and pay for permanent and suitable housing for the family, to bring the parent out of poverty, or to cure or ameliorate any disability that prevents the parent from being able to care for the child.” *Id.* The State’s responsibility is to “provide reasonable assistance in helping the parent to achieve those goals[.]” *Id.* at 500-01.

Contrary to Father’s claim that he “repeatedly sought” a referral to a therapist for the purpose of obtaining approval for unsupervised contact with the Children, there is no evidence in the record of any such request. Indeed, the undisputed evidence before the TPR court, including Father’s own testimony, established that he never contacted the Department in almost four years that the Children had been in care. The Department’s efforts to provide reunification services were not *per se* unreasonable solely because it did not offer Father an unsolicited referral so that he could petition the criminal court to modify the condition of his probation that prohibited unsupervised contact with the Children, especially where, in the Department’s view, Father was not a safe and appropriate caregiver.¹³

¹³ Although we find no clear error in the court’s finding that the Department provided reasonable reunification services, we note that, even where the Department’s efforts are not reasonable, reversal is not necessarily warranted. *See In re Adoption/Guardianship No. 94339058/CAD in Circuit Court for Baltimore City*, 120 Md. App. 88, 105 (1998) (affirming order terminating parental rights, even though the Department “could have done more to refer the appellant for services[.]” because the

(Continued)

Mother’s Appeal

Mother maintains that the evidence does not support the court’s finding that the Department’s efforts were reasonable because it did not create a service plan for her, did not offer referrals to Department-sponsored programs, did not investigate what services were available to her inside the correctional facility, and did not contact her except through her case manager at the correctional facility.¹⁴ We disagree.

The Department’s efforts to facilitate reunification “need not be perfect, . . . but are judged on a case-by-case basis.” *In re Adoption/Guardianship of H.W.*, 460 Md. 201, 234 (2018) (internal citation omitted). Here, the court found that, although the Department conceivably could have done more, its efforts were “appropriate” under the circumstances. We perceive no clear error in the court’s finding. Ms. Wilson, the Department caseworker, testified that the Department does not have the ability to provide services, such as substance abuse treatment or mental health assessments, inside correctional facilities. In any event, Mother received relevant services provided by the correctional facility. She was

evidence pertaining to all of the statutory factors, considered together, was sufficient to uphold the court’s finding that termination was in the children’s best interests).

¹⁴ According to the record, the Department spoke with Mother on several occasions. On December 15, 2020, the caseworker participated in a conference call with Mother and her attorney. On April 22, 2021, the caseworker met with Mother at the detention center and gave her an update regarding W.F. On August 20, 2021, the caseworker spoke with Mother by phone. On December 9, 2021, the caseworker “reached out” to Mother to provide her with an update, although it is not clear if contact was made. The Department attempted to contact Mother on February 16, 2022, but was informed that she had been transferred to a different facility. On October 7, 2022, the Department spoke with Mother to give her an update regarding W.F. and advise her of the date of an upcoming hearing.

participating in therapy and a “Celebrate Recovery” program. She completed courses in parenting and anger management, and she was taking GED classes. While Mother claims that the Department should have provided her with additional services, she does not identify what additional services were reasonably required, or reasonably could have been provided by the Department, given that she was incarcerated throughout the CINA proceedings.

Mother’s secondary argument is that the court abused its discretion in terminating her parental rights because she had participated “extensively” in programs offered through the correctional facility, including therapy, anger management classes and parenting classes. We disagree. The court recognized Mother’s efforts and commended her for her participation in various programs. But that factor alone was not dispositive. *See Jasmine D., supra*, 217 Md. App. at 736 (all relevant factors are to be considered together without weighing any one factor above all others).

CONCLUSION

“[T]he controlling factor in adoption and custody cases is not the natural parent’s interest in raising the child, but rather what best serves the interest of the child.” *C.A. and D.A.*, 234 Md. App. at 48 (quoting *In re Adoption/Guardianship No. 10941*, 335 Md. 99, 113 (1994)). “A critical factor in determining what is in the best interest of a child is the desire for permanency in the child’s life.” *In re Adoption of Jayden G.*, 433 Md. 50, 82 (2013) (citing Nat’l Council of Juvenile and Family Court Judges, *One of the Key Principles for Permanency Planning for Children* (Oct. 1999)). “Permanency for children means having ‘constant, loving parents,’ knowing ‘that their home will always be their

home; that their brothers and sisters will always be near; and that their neighborhoods and schools are familiar places.”” *Id.* at 82-83 (quoting Pew Comm’n on Children in Foster Care, *Fostering the Future: Safety, Permanence and Well-Being for Children in Foster Care* (2004)).

Based on our review of the record, we conclude that there was no clear error in the court’s findings, and no abuse of discretion in the ultimate decision that it was in the Children’s best interests to grant the Department’s petition for guardianship and terminate Mother’s and Father’s parental rights.

**JUDGMENTS OF THE CIRCUIT COURT
FOR ST. MARY’S COUNTY, SITTING AS
A JUVENILE COURT, AFFIRMED.
COSTS TO BE PAID BY APPELLANTS.**