

Circuit Court for Baltimore County
Case No.: C-03-JV-22-000482
Case No.: C-03-JV-21-000111

UNREPORTED*
IN THE APPELLATE COURT
OF MARYLAND

No. 279
No. 280

September Term, 2024

IN RE: T.C.

IN RE: J.H.

Berger,
Nazarian,
Raker, Irma S.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Berger, J.

Filed: November 22, 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 Md. Rule 1-104(a)(2)(B).

In these consolidated appeals from orders concerning two children in need of assistance (“CINA”), their mother, appellant C.C. (“Mother”), contends that the Circuit Court for Baltimore County, sitting as a juvenile court, erred in granting custody and guardianship of nine-year-old J.H. to his non-relative foster caregivers and terminating CINA jurisdiction, and also erred in changing the permanency plan for J.H.’s half-sister, two-year-old T.C., to concurrent plans of non-relative adoption and custody, or custody and guardianship, by the same foster caregivers. The Baltimore County Department of Social Services (the “Department”), appellee, counters that the juvenile court did not err or abuse its discretion, given “Mother’s ongoing untreated mental health issues and the length of time the children were in foster care[.]” For reasons that follow, we agree with the Department and affirm both orders.

LEGAL BACKGROUND

To provide context for our review of the extensive evidentiary record, we first summarize the legal framework and standards governing these CINA proceedings. Because parents “have a fundamental, Constitutionally-based right to raise their children free from undue and unwarranted interference on the part of the State, including its courts[.]” courts recognize as “a presumption of law and fact[.] . . . that it is in the best interest of children to remain in the care and custody of their parents.” *In re Adoption/Guardianship of Rashawn H.*, 402 Md. 477, 495 (2007). Yet neither the right, nor this presumption is absolute. Instead, we balance fundamental rights of parents against the State’s interest in protecting children against neglect and abuse. *See In re H.W.*, 460 Md. at 216; *Rashawn H.*, 402 Md. at 497.

To guide courts called upon to conduct such balancing, the General Assembly has established statutory standards for the State’s intervention. A juvenile court may find that a child is in need of assistance warranting “court intervention” upon a showing, by a preponderance of the evidence, Md. Code, § 3-817(c) of the Courts & Judicial Proceedings Article (“CJP”), that “(1) [t]he child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and (2) [t]he child’s parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child’s needs.” CJP § 3-801(f); *see In re M.*, 251 Md. App. 86, 115 (2021).

After a child has been declared a CINA and removed from a parent’s custody, the juvenile court is required, within eleven months, to conduct a hearing to establish a permanency plan for the child. CJP § 3-823(b)(1)(i). “The permanency plan is intended to ‘set[] the tone for the parties and the court’ by providing ‘the goal toward which [they] are committed to work.’” *In re D.M.*, 250 Md. App. 541, 561 (2021) (quoting *In re Damon M.*, 362 Md. 429, 436 (2001)).

Because remaining in the custody of a social services department for an extended time is commonly not in a child’s best interest, “[e]very reasonable effort shall be made to effectuate a permanent placement for the child within 24 months after the date of initial placement.” CJP § 3-823(h)(5). *See In re M.*, 251 Md. App. at 115. Likewise, “unless there are compelling circumstances to the contrary, the plan should be to work toward reunification, as it is presumed that it is in the best interest of a child to be returned to his or her natural parent.” *In re Yve S.*, 373 Md. at 582. Implementing these principles, the CINA framework establishes the following hierarchy of placement options in “descending

order of priority”: (1) reunification with the parent; (2) placement with a relative for adoption or custody and guardianship; (3) adoption by a non-relative; (4) custody and guardianship by a non-relative; or (5) another planned permanent living arrangement. CJP § 3-823(e).

When establishing an initial permanency plan and deciding whether to change it, a juvenile court gives “primary consideration to the best interests of the child[,]” by considering the following statutory factors:

- (i) the child’s ability to be safe and healthy in the home of the child’s parent;
- (ii) the child’s attachment and emotional ties to the child’s natural parents and siblings;
- (iii) the child’s emotional attachment to the child’s current caregiver and the caregiver’s family;
- (iv) the length of time the child has resided with the current caregiver;
- (v) the potential emotional, developmental, and educational harm to the child if moved from the child’s current placement; and
- (vi) the potential harm to the child by remaining in State custody for an excessive period of time.

Md. Code, § 5-525(f)(1) of the Family Law Article (“FL”). *See* CJP § 3-823(e)(2); *In re D.M.*, 250 Md. App. at 562. Although a juvenile court must make findings on each factor, based on the evidence, it is not necessary “to recite the magic words of a legal test” as long as “actual consideration of the necessary legal considerations [is] apparent in the record.” *In re D.M.*, 250 Md. App. at 563 (quoting *In re Adoption/Guardianship of Darjal C.*, 191 Md. App. 505, 531-32 (2010)).

Once established, the permanency plan for a CINA must be reviewed at a hearing “at least every 6 months” until the child’s commitment is rescinded or a voluntary placement is terminated. CJP § 3-823(h)(1). At each review hearing, the juvenile court is required to perform the following evaluations:

- (i) Determine the continuing necessity for and appropriateness of the commitment;
- (ii) Determine and document in its order whether reasonable efforts have been made to finalize the permanency plan that is in effect;
- (iii) Determine the appropriateness of and the extent of compliance with the case plan for the child;
- (iv) Determine the extent of progress that has been made toward alleviating or mitigating the causes necessitating commitment;
- (v) Project a reasonable date by which a child in placement may be returned home, placed in a preadoptive home, or placed under a legal guardianship;
- (vi) Evaluate the safety of the child and take necessary measures to protect the child;
- (vii) Change the permanency plan if a change in the permanency plan would be in the child’s best interest; and
- (viii) For a child with a developmental disability, direct the provision of services to obtain ongoing care, if any, needed after the court's jurisdiction ends.

CJP § 3-823(h)(2).

When deciding whether a local department made reasonable efforts to finalize the permanency plans in effect for each child, CJP § 3-823(h)(2)(ii), courts recognize that such efforts should be “reasonably likely to achieve the objective” of finalizing the permanency

plan in effect for a child. *See* CJP § 3-801(w); CJP § 3-816.1(b)(2)(i). In addition, the juvenile court must “assess the efforts made since the last adjudication of reasonable efforts and may not rely on findings from prior hearings.” CJP § 3-816.1(b)(5). “[T]here is no bright line rule to apply to the ‘reasonable efforts’ determination; each case must be decided based on its unique circumstances.” *In re Shirley B.*, 191 Md. App. 678, 710-11 (2010). A juvenile court’s finding that the local department made reasonable efforts toward reunification is a factual finding that we review for clear error. *See id.* at 708-09.

Likewise, we review other orders in a CINA proceeding under one of “three distinct but interrelated standards of review[.]” *In re J.R.*, 246 Md. App. 707, 730 (2020) (quoting *In re Adoption/Guardianship of H.W.*, 460 Md. 201, 214 (2018)). After examining factual findings for clear error, *see In re R.S.*, 470 Md. 380, 397 (2020), we consider legal decisions *de novo*, without deference to the juvenile court. *See id.* Absent factual or legal error, the court’s ultimate conclusions will be reversed only for abuse of discretion. *See id.* (quoting *In re Yve S.*, 373 Md. 551, 586 (2003)). “A court abuses its discretion when ‘no reasonable person would take the view adopted by the trial court or when the court acts without reference to any guiding rules or principles.’” *In re K.L.*, 252 Md. App. 148, 185 (2021) (quoting *Santo v. Santo*, 448 Md. 620, 625-26 (2016)).

Finally, when applying the overarching best interest of the child standard, this Court has emphasized that

[o]ur CINA system is designed to be temporary because “a child should have permanency in his or her life.” *In re Adoption/Guardianship of Jayden G.*, 433 Md. 50, 84 (2013) (citing *In re Adoption/Guardianship No. 10941*, 335 Md. 99, 106 (1994)). As reflected in the statutory factors that the court

must consider, permanency planning requires examination of “the child’s actual lived experience in the world” by considering “the child’s point of view, valuing the child’s current emotional attachments, recognizing that time has an effect on the child, and recognizing that removing a child from a placement where the child has formed emotional attachments can cause ‘potential emotional, developmental, and educational harm to the child[.]’” Richard A. Perry, *Relative Preference, Emotional Attachments, and the Best Interest of the Child in Need of Assistance*, 50 U. Balt. L.F. 83, 106-07 (2020).

“The valid premise is that it is in [a] child’s best interest to be placed in a permanent home and to spend as little time as possible in” the custody of the Department. *See In re Jayden G.*, 433 Md. at 84. That “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.

In re M., 251 Md. App. at 115.

FACTUAL BACKGROUND

Mother challenges the juvenile court’s orders concerning two of her four children, J.H. (born June 8, 2015) and T.C. (born January 10, 2022). At the time of these proceedings, both were in the custody of the Department and the foster care of non-relatives Mr. and Mrs. Ch. (“Foster Parents”). We review the events that caused the juvenile court to change T.C.’s permanency plan by eliminating reunification and to terminate J.H.’s CINA case with an order granting custody and guardianship to Foster Parents.

Family Overview

The Department first became involved with Mother in February 2021, when it received a report that she was in a manic state with disorganized and paranoid thoughts. At that time, Mother had two children. She has since given birth to two more. All four of

Mother's children have been removed from her custody based on her inability to safely care for them during recurrent periods of mental instability, resulting in a series of psychiatric hospitalizations.

These CINA proceedings involve the first and third of Mother's children, nine-year-old J.H. and nearly two-year-old T.C. On February 25, 2021, when the Department first received a report that Mother was neglecting her children, J.H. was five years old and living with Mother, while his father, T.H., was incarcerated on a second-degree murder conviction, with an expected release date of 2045. Mother's second son, R.T., was three.

On March 4, 2021, as a result of the Department's investigation, J.H. and R.T. were removed from Mother's custody. K.T. took custody of his son, with father and child residing in the home of paternal grandmother K.M. J.H. was also sheltered with K.M. and later declared a CINA.

Mother gave birth to T.C. on January 10, 2022. The identity of T.C.'s father is unknown.

Over the ensuing several months, Mother was the subject of three emergency petitions for psychiatric evaluation. "A petition for emergency evaluation of an individual may be made . . . only if the petitioner has reason to believe that the individual: (1) [h]as a mental disorder; and (2) [p]resents a danger to the life or safety of the individual or of others." Md. Code § 10-622(a) of the Health-General Article.

On July 6, 2022, the Department removed infant T.C. from Mother’s custody and placed her in shelter care with Foster Parents.¹ In October 2022, because of Mother’s continuing conflicts with R.T.’s family, K.M. was “no longer willing to be a long-term resource” for J.H. The Department eventually moved J.H., placing him in Foster Parents’ home with T.C. in October 2022. Since then, both J.H. and T.C. have been in the care of Foster Parents.

In September 2023, while these CINA proceedings were ongoing for J.H. and T.C., in September 2023, Mother gave birth to her fourth child, E.C. On November 19, 2023, Mother again was emergently hospitalized, “for active symptoms of postpartum psychosis and schizoaffective disorder, bipolar type” on November 19, 2023. After leaving the hospital against medical advice, Mother had an altercation with the father of that newborn, for which she was charged with second degree assault on December 3, 2023. After E.C. “was sheltered to the [Department] and placed in a different foster home[,]” Mother again was involuntarily hospitalized on December 11, 2023, and again on multiple occasions before the juvenile court issued the order challenged in this appeal, at the conclusion of an April 2, 2024, CINA review and permanency planning hearing.

¹ “‘Shelter care’ means a temporary placement of a child outside of the home at any time before [CINA] disposition.” Md. Code, § 3-801(bb) of the Courts & Judicial Proceedings Article (“CJP”).

With this broad overview in mind, we now recount the timeline detailing events that led the juvenile court to terminate reunification with Mother as a permanency plan for T.C. and to grant custody and guardianship of J.H. to Foster Parents.²

February-April 2021: J.H.’s Removal and CINA Determination

On February 25, 2021, Mother took R.T. to the University of Maryland Medical Center, reporting that he had been “physically abused by a relative.” According to medical staff, Mother presented with “disorganized/paranoid thoughts and was in a manic state while caring for” J.H.

At that time, Mother had a history with law enforcement “due to aggression,” as well as a history of psychiatric hospitalizations. She had not received outpatient mental health treatment since her most recent hospitalization and was homeless.

When Department investigators contacted Mother and her family members, she stated that her parents were not her biological parents and told “several convoluted stories about her life that family members stated they had never heard before.” Her relatives reported that she was unable to care for her two children.

As a result of the Department’s investigation and intervention, R.T. went to live with his father, K.T., in the residence of his paternal grandmother, K.M. K.M. also agreed to care for J.H., allowing the half-brothers to stay together. Although K.M. initially cared

² Although Mother does not dispute the removals and CINA determinations for J.H. and T.C., and we are not reviewing proceedings regarding her other children, we present pertinent portions of all those adjudications as background for the permanency planning and guardianship orders challenged in this appeal.

for J.H. informally, Mother’s aggressive behavior toward her prompted the Department to file a CINA petition for J.H., on March 4, 2021.

On April 12, 2021, the juvenile court sustained allegations in J.H.’s CINA petition, finding that he was a CINA due to his father’s unavailability and Mother’s “history of untreated mental health issues which prevent her from providing appropriate care.” J.H., along with R.T., was placed in the Department’s custody and in the kinship care of R.T.’s paternal grandmother, K.M.

The juvenile court ordered Mother to maintain both stable and hazard-free housing and contact with the Department, and allowed her scheduled and unscheduled home visits at the discretion of the Department and K.M. In addition, the court directed Mother to “submit to a mental health evaluation, participate in any treatment recommendations that result there from [sic] and sign releases of information regarding the same.”

September 2021: Review and Permanency Plan for J.H.

At J.H.’s initial CINA review hearing on September 16, 2021, J.H. continued to reside with K.M., but Mother’s visits had become so “problematic due to conflict between her and” K.M., that J.H. was at risk of losing his placement with K.M.

Meanwhile, Mother was pregnant and living in a shelter. She insisted that her children had not been “removed because of her mental health,” but only because she was homeless and the stress of trying to raise her sons on her own “just came to a head[.]” She had obtained a housing voucher and was attempting to locate a suitable residence.

Police had been “called for [Mother] several times due [to] conflicts with staff and residents.” In one instance, a caseworker intervened when Mother became “extremely

upset because she believed someone had poisoned a pear she ate.” Because of her conflicts and behavior, Mother was on probation at the shelter, at risk of being banned indefinitely.

J.H.’s father, acknowledging that his incarceration prevented him from caring for J.H., requested that his own father, Je.H. (“Grandfather”) be investigated as a possible placement resource. Although Grandfather had prior criminal convictions that initially disqualified him as a resource, given the age and nature of those convictions, the Department proceeded to consider whether he could serve as a placement resource.

The juvenile court found that J.H. continued to be a CINA, then established a permanency plan of reunification and granted Mother liberal supervised visitation.

***January-May 2022: Birth of T.C. and
Subsequent Review and Permanency Planning for J.H.***

On January 10, 2022, Mother, while testing positive for THC, gave birth to T.C. Although Mother identified an individual as T.C.’s father, he denied paternity and executed an affidavit of non-parentage, saying “I am not the father, Ms. [C.] has some measure [sic] mental health problems and is psychotic[.]”

On February 17, 2022, the juvenile court held J.H.’s next CINA review and permanency planning hearing. Mother still did not have housing and was working with another program to secure it. She had not attended any mental health treatments for five months.

In March 2022, Mother had a mental health intake, resulting in a “severe depression” diagnosis “among other diagnoses” and a determination that further

psychological evaluation was needed. In April, Mother was hospitalized on an emergency petition because of violent behavior.

By the CINA review hearing on May 12, 2022, she was not complying with her mental health treatment plan and had switched to another provider. She also had not taken T.C. to pediatrician appointments, so the Department was working to ensure the baby received appropriate medical care. Mother lost her housing voucher, so she was “back on the waitlist.” Although she remained in a shelter, she was at risk of being discharged for possessing marijuana.

With respect to J.H., Grandfather had advised the Department that he was available for respite care but would not serve as a full-time care provider.

The magistrate recommended adding a concurrent plan of custody and guardianship by a non-relative to J.H.’s existing plan of reunification. He also recommended that Mother be ordered to undergo a fitness-to-parent evaluation and a bonding study. Mother did not file exceptions. On May 23, 2022, the court entered an order consistent with those recommendations.

July-September 2022: Removal of T.C. and CINA Determination

On July 6, 2022, the Department received reports that Mother was not safely caring for T.C., prompting safety concerns, and another emergency petition, the third since April, this time to The Johns Hopkins Hospital on reports that she was “hostile, aggressive, irate, and exhibiting fire setting behavior and threatening behaviors.”

According to the Department, one of Mother’s friends reported to the Baltimore County Crisis Response Team³ that Mother had been giving infant T.C. spoiled milk, which was causing the infant to vomit. When the Crisis Response Team arrived on July 6, 2022, T.C. had a fever and was “very lethargic.” T.C. was evaluated by the Johns Hopkins Pediatric Emergency Department for neglect, and Mother was again emergently petitioned.

Although T.C. was discharged that same day, Mother remained medicated and awaiting a psychiatric evaluation. Because there was no family or other resources to care for T.C., the Department placed her in shelter care with Foster Parents. Eight days later, Mother showed up at the Department in a hospital gown demanding to see T.C., who was still in Foster Parents’ care.

On September 21, 2022, the juvenile court determined that T.C. is a CINA, finding that “Mother suffers from mental health challenges, was recently Emergency Petitioned to the hospital for safety concerns, [] has two other children not in her care and committed to the department,” and the “suspected father denies paternity.” The court again ordered Mother to maintain contact with the Department; to submit to a mental health evaluation and participate in any recommended treatment; to submit to a fitness-to-parent evaluation,

³ The Baltimore County Crisis Response System, “a collaborative program between the Baltimore County Police and Health departments[],” provides trained professionals offering “mental health services to persons in mental, behavioral or emotional crisis” and “emergency police response to persons in need of crisis intervention,” to “assess individuals in need of services, offer resources and referrals, and complete emergency petitions when warranted.” Baltimore County Government, Behavioral Assessment Unit, <https://www.baltimorecountymd.gov/departments/police/behavioral-assessment> (last visited Nov. 20, 2024).

a bonding study, and a substance abuse evaluation; and to maintain stable and hazard-free housing. The court permitted supervised visits.

October 2022: CINA Review and Placement of J.H. at Foster Parents

At J.H.’s next CINA review hearing on October 13, 2022, Mother was not present, and her attorney took no position, reporting that she had no contact from Mother for more than two months. The Department reported that it was trying to obtain housing services for Mother, but her failure to sign a consent prevented any progress.

Counsel for Mother acknowledged that the Department “ha[d] been making very good efforts and trying to maintain contact” with Mother, who had been banned from Baltimore County shelters, had no known address, and had not visited the children in months, since May 2022 for J.H. and July 2022 for T.C. Mother “had about five or six phone numbers and change[d] her email often.” Her sister reported that Mother recently “lost her phone again.”

The Department reported that Mother was diagnosed with post-traumatic stress disorder, bi-polar disorder, and depression, “amongst other mental health issues.” The Department did not know if Mother was receiving any mental health treatment. Mother refused to participate in either a bonding study or a parental fitness evaluation, as ordered by the juvenile court. According to her attorney, she did not “think [Mother] was able . . . at this point in time due to her current circumstances.”

In October, when J.H.’s placement with K.M. disrupted, the Department proposed placing him in Foster Parents’ home with T.C. Given that change, Grandfather became willing to serve as a placement resource for him. Although the Department considered that

placement, Grandfather was not an appropriate resource because of his convictions for distributing controlled dangerous substances in 2005 and robbery with a deadly weapon in the mid-1990s. Grandfather acknowledged his criminal past, explaining that he had been “bad 15 years” ago, but he was different now. The magistrate instructed the Department to prepare a courtesy custody and guardianship packet for Grandfather before the next hearing.

On October 17, 2022, J.H. was placed in Foster Parents home with his half-sister T.C.

November 2022-March 2023: Reunification Efforts and CINA Review

After making virtual visits, Mother resumed in-person visits with both J.H. and T.C. in January 2023. Yet her behavior created new obstacles to reunification.

During a supervised visit in January 2023, Mother asked J.H. questions about Mrs. Ch., making J.H. nervous. After remaining “micro-focused” on Foster Parents, she started yelling and refusing to return the children, stating that she would take them to live with her at the House of Ruth. When the social worker attempted to deescalate the situation, Mother threatened her. Responding to the Department, police intervened to return both children to Foster Parents.

As a result of this behavior, Mother’s visitation again became virtual. In February 2023, the Department responded to Mother’s requests for in-person visitation by requiring her to participate in the recommended mental health evaluations and treatment as a prerequisite. After the Department referred Mother to a mental health program, she completed an intake and began virtual visitation on March 2, 2023.

At a joint CINA review hearing for both J.H. and T.C. on March 27, 2023, Mother still did not have housing and was facing new criminal charges for second degree assault. Mother had refused to attend parenting classes or to complete a fitness-to-parent evaluation or bonding study. She continued to insist that her children had been removed from her custody because she was homeless, not because of her mental health issues.

Both Mother and Mr. H. again asked for Grandfather to be a placement option for J.H. The magistrate recommended that the Department reconsider Grandfather given the nature and age of his criminal convictions.

For both children, the magistrate recommended concurrent permanency plans of reunification with Mother and custody/guardianship to a non-relative. The magistrate also recommended virtual visitations continue until Mother received mental health treatment. On the day following the hearing, Mother notified the Department that she was living at A Step Forward⁴ and was pregnant. With no exceptions filed, the court entered orders implementing the magistrate’s recommendations, on March 30, 2023. Yet six days later, on April 13, Mother left that housing and mental health program without completing it.

⁴ “A Step Forward Inc. is a spiritually-based nonprofit providing supportive housing, outpatient treatment, and mental health services in a safe, secure environment to foster recovery from substance abuse and life-threatening challenges.” A Step Forward Inc., About Us, <https://www.takeastepforward.org/?s=about+us&submit=Search> (last visited Nov. 20, 2024).

May 2023: CINA Review and Permanency Planning Hearing

During the ensuing two months before the next CINA review hearing on May 25, 2023, Mother again had little contact with the Department. The Department reported that after completing her mental health intake in February 2023, Mother had not attended any therapy appointments. She refused to sign a service agreement, to complete parenting classes, and to participate in a bonding study.

Counsel for the children reported that both J.H. and T.C. were doing “very, very well” living with Foster Parents.

Mother again requested that the children be placed with Grandfather. The Department “completed an assessment and kinship packet for” Grandfather. Although his son was not T.C.’s father, Grandfather was willing to be a placement resource both J.H. and T.C. He previously cared for one of Mr. H.’s daughters for six years, and his virtual visit with J.H. had gone well.

The magistrate, satisfied that Grandfather’s criminal record should not be an obstacle, accepted Grandfather’s assurances that he could care for both J.H. and T.C. The magistrate recommended that the children’s commitment to the Department be rescinded and that Grandfather be awarded custody and guardianship of both children. Nevertheless, the magistrate found “good cause” to keep both CINA cases open to ensure that the placement with Grandfather would be reviewed at a hearing on September 21, 2023.

On May 26, 2023, the Department and both children filed exceptions to the magistrate’s placement recommendations.

August-September 2023: Exceptions Hearing and CINA Review Hearing; E.C.'s Birth

On August 8, 2023, the juvenile court held an exceptions hearing. At that time, Mother was still unemployed and living in a hotel, but she had a housing voucher and was under the care of therapist Bri Matthews, working on her parenting, trust, and anger issues.

During that hearing, the parties agreed that both children should remain committed to the Department pending completion of a formal home study of Grandfather, who was given liberal and supervised visitation with the children. Mother explained that she wanted Grandfather to have custody because, when he cared for his other grandchildren, he “gave [that mother] her children back once she got her housing” and “said he’s going to go through the same stuff with me.”

Because Mother was in therapy, she was able to resume in-person visitation on September 5, 2023. At the review hearing on September 21, 2023, Mother was not present because she was hospitalized, giving birth to her fourth child, E.C.

The Department reported that Grandfather’s home study was complete except for medical clearance from Grandfather’s doctor. Nevertheless, Grandfather had only participated in one virtual visit with the children, several months earlier, then failed to respond to the Department’s efforts to set up in-person visits. Counsel for the children pointed out that it was Grandfather’s responsibility to work with the Department to arrange for in-person visits.

Mother no longer wanted J.H. or T.C. placed with Grandfather, however, because she had housing and believed Grandfather had “other priorities” including health issues. Grandfather reported that he would have medical clearance by the end of October.

Eight-year-old J.H. told the magistrate that he loves Mother and if he could live anywhere, he would live in New York City with her and his siblings. He did not “know” what he thought about living with Grandfather and described living with Foster Parents as “great.”

The Department reported that J.H. and T.C. were doing well with Foster Parents, who had obtained mental health treatment for J.H. They were willing to be a long-term placement for both J.H. and T.C.

The magistrate recommended concurrent plans of reunification and custody and guardianship for both children, with Mother having liberal supervised visits. The magistrate directed Grandfather to contact the Department “if, in fact, you are interested in visits.”

Both the Department and the children filed exceptions to the magistrate’s recommendations.

October 2023: Mother’s Aggressive In-Person Visitation

After giving birth to E.C. on September 21, 2023, Mother brought the newborn to the Department for a supervised visit with J.H. and T.C. on October 17, 2023. While driving J.H. and T.C. to the Department, however, Foster Parents’ car broke down. When the Department’s family support worker told Mother the visit would likely have to be canceled, Mother became angry, refused to leave, and threatened to “beat” the worker and “break out [her] car windows.” Building security guards, witnessing Mother’s threats, asked Mother to calm down; when she did not, they called police. When Mother learned police were coming, she turned her “aggressive and threatening language” on the guards.

Despite the car trouble, Foster Parents did bring J.H. and T.C. to the Department for the scheduled visit. As a result, both children witnessed Mother’s aggressive behavior. For the next two days, J.H. cried and acted out at school. When the Department notified J.H.’s therapist of the incident, she observed that J.H.’s behavior indicated that something had happened, even though he had not been willing to talk about it.

Mother’s “[v]isitation was reverted to virtual” until she obtained “anger management” therapy and a mental health reassessment. Mother made two virtual visits, on October 19 and 24, 2023. After those, she did not contact the Department about visits.

November 2023-January 2024: Mother Is Psychiatrically Hospitalized Multiple Times, E.C. Is Removed From Her Custody, and Mother Is Charged With Assault

On November 14, 2023, the Baltimore City Department of Social Services (the “City Department”) received a call from the Baltimore City Police Department regarding Mother. E.C.’s father, Mr. P., had called the police to report a “heated argument” with Mother, during which she was “acting in a bizarre way” and throwing objects. Mr. P. also reported that Mother was not “taking her medication recently” and was “talking to herself.”

Police transported Mother to Grace Medical Hospital, where she was evaluated and discharged Mother later that day. Because Mother refused to sign a release, the Department was unable to obtain any additional information.

On November 19, 2023, Mother was emergently petitioned to St. Agnes Hospital, then admitted to Howard County General Hospital, for “active symptoms of postpartum psychosis and schizoaffective disorder, bipolar type.” Five days later, on November 24, Mother left the hospital against medical advice.

On December 3, 2023, following another altercation with Mr. P., Mother was arrested and charged with second degree assault in Baltimore City. When the City Department received a report that E.C. was not safe in Mother’s care due to her untreated mental health issues and aggression, a caseworker observed that Mother appeared to be “hallucinating” and “talking to people who were not there.”

Because the City Department was unable to locate Mr. P. or other relatives, two-month-old E.C. was placed in shelter care. He was later placed with his paternal grandmother.

On December 10, 2023, the Department was notified by Bayview Hospital that Mother had been involuntarily committed. On December 11, 2023, she was transferred to the University of Maryland Medical Center. Mother reported that she spent 10 days in the hospital. Although the Department contacted Mother’s last-known mental health provider on multiple occasions, it did not get any response.

With Foster Parents’ help, Mother did have virtual visits with J.H. and T.C. on Christmas and on January 11, for T.C.’s birthday.

***January-February 2024: Exceptions Hearing
on Permanency Plans for J.H. and T.C.***

In early 2024, the Department, citing Mother’s continuing mental instability and non-compliance with the conditions set by the juvenile court for regaining custody, changed its recommendations for permanency plans. Mother had not been in contact with the Department. With respect to Grandfather as a placement option, the Department arranged three in-person visits, but he “missed” all of them.

The exceptions hearing on the Department’s and the children’s challenges to the magistrate’s recommendations began on January 29, 2024 and continued into April. At the outset, the Department reported that Mother had “minimal” contact during the last four months. As a result, the Department was unable to verify the status of Mother’s employment, housing, or substance abuse treatment. Nor could the Department discern her mental health status and treatment history.

Mother, who was present at the January 29 hearing, still had not yet completed the bonding study or fitness-to-parent evaluation ordered by the court. She acknowledged a “slight break in her therapy” following E.C.’s birth but claimed she had been receiving therapy since her hospitalization. She also admitted “being extremely frustrated with how visitations ha[d] been going” but “denie[d] ever doing anything to . . . injure her children, or to make them afraid of her.”

In her view, the postpartum “issues as far as [] mental stability” were caused by her medication, and fully resolved by adjusting it. Now that she was taking “the correct medications[,]” she claimed to be doing “everything” that she was “supposed to have done.”

The Department requested that the permanency plan for T.C., who had lived with Foster Parents for more than 18 of her 24 months, be changed to concurrent plans of adoption or custody and guardianship by a non-relative. The Department also requested that the court grant the Foster Parents custody and guardianship of J.H, who had spent nearly three years in care and had been “safe and happy” in this home for the preceding 15 months.

Mother and J.H.’s father objected to the Department’s home study on Foster Parents on the ground that it had been prepared for an older case. The court, after reserving on that challenge, ultimately directed the Department to update its home study for a hearing on March 6, 2024.

March-April 2024: Exceptions Hearing Continued

Mother was not present for the continuation of the exceptions hearing on March 6, at which the Department submitted an updated home study. Because that study lacked required signatures, the court postponed the hearing to April 2, 2024, combining the exceptions with permanency plan reviews.

At the April 2 hearing, the Department still had not been able to obtain updated information on Mother’s mental health treatment, despite repeated efforts. The court ruled out Grandfather as a placement resource based on his inconsistencies in taking advantage of visitation opportunities with the children.

Mother continued to refuse repeated court orders to participate in a bonding study and to complete parenting classes. She did not respond to emails or phone calls from the Department or the evaluator.

The court admitted the Department’s updated home study of Foster Parents without objection. In Foster Parents’ five-bedroom single-family home, T.C. had her own room, and J.H. shared a room with a twelve-year-old boy who had been fostering in the home since July 23, 2021. The two teenage sons of Foster Parents moved their rooms to accommodate T.C. The Foster Parents enjoyed family game nights, sports, outdoor activities, and traveling.

Eight-year-old J.H. loved his Mother and hoped to be reunified with her someday. Yet he also was “bonded” and “happy being with the [Ch.] family” and with his baby sister T.C. He did well in third grade, where he had a 504 plan,⁵ friends, and a teacher he liked. His reading struggles had improved since he came to live with Foster Parents.

Two-year-old T.C., who had lived with Foster Parents since she was five months old, called them “mommy” and “daddy” and regards them as “her primary caregivers.” She was described as a “boss” in the household and a “leader” in daycare.

The Department and counsel for the children asked the court to award custody and guardianship of J.H. to Foster Parents and to rescind his CINA commitment, and also to change T.C.’s permanency plan to concurrent plans of custody and guardianship by a non-relative or adoption by a non-relative.

***April 2, 2024: Custody and Guardianship Order for J.H.
and Change in Permanency Plan for T.C.***

The juvenile court sustained the exceptions by the Department and children, granted Foster Parents custody and guardianship of J.H, and changed T.C.’s permanency plan to concurrent plans of adoption by a non-relative and custody/guardianship by a non-relative, thereby terminating reunification planning and efforts. Explaining its reasons, the court found that “the children were brought into care after living with Mother due to . . . the

⁵ Section 504 of the Rehabilitation Act of 1973 protects people with disabilities who are enrolled in federally funded programs, including public schools, by ensuring that students receive reasonable accommodations for their disabilities through individualized “504 Plans” designed to meet educational needs and promote academic success. *See* Section 504 Plans, Maryland Dept. of Disabilities, <https://mdod.maryland.gov/education/Pages/Section-504-Plans.aspx> (last accessed Nov. 20, 2024).

inability for stability with mental health and the safety concerns resulting from that,” but “we are in the same situation now.” Although “the Department ha[d] been working diligently with [] Mother,” the court determined that there “are still unaddressed mental health concerns, and lack of active treatment by Mother[.]” Mr. H. was not a resource due to his incarceration, and T.C.’s father was unknown.

The juvenile court followed applicable legal standards, expressly considering the statutory factors enumerated in Family Law § 5-525(f)(1) and giving “primary consideration to the best interests” of the children. Citing Father’s unavailability and Mother’s “history of mental health that has not been stabilized[,]” featuring more involuntary hospitalizations since the last hearing, “Mother’s “still unaddressed mental health concerns, and lack of active treatment by Mother[,]” the court ordered custody and guardianship of J.H. to Foster Parents and closed his CINA case.

Given these same concerns about Mother’s mental health instability, her failure to address questions about her parenting fitness, and the lack of any paternal resources for T.C., the court changed her permanency plan to concurrent plans of adoption by a non-relative and custody and guardianship by a non-relative. Because T.C.’s CINA case remains open, the court continued to make resources available to Mother, ordering her again to participate in mental health treatment and comply with all treatment recommendations; to maintain regular contact with the Department; and to complete parenting classes, a fitness-to-parent evaluation, and a bonding study. Mother noted this timely appeal.

DISCUSSION

Mother contends that the juvenile “court erred when it . . . granted the foster care resources custody and guardianship of J.H. with case termination and changed T.C.’s permanency plans to nonrelative adoption and custody and guardianship.” In her view, “reunification remained in the family’s overall best interests” because “the totality of the case circumstances reflected that [Mother], who had stable housing and resolved her brief postpartum mental health issues, was ready (immediately or imminently) to regain custody of her children, even if that custody were subject to ongoing DSS and judicial oversight[.]”

We address the orders for each child in turn, explaining why we agree with the juvenile court that even after the Department worked “diligently” to help Mother over a period of years, her pattern of persistent mental health instability remained an obstacle to reunifying with J.H. and T.C. Because Mother repeatedly refused “active treatment,” the court found serious safety concerns arising from her aggressive and erratic behavior, repeated hospitalizations, inconsistent communication, and lack of stable housing. Based on this record, we conclude the court did not err or abuse its discretion in changing T.C.’s permanency plan to eliminate reunification and in terminating J.H.’s CINA proceedings with an order granting custody and guardianship to Foster Parents.

I.

Appeal No. 279-2024/C-03-JV- 22-482: Change in Permanency Plan for T.C.

As we have explained, after T.C. was determined to be a CINA, the juvenile court was required to hold periodic review and permanency planning hearings. *See* CJP § 3-823(b)(1), -- (h)(1). Correlating its findings to the factors set forth in FL § 5-525(f)(1) and

CJP § 3-823(e)(2), the court agreed with the Department that eliminating the statutorily preferred plan for reunification with Mother, in favor of concurrent plans for custody/guardianship or adoption by the non-relative Foster Parents, was in T.C.’s best interests. *See Koshko v. Haining*, 398 Md. 404, 415 (2007); CJP § 3-823(h)(2)(i)-(vi).

In reviewing that decision, we are mindful that in determining that this change in T.C.’s permanency plan “would be in the child’s best interests[,]” CJP § 3-823(h)(2)(vii), “[o]ne of the primary considerations . . . is to avoid the harmful effects when children languish in temporary living situations.” *In re Ashley S.*, 431 Md. 678, 711 (2013). *See In re M.*, 251 Md. App. at 115. Here, the court determined that T.C.’s commitment to the Department was still necessary and appropriate because she was safe in Foster Parents’ home but would not be safe in Mother’s care due to Mother’s persistent mental instability requiring repeated interventions via emergency petitions for psychiatric hospitalization. Despite the Department’s reasonable efforts to finalize the previous reunification plan, Mother’s lack of progress “toward alleviating or mitigating the causes necessitating commitment” left the child and the court “in the same situation” more than 20 months after she was removed from Mother’s custody based on findings of neglect. Mother’s uncontrolled mental illness was the common denominator in the pattern of neglect that resulted in the removal of all four of her children in emergent circumstances.

As the record we have detailed establishes, Mother’s mental health instability preceded T.C.’s birth and has persisted throughout her CINA proceedings. In addition to causing multiple involuntary hospitalizations during the 20 months after T.C. was removed from her care for neglect, Mother’s diagnosed but untreated bipolar disorder with psychosis

contributed to multiple conflicts that resulted in her being banned from shelter housing, challenged to secure alternate housing, losing in-person visitation with T.C. and J.H., being charged with assault, and in the removal of Mother’s two-month old child from her custody and care.

During this extended period, Mother continued her pattern of failing to comply with repeated court orders to participate in mental health evaluation and treatment, and to complete parenting classes, a fitness-to-parent evaluation, and a bonding study. Instead, even when not in crisis, Mother refused, or at least failed repeatedly, to benefit from the resources offered by the Department to help her resolve the obstacles preventing her from having custody of T.C. because she could not safely care for her.

Compounding Mother’s inability to benefit from resources to improve her parenting abilities, she also failed to consistently communicate with the Department. During multiple intervals, she discontinued contact and was unreachable, including during the four months preceding the May 2023 review and permanency plan hearing, and again after the birth of her fourth child in September 2023, during which she again had to be emergently hospitalized on multiple occasions for psychosis.

Based on this record of persistent instability and disengagement, we conclude that the juvenile court did not abuse its discretion in changing T.C.’s permanency plan to eliminate reunification with Mother, so that resources could be directed toward preserving the long-term placement in which T.C. was thriving. Like the juvenile court, we reach this conclusion after considering each of the statutory factors governing our best interests analysis, as follows.

FL § 5-525(f)(1)(i): “the child’s ability to be safe and healthy in the home of the child’s parent”

We agree with the Department that the primary reason for T.C.’s removal was not Mother’s homelessness, but her persistent mental health instability that resulted in her failure to keep T.C. safe and healthy. At the time six-month-old T.C. was sheltered on July 6, 2022, concerned family members reported that Mother was feeding the infant spoiled milk that made her vomit. The Department discovered T.C. in a fevered and lethargic condition, requiring emergency medical assessment and care. Mother was hallucinating and emergently hospitalized for mental health treatment. She remained psychiatrically unstable throughout T.C.’s CINA proceedings, being hospitalized multiple times on reports of aggressions and hallucinations. Her instability persisted through the months immediately preceding the April 2024 review and permanency planning hearing.

As the juvenile court emphasized at that hearing, “Mother suffers from mental health challenges, was recently Emergency Petitioned to the hospital for safety concerns, [and] has two other children not in her care and committed to the department[.]” Previously, in April 2021, Mother’s older children, J.H. and R.T., were found to be unsafe in her custody and care due to Mother’s “history of untreated mental health issues which prevent her from providing appropriate care.” The court found that Mother was “in the same situation now[.]” nearly 21 months after T.C. was removed from her custody, and three years after the Department removed her older children from her custody. The record supports that finding.

Notably, Mother offered no explanation for why she fed T.C. spoiled milk that made the infant vomit, or why, having been emergently petitioned and hospitalized multiple times from July 2022 until April 2024, while failing to participate in mental health evaluations and treatment offered to her through the Department, her pattern of psychiatric crises would not continue. Mother—who had been diagnosed with bi-polar disorder, post-traumatic stress disorder, and depression, among other mental health issues – reported that she was now on “the right medication . . . for [her] anxiety.” Yet she failed to present any supporting evidence of her prescriptions, or to acknowledge her other diagnoses of depression, bipolar disorder, and PTSD. Nor did she respond to the Department’s attempts to confirm that she was receiving non-medication modalities of mental health treatment.

The record supports the juvenile court’s determination that Mother’s mental instability prevented her from providing a safe and healthy home for T.C. Although the Department offered resources toward reunification, including mental health treatment, parenting support, and housing vouchers, Mother did not benefit from them in a manner that improved her parenting. By the April 2024 hearing, she remained in only limited contact with the Department and not complied with the mental health, parenting, and bonding evaluations mandated by the juvenile court.

Instead, Mother’s mental illness remained unresolved, and at times acute, as she continued to deny responsibility for neglecting T.C. in a manner that posed risks to her safety and health. Although Mother attributed her multiple psychiatric hospitalizations in late 2023 to postpartum medication misalignment, causing her fourth child to be removed

from her custody just two months after he was born, she was still experiencing mental health crises that posed persistent dangers to any child in her care.

Moreover, Mother’s behavior in courtroom proceedings did nothing to quell the court’s concerns about her ability to protect T.C.’s safety and health. Her outbursts during the exceptions hearing, which continued despite admonitions by court and counsel, indicate that, as in two visits she had with T.C. during 2023, she still had difficulty in handling anger without escalating into inappropriate conduct, including verbal and physical conflict.

In our view, the court’s finding on this factor, by itself, supplies grounds to conclude that the court did not err or abuse its discretion in eliminating reunification from T.C.’s permanency plan. Before a parent who has neglected a child can regain custody, a juvenile court must “specifically find[] that there is no likelihood of further child . . . neglect” by that parent. *See* FL § 9-101(b). Although the juvenile court did not expressly invoke this directive, we may fairly infer that the court concluded that T.C. could not be reunified with Mother because she could not be safe and healthy in Mother’s custody or care given the continuing likelihood of further neglect by a mentally unstable parent. *See* CJP § 3-823(e)(2); *In re D.M.*, 250 Md. App. at 562.

Although the court’s findings on this factor provide sufficient factual and legal support for its decision, we will continue to briefly address the remaining statutory factors pertinent to the change in T.C.’s permanency plan, because those findings strengthen the foundation for the court’s decision that concurrent plans of custody/guardianship and adoption by Foster Parents are in the child’s best interests.

FL § 5-525(f)(1)(ii) and (iii): “the child’s attachment and emotional ties to the child’s natural parents and siblings” and “the child’s emotional attachment to the child’s current caregiver and the caregiver’s family”

According to the updated home study reviewed by the court during the April 2, 2024 hearing, two-year-old T.C., who was only six months when she began living with Foster Parents, calls them “mommy” and “daddy” and views them as her primary emotional attachment. She was thriving in a “stable environment” and bonded to Foster Parents and their children, “who care about [her].” Likewise, half-siblings T.C. and J.H. were bonded to each other while living in the same household, so that reunification of only T.C. with Mother would undermine their sibling bond.

The record refutes Mother’s contention that the juvenile court gave “no or little consideration to T.C.’s emotional attachment to Mother.” In addition to considering that the child was less than six months old when she was removed from Mother’s custody, the court recognized that during that short time the child lived with her, Mother had three emergency petitions due to her mental health instability. After T.C. was removed from her custody, Mother waited months before visiting and then communicated with the Department only intermittently. During Mother’s “inconsistent” visits with T.C., she had been “volatile” and in conflict with the Department workers and Foster Parents.

In light of this equivocal evidence regarding Mother’s relationship bond with T.C., and the countervailing evidence of T.C.’s relationship with Foster Parents, discussed next, the juvenile court did not err or abuse its discretion in weighing these factors in favor of changing T.C.’s permanency plan.

FL § 5-525(f)(1)(iv) and (v): “the length of time the child has resided with the current caregiver” and “the potential emotional, developmental, and educational harm to the child if moved from the child’s current placement”

Both of these factors support the juvenile court’s determination that it is in T.C.’s best interests to eliminate reunification with Mother from her permanency plan. As discussed, when this permanency planning hearing took place in April 2024, T.C. had been living with Foster Parents for 20 months. Foster Parents expressed a desire to be a long-term or adoptive home for T.C. Because the evidence was undisputed that she was thriving in stable and loving care, the court did not err or abuse its discretion in concluding that T.C. would be harmed if she was removed from her current placement.

FL § 5-525(f)(1)(vi): “the potential harm to the child by remaining in State custody for an excessive period of time”

Recognizing that, like Mother’s other children, T.C. has spent a “lengthy period of time” in the Department’s custody outside Mother’s care, the court did not err or abuse its discretion in determining that it is in T.C.’s “best interest to be placed in a permanent home and to spend as little time as possible in foster care.” *In re Adoption of Jayden G.*, 433 Md. 50, 84 (2013) (citation omitted). As our Supreme Court has emphasized, “‘emotional commitment’ and a sense of permanency [] are absolutely necessary to ensure a child’s healthy psychological and physical development.” *Id.* For that reason, the General Assembly has directed courts to make “[e]very reasonable effort . . . to effectuate a permanent placement for the child within 24 months after the date of initial placement[,]” in order to secure a “timely, permanent placement” for a CINA. *See id.*; CJP § 3-802(a)(7).

See also FL § 5-525.1(b)(1)(i) (generally requiring the local department of social services to file a petition for termination of parental rights when a “child has been in an out-of-home placement for 15 of the most recent 22 months”). Indeed, as our appellate courts have explained, a child’s “continuation in foster care lacks the permanent legal status required by state law[,]” which subjects that child to “constant administrative and judicial supervision” that we recognize “is disruptive to the lives of [the child] and his [caregivers], and is the very type of uncertainty the child welfare statutes were designed to avoid.” *In re Adoption/Guardianship No. 10941*, 335 Md. 99, 120 (1994). *See also In re M.*, 215 Md. App. at 115 (recognizing that permanency protects a child’s “emotional attachments” to caregivers, siblings, home, neighborhood, and school). Here, the court’s decision to terminate reunification as a permanency plan was a legally and factually justified step toward establishing stability and permanency for T.C.

Conclusion

The juvenile court adhered to the correct legal standards in concluding that it was not in T.C.’s best interests to continue efforts to reunify her with Mother, with whom the child had not lived for 18 of her 24 months, because Mother failed to make reasonable progress toward alleviating her mental health instability that caused T.C. to be unsafe in Mother’s custody and care. *See* CJP § 3-823(h)(2)(i)-(vi). Given the bonds and stability T.C. enjoys with Foster Parents, and Mother’s persistent failure to stabilize her mental health and housing, while also failing to comply with the juvenile court’s orders to participate in mental health, parenting, and bonding services, and to remain in consistent contact with the T.C. and the Department, we affirm the court’s decision to change T.C.’s

permanency plan to remove reunification as an alternative to concurrent plans of custody/guardianship and adoption by the Foster Parents in whose care she is thriving.

II.

Appeal No. 280-2024, C-03-JV-21-111: Custody/Guardianship Order for J.H.

Mother also challenges the juvenile court’s order granting custody and guardianship of J.H. to Foster Parents, arguing that “the evidence showed that J.H. could currently, or at least imminently, be safe in her care and that she had made sufficient progress in remedying the issues that brought the family to the court’s attention to at least keep reunification a permanency option.” We again disagree.

The juvenile court reviewed the home study and the same statutory factors that it had considered with respect to T.C. The biggest distinctions between the two children were their ages and the longer time that J.H. had been in the Department’s custody. For that reason, we agree with the Department that “[m]uch of the analysis as to T.C., particularly regarding her ability to be safe in Mother’s care, applies with equal force to J.H.”

As we have recounted, all four of Mother’s children were removed from her custody in the midst of recurring mental health crises that endangered each child. Whereas Mother had not lived with T.C. for 20 months at the time of the hearing, Mother had not had custody of J.H. since February 2021. Although he loves Mother, J.H. was not living with her during his preceding three years, when Mother had multiple emergent hospitalizations and failed to maintain regular contact with J.H., in some instances for months at a time. J.H. was old enough to feel the effects of such distance and time.

When Mother did visit him, her behavior was inappropriate and aggressive. On one occasion, police had to be called and in-person visitations suspended. Witnessing such conflict was disturbing to J.H. Mother’s conduct during that supervised October 2023 visit upset J.H., who “acted out” and cried at school for the ensuing two days. That altercation, as well as Mother’s aggression toward others (for which she was facing second degree assault charges), even while in the presence of her children, gave the court and J.H.’s counselor reason to be concerned about sheltering the eight-year-old against such traumatic witness to Mother’s volatile words and actions.

Consequently, we reject Mother’s contentions that the juvenile court erred or abused its discretion in declining to “keep[] reunification J.H.’s permanency goal at least for one more six-month review period, with [M]other imminently obtaining custody of him.” To the contrary, the court correctly weighed the frequency of Mother’s mental instability in light of Mother’s unreliable contact with J.H. and the Department, her failure to comply with court orders designed to offer mental health and parenting resources, and her aggressive or inappropriate in the presence of J.H. and her other children.

In addition, the court considered Mother’s track record against the two-year statutory benchmark for achieving permanency. *See generally* CJP § 3-823(h)(5) (“Every reasonable effort shall be made to effectuate a permanent placement for the child within 24 months after the date of initial placement.”). By the April 2, 2024 permanency planning hearing, J.H. had been living apart from Mother since February 2021 and with Foster Parents and T.C. since October 2022. According to the updated home study credited by the court, he was bonded to his foster family and half-sister and “thriving” in that household.

Applying the correct legal standards to this evidentiary record, the juvenile court did not err or abuse its discretion in terminating CINA jurisdiction over J.H. in favor of custody and guardianship to Foster Parents.

Conclusion

Based on this record, we are not persuaded that the juvenile court erred or abused its discretion in determining that Mother did not make sufficient progress in remedying the issues that brought the family to the court’s attention to at least keep reunification a permanency option. Like T.C., J.H. deserves the stability and certainty offered by Foster Parents’ custody and guardianship. When the court reviewed J.H.’s case at the April 2, 2024 hearing, the eight-year-old had been in the Department’s custody for three years, with a permanency plan that had included custody and guardianship for 22 months.

As our Supreme Court has recognized, juvenile courts must not “overemphasize[] the bond between the [parent] and the child and fail[] to properly consider permanency and the ability of the [parent] to successfully parent [the child] in a stable environment.” *Adoption/Guardianship of C.E.*, 464 Md. at 56. Nor is a court required to allow children to remain in the Department’s custody indefinitely. *Cf. In re Shirley B.*, 419 Md. 1, 33 (2011) (affirming change in permanency plan because “Ms. B.’s inability to improve her situation, arguably through no fault of her own, left the Children ‘languishing in foster care drift’ for 28 months, with no end in sight.”)

Significantly, the Department did not seek to terminate J.H.’s bond with Mother by requesting adoption. Because the custody and guardianship order permits Mother to retain her parental rights, she may challenge custody if and when her circumstances change. *See*

generally In re Caya B., 153 Md. App. 63, 78 (2003) (recognizing that “[p]arental rights are not terminated in such a situation: the parents are free at any time to petition an appropriate court of equity for a change in custody, guardianship, or visitation.”). Under these circumstances, the juvenile court did not abuse its discretion in awarding custody and guardianship of J.H. to Foster Parents and terminating his CINA commitment.

CONCLUSION

Throughout these proceedings, Mother’s mental instability remained a roadblock to reunification. Mindful that courts must “assess the reality of the children’s circumstances” by “evaluat[ing] the parent’s actual history of conduct and behavior,” *Ashley S.*, 431 Md. at 711, 719, we conclude that Mother’s rocky mental health record supports the juvenile court’s conclusion that neither T.C., nor J.H. could be “safe and healthy” in her custody within the 24 months contemplated by the CINA framework. *See* FL § 5-525(f)(1)(i) (requiring juvenile court to consider “the child’s ability to be safe and healthy in the home of the child’s parent”); CJP § 3-823(h)(5) (“Every reasonable effort shall be made the effectuate a permanent placement for the child within 24 months after the date of initial placement.”). Mother’s persistent failure to take benefit from the mental health and parenting resources offered by the Department escalates the risks to her children from her recurrent mental health crises. Because nothing in this record gives us reason to reject the juvenile court’s finding that it is not in the best interests of T.C. and J.H. to extend reunification services, we conclude that the juvenile court did not err or abuse its discretion in eliminating reunification from T.C.’s permanency plan for custody/guardianship or

adoption by the Foster Parents with whom T.C. is bonded, and in granting custody and guardianship of J.H. to Foster Parents.

**PERMANENCY PLAN ORDER OF THE
CIRCUIT COURT FOR BALTIMORE
COUNTY DATED APRIL 2, 2024, IN CASE
NO. C-03-JV-22-482, AFFIRMED. COSTS
TO BE PAID BY APPELLANT.**

**CUSTODY AND GUARDIANSHIP ORDER
OF THE CIRCUIT COURT FOR
BALTIMORE COUNTY DATED APRIL 2,
2024, IN CASE NO. C-03-JV-21-111,
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**