Circuit Court for Prince George's County
Case No.: TPR-21-0013

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 1536

September Term, 2023

IN RE: K.D.H.

Leahy,
Shaw,
Albright,
JJ.

Opinion by Shaw, J.

Filed: June 10, 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).

On August 5, 2021, the Prince George's County Department of Social Services ("DSS"), filed in the Circuit Court for Prince George's County, sitting as a juvenile court, a Petition for Guardianship with the Right to Consent to Adoption or Other Planned Permanent Living Arrangement ("the petition for guardianship") for K.D.H., a minor child born on January 28, 2019. Following hearings on the merits that occurred on various dates from May 24, 2022, to July 21, 2023, the juvenile court entered a written order on September 26, 2023, granting the petition for guardianship and terminating the parental rights of D.D. ("Mother") and E.H. ("Father") to their minor child K.D.H.[1] This timely appeal followed.

The sole issue presented for our consideration is whether the juvenile court abused its discretion in granting the petition for guardianship and terminating Father's parental rights to K.D.H. For the reasons set forth below, we shall affirm.

PROCEDURAL AND FACTUAL BACKGROUND

A. K.D.H.'s Entry into Care

K.D.H. was born at Howard University Hospital on January 28, 2019. At that time, Mother was seventeen years old and resided in Prince George's County. Father was present for the child's birth, but after an incident between him and Mother, he did not return to the hospital. K.D.H.'s maternal grandmother, who resided in Prince George's County, initially agreed to have Mother and K.D.H. live with her. In early February 2019, Mother was

[1] K.D.H.'s mother, D.D., did not object to the petition for guardianship and was deemed to have consented to the termination of her parental rights. She is not a party to this appeal.

advised that she could not take K.D.H. home from the hospital because there was a social hold on the child. Mother "went into a rage and destroyed the property in the nursery room at the hospital and attacked her [own] mother." Mother was taken into the custody of the Department of Juvenile Services in the District of Columbia. It was discovered that Mother had an open warrant in Montgomery County, and she was transferred there. When she was released, Mother was transferred to Prince George's County where she had another open warrant. K.D.H.'s maternal grandmother advised a Child Protective Services investigator that she no longer felt safe having her daughter in her home "or any involvement with [Father] as she is fearful of her life."

DSS learned that K.D.H. had tested positive for marijuana at birth and had a low birth weight. Due to those facts and because Mother was homeless, DSS placed K.D.H. in shelter care[2] with foster parents Mr. and Mrs. B. ("the Bs"). DSS filed a petition alleging that K.D.H. was a child in need of assistance ("CINA").[3] An adjudication and disposition hearing was held on March 5, 2019. Father was not present at that hearing. Mother reported that Father had signed papers to be listed on the birth certificate as K.D.H.'s father. On March 20, 2019, the juvenile court found K.D.H. to be a CINA and placed her in the

[2] Although the specific subsection defining "shelter care" has changed over time, in 2019 it was defined, as it is now, as "a temporary placement of a child outside of the home at any time before disposition" as a child in need of assistance. Md. Code, § 3-801(bb) of the Courts and Judicial Proceedings Article ("CJP").

[3] A child in need of assistance is one who requires court intervention because the child has been abused or neglected, or has a developmental disability or mental disorder, and the child's parents, guardian, or custodian cannot or will not give proper care and attention to the child's needs. CJP § 3-801(f) and (g).

care and custody of DSS.[4] The juvenile court ordered that visitation between K.D.H. and Father "if located is to be liberal and supervised as arranged by DSS or its designee[,]" that DSS was to make certain referrals, and that Father was to enter into a service agreement with DSS, attend parenting classes, and obtain a domestic violence assessment and a substance abuse assessment, as well as any needed services.

DSS attempted to locate a mother and baby placement for Mother and K.D.H. and eventually located a treatment foster home that was willing to accept them. That placement began on April 1, 2019, but was disrupted days later when the foster parent reported that Mother had Father in the home and that he "threatened to kill the foster parent." Mother took K.D.H. and left the home. Later, after Mother returned to the foster home with K.D.H., she threatened the foster parent with a knife. Mother was arrested, but after her release, she returned to the foster parent's home and was, thereafter, arrested for violating a protective order. K.D.H. was returned to the care of her prior foster parents, the Bs.

B. Permanency Planning Review Hearings

A permanency planning review hearing was held on May 1, 2019. Father appeared for the first time and stated that he would represent himself. The juvenile court found that Father did not have a home address. It continued K.D.H.'s foster care placement with the Bs and awarded both parents liberal, supervised visits. The juvenile court ordered Father to enter into a service agreement with DSS and to attend parenting classes and obtain assessments for domestic violence, mental health, and substance abuse.

[4] A separate CINA proceeding was filed with regard to Mother, who was a minor, but that case was closed on May 1, 2019.

The next permanency planning and review hearing was held on October 4, 2019. Father did not attend that hearing. In a report prepared in advance of the hearing, DSS noted that Father had had supervised visits with K.D.H. He had been referred for a substance abuse assessment and parenting classes through the Family Tree, which were to begin on October 9, 2019. DSS also completed a referral for a psychological evaluation and a domestic violence assessment and was in the process of making a referral for individual therapy for Father, who did not have medical insurance. DSS reported that K.D.H. was doing well in her foster home, had begun attending a daycare center, and she was up to date on her vaccinations.

At the conclusion of the October 4, 2019 permanency planning review hearing, the juvenile court continued the permanency plan of reunification. It issued written findings including that mail sent to Father at an address on Bryans Road was being returned with a note stating that mail should not be sent to that address as Father does not live there. The juvenile court noted that "minimal progress" toward reunification had been made by Father "as he has visited but ... not engaged in services and his whereabouts/address is unknown." The court determined that K.D.H.'s permanency plan was "reunification with Mother with implementation by 3/2020." The juvenile court again ordered Father to enter into a service agreement with DSS and to attend parenting classes and the other services set forth in the prior orders.

In late 2019, Father requested a new social worker because he did not believe that his assigned social worker, who was a white woman, could understand the experience of a black man. DSS responded by assigning a new social worker, Omar Wilkins, to the case.

In a report prepared in anticipation of the March 6, 2020 permanency planning review hearing, DSS recognized that Father had "been consistent with his weekly ongoing visitation with" K.D.H. On January 9, 2020, however, Father arrived late to a supervised visit. He reportedly grabbed K.D.H. aggressively from Mother's arms and appeared to be under the influence of alcohol or another substance. He became upset and was disruptive and had to be escorted from DSS premises by Mr. Wilkins. DSS suspended Father's supervised visits until its workers had a chance to meet with him. Father's supervised visits resumed on January 23, 2020. The report noted that Father was "not engaged in any court-ordered services." DSS invited Father to attend a six-week "father's group" which addressed topics such as building better relationships, parenting and co-parenting, employment assistance, effective communication, and navigating the child welfare system. Although Father said he would like to attend, DSS reported that he had not attended any of the sessions.

Mr. Wilkins observed ten visits with K.D.H. between January and September 2020. At a hearing on July 26, 2022, he testified that Father would engage with K.D.H., but would then turn his focus on Mother and start arguing with her. At that time, Mother was pregnant with their second child. Mr. Wilkins asked Mother if she and Father would like separate visits, but Mother declined stating that she and Father had discussed it, "were going to work through" their issues, and "wanted to have the visitations together as a family." Thereafter, arguments between the parents became less frequent.

In March 2020, in-person visits were suspended due to the start of the COVID-19 pandemic. At that time, Father had not participated in any services, did not have a fixed

address, and mail to his address on file continued to be returned. Father did not attend virtual meetings of the fathers' group and efforts by the group's leader and a DSS worker to reach Father by phone were unsuccessful because his phone number was no longer in service.

Although the parents' visits with K.D.H. had been two hours long prior to the pandemic, the virtual visits were reduced to one hour due to K.D.H.'s young age and her inability to interact for two hours. When Father was made aware of the shortened visitation, he emailed Mr. Wilkins and stated that he could "put [Mr. Wilkins'] job in jeopardy just like I did with respect to" the prior DSS worker and that he should "fix it or I'll make your life hell like I did [hers]." Mr. Wilkins replied, "please don't ever threaten me." Father then sent three emails stating, "[w]ell I did now what are you gonna do about it[,]" "[y]ou really don't know who I am and I'm not scared of nothing out [sic] or anyone so like I said fix it before your job is in jeopardy don't make me repeat myself[,]" and, "[s]o f[***] you and whoever else backs you up."

Father engaged in a virtual visit with K.D.H. on March 26, 2020. Sometime in March 2020, Mother gave birth to her second child with Father. During a virtual visit on April 7, 2020, Father was at Mother's residence, and he was observed talking to their new baby, but he did not engage with K.D.H. Although DSS sent scheduling emails to Father for all visits using both email addresses he had provided, Father did not visit K.D.H. at all during the second half of 2020.

A permanency planning review hearing was held on August 26, 2020, but Father did not attend. The court found that Father had "not yet engaged in any services[,]" and

that although he had been invited to the fathers' group, he was not able to attend because he started working at Uber Eats. The court found that Father had no fixed address, that he had a substance abuse assessment and was recommended for substance abuse treatment, but had not attended, and that he had a pending criminal case. Based on those findings, the court concluded that there had "been no progress made toward the plan of reunification with Father[.]" The court continued the permanency plan of reunification with implementation by February 2021.

Father failed to attend the next hearing on February 5, 2021. DSS reported that it had not had contact with Father since the prior hearing, emails sent to him were not returned, he had no physical address, his whereabouts were unknown, and he was "not engaged in any court ordered services."[5] The juvenile court found:

> Father is not yet engaged in any services. He was invited to a DSS six-week program called The Father's Group during the last review period but said that he started working at Uber Eats and was not able to attend. Father currently has no fixed address) [sic]. Father previously had a substance abuse assessment and was recommended for substance abuse treatment but has not attended. Father also has a pending criminal cases [sic] with a trial date postponed due to the pandemic. Mail to Father is coming back.
>
> * * *
>
> There has been no progress made toward the plan of reunification with Father as he has not visited [K.D.H.], engaged in any services, or had contact with DSS. Father's whereabouts are currently unknown.

[5] While DSS was presenting its case, Mother interrupted and said that she was focused on raising her second child, that she would no longer cooperate with DSS, and that DSS could keep K.D.H. "because you all aren't going to give her back anyway."

The juvenile court changed the permanency plan from reunification to "TPR/Adoption with implementation by 8/2021." Thereafter, Father sent an email to DSS stating that Mother had kept him out of the loop, that he had his "own spot" and was "finally working." He asked what he needed to do in addition to classes, which he would be starting "soon now that I have insurance."

A paternity arraignment and a permanency planning review hearing were held on July 8, 2021, via Zoom. Father waived his right to contest paternity and testified that he was K.D.H.'s biological father. The juvenile court found that he was the biological and legal father of the child. In its written findings, the juvenile court wrote:

> Father expressed concern that [DSS] has not worked with him and frustration that his efforts to connect with service providers have been met with a lack of response. Father explained that he has invited options from [DSS] regarding placing documents requested of him for signature in a form that does not require access to a computer or facsimile transmission machine. Regarding visitation with [K.D.H.], Father has been employed at a Chipotle Restaurant since November 2020, a job that has come with a "tight schedule" that gives him "no access to free time." Father added that there is no need for COVID-19 testing to facilitate visitation since he is testing regularly at his employment. Father now has an apartment; he was homeless when [K.D.H.] was born. Though his schedule is tight, he offered that his girlfriend resides with him and is available to care for [K.D.H.] when he is not present. Father is in the process of obtaining a second job.

DSS and counsel for K.D.H. recommended that the child's permanency plan be adoption by a non-relative, specifically her foster parents. Father requested a permanency plan of reunification with him. The court found that it was in K.D.H.'s best interest that her permanency plan be adoption by a non-relative, specifically the Bs. In reaching that decision, the court stated:

> The Court has considered a number of factors in determining the appropriate permanency plan for [K.D.H.]. *Among the factors* are the time that [K.D.H.] has been in care; [K.D.H.'s] attachment to the [B.s] and the stability provided in the only home [K.D.H.] has known; the absence of any bond with either Mother or Father; the lack of fulfillment of various of the requirements regarding accessing services by Mother and Father (in different degrees or regards as to each), where accessing services for which [DSS] made referrals is within the responsibilities of Mother and Father; and the absence of a reasonable time within which reunification could be achieved were Father to fully comply with unfulfilled requirements.

C. Guardianship Proceeding

On August 5, 2021, DSS filed a petition for guardianship seeking to terminate the parental rights of Mother and Father to K.D.H. Mother consented to the petition and Father filed a timely objection. Counsel for K.D.H. initially objected to the petition, but later withdrew the objection and consented to it on the condition that the child be adopted by the Bs.

A permanency planning review hearing was held virtually on December 20, 2021. Father did not appear at that hearing. DSS informed the court that subsequent to its report dated December 9, 2021, Father informed his case manager that he had not received prior court orders. The court found that the address used by the court was the same as the address to which the DSS case manager had mailed copies of the court orders to Father. The court took note of Father's opposition to the permanency plan of adoption by a non-relative and noted that Father had filed an objection to the petition for guardianship. The court ordered, among other things, that DSS begin the adoption home study process.

The petition for guardianship and to terminate the rights of the parents to K.D.H. was heard by the juvenile court over the course of several days from May 2022 through

July 21, 2023. Sharnice Thorne, a child protective services investigator with DSS, testified as an expert in the field of child welfare and safety. She stated that on February 1, 2019, DSS received a report that K.D.H. and Mother were homeless and that K.D.H. was exposed to marijuana at the time of her birth. Because Mother was a minor at the time of K.D.H.'s birth, Ms. Thorne contacted the baby's maternal grandmother who advised that although previously she agreed to allow Mother and K.D.H. to live in her home, she changed her mind because she "was fearful[.]" Ms. Thorne completed an initial investigation and referred the case to foster workers, one of whom was assigned to Mother and the other to K.D.H. During the time of her involvement in the case, Ms. Thorne did not meet Father. She "just knew the name" and did not have any contact information for him.

Debra-Lynn Pierson testified as an expert in child welfare and permanency. She worked for DSS as a supervisor for K.D.H.'s social worker, Scholastica Dalmeda, from August 2020 through January 2021 and again, for various periods, until July 2021. Ms. Pierson met with Ms. Dalmeda weekly and reviewed the case on a regular basis. Ms. Pierson testified that she had no concerns about K.D.H.'s foster home or her safety or well-being while in that home. She was aware that Ms. Dalmeda sent emails to Father in an attempt to obtain his physical address and employment information, but did not receive a response from him. Father did not have a service agreement with DSS, and no home assessment was done for Father's home because DSS did not have his address. Ms. Pierson opined that adoption was the appropriate permanency plan for K.D.H. based on the child's "age, development, stability with the Bs," and Father's lack of engagement in services including parenting classes, a mental health assessment, substance abuse assessment, and

domestic violence assessment, as well as his lack of consistent visits and progress towards reunification.

Jennifer Davis worked in the foster care unit at DSS. She was assigned to K.D.H.'s case in about February 2019 and monitored her placement with her foster parents, the Bs. Ms. Davis first had interactions with Father in May or June 2019. She made referrals for Father to obtain a substance abuse assessment, a psychological assessment, a domestic violence assessment, and to attend parenting classes. The assessments were not completed. Father did not attend a parenting class scheduled to begin on October 9, 2019, and did not complete the parenting classes. Ms. Davis acknowledged that Father did not receive any referrals that were funded by DSS.

Ms. Davis stated that Father's visits with K.D.H. "were sporadic[.]" According to Ms. Davis, Father did not request make up visits for those he missed. Nor did he request visits separate from those between Mother and K.D.H. During the visits she observed, Ms. Davis noted that Mother and Father "would argue and bicker" and when she would intervene, Father was not receptive of the feedback. Ms. Davis explained that "she had difficulty getting him to engage" with respect to accepting feedback and changing his behavior. She felt his behavior "negatively impact[ed]" K.D.H.

On one occasion, Father showed up for a regularly scheduled visit, but it was denied. After Father persisted in demanding that the visit take place, the Deputy Assistant Director of DSS directed that the supervised visit occur. Some visits were canceled because the foster parents took K.D.H. with them on business trips. On other occasions when the Bs were out of town, K.D.H. stayed with Mrs. B's aunt and DSS provided the child

transportation to the visits. Father expressed some concerns about K.D.H.'s appearance, but Ms. Davis did not have any concerns about K.D.H.'s general welfare.

As of December 2019, K.D.H. "was doing very well" in her placement with the Bs. According to Ms. Davis, K.D.H. looked to the Bs "for everything" and interacted with the other children in the Bs' home. For two reasons, Ms. Davis's work on the case ended in December 2019. First, Mother complained that she was withholding K.D.H. from her and second, Father did not want to work with a woman and did not feel "that a white woman in particular could understand the experience of a black man." The case was then transferred to Omar Wilkins.

Omar Wilkins, a foster care reunification worker at DSS, testified that he began working on K.D.H.'s case in January 2020, when the permanency plan was reunification with Mother. He did not make any referrals for Father because they had already been made by Ms. Davis, but he followed up on the referrals by making sure that Father had necessary phone numbers for service providers and by speaking with a substance abuse specialist who advised that Father had failed to follow through with him. Mr. Wilkins also confirmed with Family Tree that Father had not made contact with that organization and confirmed that Father did not follow up with the referral for individual counseling.

Mr. Wilkins's first in-person involvement with Father occurred on January 9, 2020, when Father "was being escorted out of" DSS "due to … aggressive behaviors." According to Mr. Wilkins, Father "was being very belligerent" and used "inappropriate language towards the staff," Mother, and K.D.H.'s maternal grandmother. Father "could not explain why he was so upset," his "words were slurred," and he appeared to be "under the influence

of either alcohol or substance." Father used inappropriate language and said, "I don't give a f[***] what you all say to me[,]" "I will f[***] everybody up in here[,]" "[n]obody going to tell me what I need to do[,]" "[f][***] all you all[,]" and "[y]ou all mother f[******]."

From January 9, 2020, through September 2020, Mr. Wilkins observed ten visits between K.D.H. and her parents. Mr. Wilkins observed Father and Mother argue specifically about Mother's claim that Father was not providing for the needs of their second child, with whom Mother was pregnant. Mr. Wilkins testified that the arguments "took away from them being engaged with" K.D.H. Mr. Wilkins asked Mother if she would like separate visits with K.D.H. A couple of days later, Mother reported that she spoke with Father and they wanted to have visitations with K.D.H. together as a family. According to Mr. Wilkins, Father never requested DSS to provide individual visits for him and K.D.H.

After the visits became virtual due to the pandemic, Father became upset and used "threatening language towards" Mr. Wilkins and DSS. Mr. Wilkins sent email notices of the visits to two email addresses he had for Father, but Father appeared at only one visit. According to Mr. Wilkins, the emails he sent to Father did not "bounce back[.]" At no time did Father advise Mr. Wilkins that his address had changed. For a period of time, Mr. Wilkins was able to communicate with Father by phone, but in about June 2020, his phone service was disconnected. Mr. Wilkins acknowledged that in virtual visits, Mother and Father were unable to hug and kiss K.D.H. and that impacted their ability to be physically present with their child.

In April 2020, Mr. Wilkins referred Father to a class for fathers that was held in a virtual format. According to Mr. Wilkins, Father did not attend any of those classes. Father reported that he was self-employed "in the clothing line business," making t-shirts and sweatshirts. At no time during Mr. Wilkins's work on the case did Father sign a service agreement with DSS.

Mr. Wilkins observed K.D.H. once a month in the home of her foster family. He observed K.D.H. to be happy, comfortable, and safe, and he did not have any concerns about her well-being or placement. The child was current with her medical appointments.

K.D.H.'s foster mother, Mrs. B., testified that she and her husband, Mr. B., lived in Prince George's County in a single-family home with their two sons, who were twelve and eight years old, their twin daughters, who were ten years old, and K.D.H. K.D.H. first came into their foster home on February 5, 2019. From about April 1 through April 5, 2019, K.D.H. was placed back in Mother's care, but thereafter she was returned to the B.'s home and had lived there ever since. K.D.H. did not have any chronic or acute medical conditions and Mrs. B. described her as "very happy." She liked to "dress up like a princess," play with "a Baby Alive doll," and play dress up, but she did not like to go swimming. She was attending summer camp and getting ready to begin gymnastics. On occasion, Mr. and Mrs. B. traveled out of town together. If their children and K.D.H. did not travel with them, they stayed with Mrs. B's aunt who was registered as the B's back-up care provider.

Mrs. B. first met Father in February 2019, when he was with Mother and K.D.H.'s maternal grandmother. Mrs. B. testified that "it was clear" from the way they interacted

that Father "really loved" K.D.H. He kissed the child "all over" and told her she would be going home with him soon. Mrs. B. stated that he was "kind" to her and her husband. Thereafter, Father attended some visits with the child, but there was a period where there was "no interaction for about a year."

In February 2022, Father requested visits with K.D.H. Mrs. B. set up a virtual meeting for February 22, 2022, and several other virtual visits, but Father "never logged on." Mrs. B. testified that she had a few unpleasant email exchanges with Father and, at one point, she asked Father to communicate only with Mr. B. One unpleasant exchanged involved birthmarks on K.D.H.'s back that Father thought were bruises, but a doctor identified as birthmarks. In addition, Father told the Bs he felt they "were negligent" with communication when the Bs took two or three days to respond to an email. Thereafter, the Bs told Father to contact DSS to schedule visits. Mrs. B. testified that she never asked Father for financial support for K.D.H. because "[t]here wasn't a need."

Mrs. B. testified that she and her husband were willing and able to adopt K.D.H. Mrs. B. testified that if she and her husband were to adopt K.D.H., they would be willing to allow Mother and Father to have contact with the child if they wanted that to happen.

Father testified on his own behalf. In addition to K.D.H. and her younger sister, Father had an eight-year-old son and a seven-year-old daughter from prior relationships. Father stated that he loved K.D.H. and that the word love was "an understatement." Father did not pay child support for any of his children but testified that "if [he] was obligated [he] would have sent something, anything."

Father lived with his girlfriend of four years in a one-bedroom apartment in Landover where they had lived for almost four years. If K.D.H. were to live with him, he would move to a two-bedroom apartment. When asked where K.D.H. and his other children would sleep in his one-bedroom apartment, Father testified that K.D.H. would have "her own room, own bed," and that his son would sleep on an air mattress. Father also stated that usually his son does not sleep because "[w]e stay up all night together. We don't really go to sleep[,]" or his son "ends up falling asleep on the couch." As for Father's girlfriend, she would also "stay up all night" or fall "asleep on the couch watching a movie or something. We usually – we're usually all the way – always up." Father testified that he slept "about four hours every day[.]"

Father had been employed at a Popeye's restaurant since July 10 or 11, 2023, and earned about $17 an hour. Because he was still in training, Father was unsure of his ultimate work schedule, but he had requested to work 5 p.m. to 11 p.m. He also had several other jobs. He worked for Door Dash and as an independent contractor doing day labor through an app known as Bacon. He also earned money from streaming video game content for "Twitch." With regard to "Twitch," Father testified that "people, usually they donate" and when that happens, he is paid instantly. Father was "working to get into a program where they actually like pay pay [sic] you thousands of dollars" for streaming video game content. Father worked for Door Dash seven days a week, from about 2 p.m. to 2 a.m., and earned between $125 to $250 per day. If he got an independent contractor position through the Bacon app, he would work that job, and if he was not working a job through the app, he would work for Door Dash. Previously, for about two and a half years,

he worked for Amazon, where he worked ten-hour night shifts, from 6:30 p.m. to 4:30 a.m., and earned $17.80 per hour. At that time, he worked for Door Dash as well. He left his job at Amazon but kept his job at Door Dash in order to have more flexible and less stressful hours while working to get his daughter back.

Father claimed he did not need daycare for K.D.H. because his girlfriend would watch her while he was at work. Father's girlfriend worked full time as a leasing consultant at an apartment complex. When asked who would provide daycare if he and his girlfriend split up, Father said his girlfriend would still be the daycare provider. Father testified that if K.D.H. lived with him, he would quit his job at Popeye's and stream video games on Twitch full time and work at Door Dash two or three days a week.

Father learned from Mother that K.D.H. had been placed in foster care. When asked if the hospital had his contact information, Father stated that he did not have a hospital wristband and "had no access to actually get [K.D.H.] at the time of her pick up."

Father claimed that Jennifer Davis "only gave [him] one service and said she had put in a referral but never followed up." On or about October 15, 2019, Ms. Davis referred him for parenting classes, but she could not give him a start date and "had to go through her boss" because he did not have insurance. Father eventually obtained health insurance. Father testified that he completed two parenting classes but, due to his job, he "woke up late and missed one parenting class." Later, he stated that he completed all of the parenting classes except for one. Instead of having to wait another month to finish the missed class, Mr. Wilkins "redirected" him from the parenting classes to a "less strenuous" fathers' group that started on or about October 23, 2019. Father testified that he attended one in-

person class before the Covid-19 pandemic and eventually completed the program on July 21, 2023. Father was unaware that the fathers' group switched to a virtual format during the pandemic, because "nobody reached out to" him. He stated that he did not have any contact information for the fathers' group because that was supposed to be shared at the second meeting.

Father did not complete a mental health assessment because he never received a referral for it. According to Father, his ability to complete the substance abuse assessment and other referrals was hindered because of the Covid-19 pandemic. He completed a substance abuse assessment on June 10, 2023, and the report indicated that there was no abuse or use detected and no further recommendations were required. Father stated that he was able to complete referrals more recently because a DSS worker followed up with him through email and texts.

Father claimed that all of the reunification efforts early on were focused on Mother and not him and that he was never informed that reunification could be with either him or Mother. He received all information about visits with K.D.H. from Mother and never received any emails from DSS. Father stated that he was never offered any make-up time when visits were cancelled. Father asked Ms. Davis for visits with K.D.H. separate from Mother and the child's maternal grandmother and, although she said she would take his request into consideration, she did not. That was when he asked for another DSS worker and Mr. Wilkins was assigned to the case.

Father testified about some issues he had with the Bs. He complained that K.D.H. arrived to visits "poorly dressed," with a "snotty" nose, and "boogers crusted in her nose."

He spoke to Mr. B. and reached an understanding about the situation and "there were no more problems or friction[.]" He also worked with the Bs to schedule Zoom visits with K.D.H. Father testified that in-person visits resumed on January 24, 2022, and that he had not missed any visit since that time. Father acknowledged that K.D.H. was attached to her foster family and testified that if the child was reunified with him, he was willing to maintain a relationship between K.D.H. and the B family. Father testified that he was financially able to support K.D.H.

Father's girlfriend, Tatyana G., testified that she met Father in December 2019 and lived with him in her apartment in Oxon Hill. At one point, Father was on her lease, but his name was later removed from it. The lease on her apartment was set to expire and her plan was to upgrade to a two-bedroom unit so K.D.H. would have her own bedroom. Ms. G. had met and cared for Father's youngest daughter, but she only met K.D.H. and Father's son one time each on Facetime. She denied that Father was ever abusive toward her or his children. She worked forty hours a week as a leasing agent, made $17.50 per hour, and worked about one hour of overtime two or three days per week.

D. Juvenile Court's Decision

The juvenile court announced its ruling from the bench on September 11, 2023. The court took note of Father's testimony that he was present at K.D.H.'s birth and that there were no allegations of abuse or neglect by him in the initial shelter care or CINA petitions. The court found that Father did not present for a substance abuse assessment until April 26, 2023. Although Father claimed DSS did not follow up on referrals, the court found that "Father did not appropriately and timely avail himself of the referrals." The court

found that although "Father had bouts of employment[,]" they "were few and far between[,]" and he did not verify either his employment or income. The court accepted Father's testimony that he was consistent with visitation until the Covid-19 pandemic, but when the visits were held remotely, Father "was not very consistent." The court found no parental disability and noted that there was "no testimony of any psychological, psychiatric, or emotional, or physical disabilities."

As to whether additional services would likely bring K.D.H. "into a lasting parental adjustment," the court found that no "additional services would be necessary, just [Father's] participation in the services would have been advantageous to both himself and the child." "[T]here was no allegation that the Father abused or neglected" K.D.H., and the court acknowledged the observation by DSS workers that Father appeared to be appropriate with K.D.H. The court also acknowledged, however, that there were occasions when "the visits would take a turn when he began to argue with the Mother or argue with [DSS]." The court determined that it was "inappropriate" that this behavior occurred in front of K.D.H.

The court found that there were "significant ties" between K.D.H. and her foster parents and that she considered Mr. and Mrs. B. to be her parents and their children her siblings. According to the court, that bond was strong and "irreparable at this point." The court stated that "the child's adjustment to the community, the home, school, all of it is just, again, I use the word irreparable – something that cannot be severed." The court found that it would be "traumatizing" for K.D.H. to be removed from the home of her foster parents and that the termination of parental rights would not "be traumatic for this child."

After considering all of the required factors, the court concluded that, by clear and convincing evidence, it was in K.D.H.'s best interest that the petition for guardianship with the right to consent to adoption be granted. The court specified that it was making this finding on the issue of extraordinary circumstances, and that it did not find Father to be an unfit parent. The extraordinary circumstances included "specifically the bond with the [Bs] since the child was six days old, her adjustment to their home, the community, their family, their extended family, and her school[.]"

On September 26, 2021, those findings were set forth in a written order by which the juvenile court terminated Father's parental rights to K.D.H. based on exceptional circumstances. We shall review the court's findings as set forth in the written order in more detail in our discussion below.

STANDARD OF REVIEW

In reviewing the juvenile court's decision to terminate Father's parental rights to K.D.H., we apply three different but interrelated standards of review. *In re Adoption/Guardianship of C.E.*, 464 Md. 26, 47 (2019) (quoting *In re Adoption/Guardianship of Cadence B.*, 417 Md. 146, 155 (2010)). We leave the factual findings by the juvenile court undisturbed unless they are clearly erroneous. *In re Adoption/Guardianship of B.C.*, 234 Md. App. 698, 707 (2017) (citation omitted). We review legal questions *de novo*, and if the juvenile court erred, further proceedings are ordinarily required unless the error is harmless. *Id.* Finally, if the court's ultimate conclusion is "founded upon sound legal principles and based upon factual findings that are not clearly erroneous," the decision of the juvenile court will be "disturbed only if there

has been a clear abuse of discretion." *Id.* An abuse of discretion exists when "'no reasonable person would take the view adopted by the [juvenile] 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, 325-26 (2016)). Stated otherwise, an abuse of discretion occurs when the court's decision is "'well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable.'" *In re Shirley B.*, 419 Md. 1, 19 (2011) (quoting *In re Yve S.*, 373 Md. 551, 583-84 (2003)).

The juvenile court's "determination is accorded great deference, unless it is arbitrary or clearly wrong." *In re Adoption/Guardianship of C.A. & D.A.*, 234 Md. App. 30, 46 (2017) (citations and internal quotation marks omitted). In reviewing the juvenile court's decision to terminate parental rights, our role:

> is not to determine whether, on the evidence, we might have reached a different conclusion. Rather, it is to decide only whether there was sufficient evidence – by a clear and convincing standard – to support the chancellor's determination that it would be in the best interest of [the child] to terminate the parental rights of the natural [parent]. In making this decision, we must assume the truth of all the evidence, and of all of the favorable inferences fairly deducible therefrom, tending to support the factual conclusion of the trial court.

In re B.C., 234 Md. App. at 708 (quoting *In re Abiagail C.*, 138 Md. App. 570, 587 (2001)).

DISCUSSION

Father presents several challenges to the juvenile court's decision to terminate his parental rights to K.D.H. Specifically, he argues that DSS failed to comply with certain CINA statutes, that the evidence was not sufficient to show that he was unfit, and that the

juvenile court abused its discretion in terminating his parental rights based on exceptional circumstances.

A. CINA Statutes

Father contends that "the court intervened in a family matter and took [his] child into their custody using the authority of the State of Maryland and when he refused to comply with their demands, they then moved to terminate his parental rights." Relying on CJP § 3-809[6], Father argues that DSS failed to make reasonable efforts toward reunifying him with K.D.H. Subtitle 8 of the Courts and Judicial Proceedings Article applies in CINA proceedings and is not applicable in guardianship proceedings. Maryland's Supreme Court has explained that although "a CINA adjudication must precede a [termination of parental rights] determination, it is a separate legal proceeding. The two are governed by different statutes, serve different purposes, depend on different factors, require different standards of proof, and follow different case tracks." *In re Adoption/Guardianship of Jayden G.*, 433 Md. 50, 74-75 (2013) (citation and quotation marks omitted). Our review of the record makes clear that throughout the course of K.D.H.'s CINA case, the juvenile court consistently found that DSS had made reasonable efforts, and Father never challenged those findings.

[6] CJP § 3-809 provides, in part, that "[o]n receipt of a complaint from a person or agency having knowledge of facts which may cause a child to be subject to the jurisdiction of the court under this subtitle, the local department shall file a petition under this subtitle if it concludes that the court has jurisdiction over the matter and that the filing of a petition is in the best interests of the child." It is part of subtitle 8 of the Maryland Code which addresses CINA proceedings.

In guardianship proceedings such as the case at hand, we look to FL § 5-323(d), which addresses the required considerations for a termination of parental rights, including consideration of "all services offered to the parent before the child's placement," "the extent, nature, and timeliness of services offered" by DSS "to facilitate reunion of the child and parent," and whether DSS and the parent have "fulfilled their obligations under a social services agreement, if any[.]" FL § 5-323(d)(1). We shall address the juvenile court's consideration of the factors required by FL § 5-323(d), *infra.*

B. Whether Father is Unfit

As we have already noted, a juvenile court may terminate parental rights without the consent of a parent when it "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." FL § 5-323(b). Father argues that aside from his "lack of engagement" in the services DSS offered, "there does not appear to be any reason that would stand up to the required level of scrutiny to show that [he] should be deemed unfit to parent" K.D.H. That argument is without merit because in its written findings and order granting the petition for guardianship, the juvenile court specifically stated, that it did "not find that the father is unfit."

C. Termination of Parental Rights

Father contends that the juvenile court abused its discretion in terminating his parental rights. In support of that contention, Father makes numerous arguments pertaining

to the juvenile court's decision. We shall address those arguments below, as we consider the findings of the juvenile court and its ultimate decision to terminate his parental rights to K.D.H.

Analysis

It is well-established that parents have a fundamental right to "'make decisions concerning the care, custody, and control of their children.'" *In re C.E.*, 464 Md. at 48 (quoting *Troxel v. Granville*, 530 U.S. 57, 66 (2000)); In *re C.A. and D.A.*, 234 Md. App. at 47. However, a parent's fundamental right to raise his or her child is not absolute. *In re C.A. and D.A.*, 234 Md. App. at 47; In *re Yve S.*, 373 Md. 551, 568 (2003). That right "must be balanced against the fundamental right and responsibility of the State to protect children, who cannot protect themselves, from abuse and neglect." *In re Adoption/Guardianship of Rashawn H.*, 402 Md. 477, 497 (2007). "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." *In re C.E.*, 464 Md. at 48.

"When the State seeks to terminate parental rights without the consent of the parent, the standard is whether the termination of rights would be in the best interest of the child." *In re Abiagail C.*, 138 Md. App. at 586. "[I]n all cases where the interests of a child are in jeopardy the paramount consideration is what will best promote the child's welfare, a consideration that is of 'transcendent importance.'" *In re Adoption/Guardianship No. A91-71A*, 334 Md. 538, 561 (1994) (citation omitted). "[T]he child's best interest standard trumps all other considerations." *In re Adoption/Guardianship of Ta'Niya C.*, 417 Md. 90,

111 (2010) (footnote omitted). "[T]he controlling factor … is not the natural parent's interest in raising the child, but rather what best serves the interest of the child." *In re Adoption/Guardianship No. 10941*, 335 Md. 99, 113-14 (1994).

Before terminating parental rights, a juvenile court must consider the factors set forth in FL § 5-323(d).[7] *In re C.A. & D.A.*, 234 Md. App. at 48. Under the statute, "a

[7] Section 5-323(d) of the Family Law Article provides, in relevant part, as follows:

> (d) Except as provided in subsection (c) of this section, in 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 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

(continued)

juvenile court shall give primary consideration to the health and safety of the child and consideration to all other factors needed to determine whether terminating a parent's rights is in the child's best interests[.]" FL § 5-323(d). If, after considering those factors, the 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[,]" the court may terminate the parental relationship and grant guardianship of the child to DSS. FL § 5-323(b).

---

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, as defined in § 5-1201 of this title, or by a physician or psychologist, as defined in the Health Occupations Article;

* * *

(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.

"An exceptional circumstances analysis must turn on whether the presence – or absence – of particular facts and circumstances makes continuation of the parental relationship detrimental to the child's best interests." *In re Adoption/Guardianship of H.W.*, 460 Md. 201, 231 (2018). "In addition to being mandatory considerations prior to a termination of parental rights, the factors outlined in FL § 5-323 also serve 'as criteria for determining the kinds of exceptional circumstances that would suffice to rebut the presumption favoring a continued parental relationship and justify termination of that relationship." *In re C.A. and D.A.*, 234 Md. App. at 50 (quoting *In re Rashawn H.*, 402 Md. at 499). Other criteria relevant to an exceptional circumstances determination include:

> the length of time that the child has been with his adoptive parents; the strength of the bond between the child and the adoptive parent; the relative stability of the child's future with the parent; the age of the child at placement; the emotional effect of the adoption on the child; the effect on the child's stability of maintaining the parental relationship; whether the parent abandoned or failed to support or visit with the child; and, the behavior and character of the parent, including the parent's stability with regard to employment, housing, and compliance with the law.

In re C.A. and D.A., 234 Md. App. at 50 (citing *In re Adoption/Guardianship No. A91-71A*, 334 Md. at 562-64).

Here, the juvenile court considered the required factors under FL § 5-323(d) and concluded that exceptional circumstances existed that made continuation of the parental relationship detrimental to K.D.H.'s best interests. We review the court's findings and Father's arguments as they pertain to those findings, as follows:

FL § 5-323(d)(1)(i) – Services Offered to Parent Before Child's Placement

In its written order, the court determined, under FL § 5-323(d)(1)(i), that "[d]ue to the emergent circumstances of this case," no services were offered to either parent before K.D.H. entered care because she "went into placement when she was five or six days old," and Mother "had been taken to a Juvenile detention center." Father argues that the facts that Mother was homeless and K.D.H. was "exposed to substance abuse" should not be imputed to him. There is no evidence in the record to suggest that occurred. The evidence showed that DSS did not have contact with Father, or any contact information for him, prior to the time K.D.H. entered care. Moreover, the court specifically stated that there were no allegations of abuse or neglect by Father.

FL § 5-323(d)(1)(ii) – Extent, Nature, Timeliness of Services

In considering the extent, nature, and timeliness of services offered by DSS to facilitate reunification with the parents, as required by FL § 5-323(d)(1)(ii), the court found:

> that several services were offered to the father, which included a substance abuse assessment, psychological assessment, domestic violence assessment and parenting classes. The court finds that it was not until five months ago, after the hearing had already initiated, that the father presented for an assessment for both substance and alcohol abuse. That was April 26, 2023. There was no indication of substance and alcohol abuse. Prior to the petition for Guardianship there was no follow up by father. This weighs heavily in favor of [DSS]. The father claims the referrals were made but [DSS] did not follow up. [DSS] claims that the father did not follow up. As stated, the Court notes no follow up by the father until five months ago.

Although Father asserts that his home address, phone number, and email address never changed, the juvenile court was free to credit evidence that DSS workers attempted to reach Father by email to obtain his physical address and employment information but

did not receive a response from him. *See In re Joseph G.*, 94 Md. App. 343, 349 (1993) ("The trial court has discretion as to the credibility of witnesses."). Ms. Davis first had interactions with Father in May or June 2019, and she made referrals for him to obtain a substance abuse assessment, a psychological assessment, a domestic violence assessment, and to attend parenting classes. The permanency plan for K.D.H. was changed to adoption in about March 2021. The evidence showed that Father failed to complete a substance abuse assessment until the spring of 2023, never completed the parenting classes initially offered to him, and did not obtain a certificate for completing the fathers' group until the summer of 2023.

It was undisputed that Father never completed court-ordered mental health or domestic violence assessments. Father's complaint that there was no reliable evidence to justify DSS's referral for a substance abuse assessment or a domestic violence assessment is not supported by the evidence. K.D.H. was born exposed to marijuana and her maternal grandmother reported that she did not want any interaction with Father because she was fearful of her life. Subsequent events also supported the referrals. Mr. Wilkins testified that at a visit with K.D.H. on January 9, 2020, Father was belligerent, grabbed K.D.H. aggressively from Mother's arms, slurred his words, and appeared to be under the influence of either alcohol or a substance.

There is no dispute that DSS did not provide funding for Father's referrals, but Father has not directed us to any requirement that it do so. For that reason, Father's complaint that he either had to pay for certain services or take the time to apply for and purchase insurance on his own, is without merit. Similarly, Father's assertion that the

money paid to the foster parents could have been used to assist him to move into a larger apartment is without merit. DSS is "not obligated 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." *In re Rashawn H.*, 402 Md. at 500.

FL § 5-323(d)(1)(iii) – Fulfillment of Obligations Under Social Services Agreement

Pursuant to FL § 5-323(d)(1)(iii), the juvenile court considered the extent to which DSS and Father fulfilled their obligations under a social services agreement, if any. The juvenile court found that DSS "fulfilled its obligations by offering a substance abuse assessment, psychological assessment, domestic violence assessment and parenting classes to father. The father failed or refused to avail himself of those services."

The court's finding was supported by the evidence. It is undisputed that Father never entered a social services agreement with DSS despite having been ordered to do so. In announcing its ruling from the bench, the court rejected Father's claim that DSS did not follow up on referrals and found that "Father did not appropriately and timely avail himself of the referrals." As the court noted in addressing FL § 5-323(d)(1)(ii), Father did not follow up on the referrals for a substance abuse assessment or complete the father's group until after the petition for guardianship was filed. Moreover, as we have already noted, DSS was not required to find or pay for permanent and suitable housing for the family or provide Father with funds so that he would not have to secure insurance or pay for services on his own.

FL § 5-323(d)(2)(i)(1), (2), and (3) – Parent's Efforts to Adjust Circumstances

Under FL § 5-323(d)(2)(i)(1), (2), and (3), the juvenile court considered Father's effort to adjust his circumstances, condition, or conduct to make it in K.D.H.'s best interest to be returned to his home and the extent to which Father maintained regular contact with K.D.H., DSS, and the foster parents. The juvenile court found that:

> father had bouts of employment that were not verified and were few and far between. He told DSS worker Omar Wilkins, that he was a clothing designer, and was self-employed. He said he was soon to be employed at Popeyes, a year after the hearing had started. He testified that he was working at Amazon and Door Dash as well as receiving compensation for playing video games. His employment was never verified, nor did he verify his income. The Court finds he was consistent with visiting until the pandemic hit, the Court accepts that. The Court finds that he initially attempted to maintain regular contact with the child, but trailed off again when they were remote.

The juvenile court's findings were supported by the evidence. Father argues that DSS failed to conduct an assessment of his home to determine if it was proper for K.D.H. and never permitted an overnight visit with his child. Father testified that he lived in a one-bedroom apartment, that his son stayed with him every weekend, that usually he and his son "stay up all night together" and "don't really go to sleep." Father's plan was for him, his girlfriend, and his son to stay up all night or fall asleep on a couch or air mattress while K.D.H. slept in the bedroom. Father was "waiting to find out" if K.D.H. would live with him before securing a two-bedroom apartment. As Father had not obtained the two-bedroom apartment where he intended for K.D.H. to live, his arguments about the home assessment and overnight visits are without merit.

FL § 5-323(d)(2)(ii) – Parent's Contribution to Care and Support

The juvenile court considered Father's contribution to K.D.H.'s care and support, per FL § 5-323(d)(2)(ii), and found that Father "testified that he did not know he was supposed to financially contribute to the care and support" of his daughter, and therefore, made no contributions, although he testified to being "gainfully employed." Father does not challenge those findings, but argues that DSS attempted to portray him as a "dead-beat dad" by insinuating that he should have been paying child support. He does not direct our attention to any particular portion of the record to support his contention. Nevertheless, the juvenile court was required to consider Father's contribution to the care and support of his child. Our role is to determine if the findings of the juvenile court were supported by the evidence. We find that they were. It is undisputed that Father did not make any contribution despite being employed. Accordingly, we find that the court's findings were supported by the evidence.

FL § 5-323(d)(2)(iii) – Parental Disability

Under FL § 5-323(d)(2)(iii), the juvenile court found that Father did not have a disability that would make him "consistently unable to care for" K.D.H.'s "immediate and ongoing physical or psychological needs for long periods of time." Father does not challenge that finding. As there was no evidence that Father had a disability, we find no error with the court's determination.

FL § 5-323(d)(2)(iv) – Additional Services

In considering whether additional services would be likely to bring about a lasting parental adjustment so that K.D.H. could be returned to Father within an ascertainable time

not to exceed eighteen months from the date of placement, as required by FL § 5-323(d)(2)(iv), the juvenile court found that "additional services would not be necessary, rather it's father's participation in services that would have been advantageous." In its oral ruling, the court stated that Father's "participation in the services would have been advantageous to both himself and the child."

Father argues that "he was not afforded the opportunity to have the court judge his mental and physical ability to parent his child as he was denied access, denied adequate bonding time, denied make up time, expected to fulfill unreasonable requests by [DSS], all when it was not his actions or inaction that brought [K.D.H.] into care." He maintains that his request to have his own visits with K.D.H., without the presence of Mother or the child's maternal grandmother, was denied "by virtue of it never being presented as an option." He also points out that if Mother failed to confirm a visit within 24 hours, the visit would be canceled without any consultation with him and with no make-up visits given. He claims there was no record by DSS of any inappropriate contact between him and K.D.H. and that he attended visits and did not cancel any visits. Father also asserts that he was not offered time with K.D.H. when the foster parents traveled out of town and K.D.H. stayed with the foster mother's sister. We are not persuaded.

This factor focuses on additional services that would bring about a lasting adjustment by Father so that K.D.H. could be returned to his care *in a time not to exceed eighteen months from the date of placement.* The statute further provides that the eighteen-month time frame may be extended if "the juvenile court makes a specific finding that it is in the child's best interests to extend the time for a specified period." FL § 5-323(d)(2)(iv).

The eighteen-month time period in the case at hand has long since passed and the juvenile court did not extend the time period. The record shows that K.D.H.'s placement occurred in February 2019, just days after her birth, and she has been in care ever since. At the time of Father's testimony at the hearing on the petition for guardianship, he still had not completed all the services for which DSS made referrals. Nor had he verified his employment or income. Further, the record shows that he was inconsistent with visits when they were held remotely, and there was no evidence that all of his missed visits were the result of Mother failing to confirm them. Based on the record evidence, the court did not err in finding that no additional services would be likely to bring about a lasting parental adjustment or in recognizing that Father's participation in services would have been advantageous to both him and K.D.H. with respect to bringing about a lasting parental adjustment, and K.D.H.'s return, within the eighteen-month period.

FL § 5-323(d)(3)(i) – Abuse or Neglect of the Child

With respect to FL § 5-232(d)(3)(i), the juvenile court found no evidence that Father abused or neglected K.D.H. The evidence supports that finding and Father does not challenge it.

FL § 5-323(d)(3)(ii) – Positive Toxicology Test

With respect to FL § 5-323(d)(3)(ii) 1.A, 1.B, and 2, which address positive toxicology tests relating to the child, the court found that there was no evidence presented, and there was no allegation or averment by the Department, that this section was applicable to the present case. Father does not challenge this finding. We note that in its March 2019 CINA order, the court found that K.D.H. tested positive for marijuana at birth. Father did

not challenge the CINA court's finding with regard to the test result. In any event, the record with respect to the petition for guardianship makes clear that the issue of the child's positive toxicology for marijuana was not a factor in the juvenile court's decision with respect to the termination of Father's parental rights.

FL § 5-323(d)(3)(iii) – Chronic Abuse, Neglect, Sexual Abuse, Torture

Under FL § 5-323(d)(3)(iii), which addresses chronic abuse, chronic and life-threatening neglect, sexual abuse, and torture, the court found that "there was no evidence presented and there was no allegation or averment by the Department that this section was applicable to the present case." Father does not challenge that finding and the evidence supports the court's finding.

FL § 5-323(d)(3)(iv) – Convictions of Crime of Violence

FL § 5-323(d)(3)(iv) addresses whether a parent has been convicted of a crime of violence against a minor offspring of the parent, the child, or another parent of the child, or aiding or abetting, conspiring, or soliciting to commit such crimes. The court found that there was no evidence and no allegation or averment by DSS that this section was applicable to the present case. Father does not challenge that finding and the evidence supports the court's determination.

FL § 5-323(d)(3)(v) – Involuntary Loss of Parental Rights of Sibling

Pursuant to FL § 5-323(d)(3)(v), the court was required to consider whether the parent had involuntarily lost parental rights to a sibling of K.D.H. The court found, and the evidence showed, that no evidence had been presented and there was no allegation or

averment by DSS that this section was applicable to the present case. Father does not challenge that finding.

FL § 5-323(d)(4)(i) – Child's Emotional Ties

Under FL § 5-323(d)(4)(i), which addresses "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[,]" the court found "that when the workers observed the father with the child, they reported that he appeared to be very loving and appropriate with the child, but visits would often take a turn when he would argue with the mother or the worker in front of the child and this is inappropriate." Father argues that there was no evidence to describe the alleged "aggressive behaviors" by him that occurred when visits with K.D.H. were changed from two hours to one hour. We disagree.

The court did not use the phrase "aggressive behaviors" in its findings, but Mr. Wilkins testified that his first in-person involvement with Father involved "aggressive behaviors" which he described as Father "being very belligerent" and using "inappropriate language towards the staff[.]" As noted previously, Mr. Wilkins gave examples of the inappropriate language used by Father including the statement, "I will f[***] everybody up in here[.]" Mr. Wilkins observed Father and Mother arguing and testified that the arguments "took away from them being engaged with" K.D.H. He also stated that after the visits were held virtually, Father used threatening language towards him. This evidence supported the court's conclusion that Father inappropriately argued with Mother or DSS workers in the child's presence.

FL § 5-323(d)(4)(ii) – Child's Adjustments

FL § 5-323(d)(4)(ii) 1, 2, 3, and 4, requires the court to consider the child's adjustment to community, home, placement and school. As to those factors, the court found as follows:

> The Court finds that the child had significant ties with the foster parents. The child was in the home of Mr. and Mrs. [B.] since she was six days old. She considers them to be her mother and father and the children are her siblings. The extended family are her relatives. The bond is strong and irreparable and the termination of that bond would likely be traumatic to the child.

In its ruling from the bench, the court found that the bond between K.D.H. and her foster family, was strong and "irreparable at this point," which the court described as "something that cannot be severed." There was no dispute that K.D.H. had been in the care of the Bs since she was only a few days old. In addition to finding that it would be "traumatizing" for K.D.H. to be removed from the home of her foster parents, the court also found that termination of Father's parental rights would not be traumatic for the child. Father acknowledged K.D.H.'s attachment to her foster family and testified that if she was reunified with him, he was willing to maintain a relationship between the child and the B. family. We find no error in the juvenile court's finding on this factor.

FL § 5-323(d)(4)(iii) – Child's Feelings About Severance of Relationship

The court made a similar finding with respect to FL § 5-323(d)(4)(iii), the child's feelings about the severance of the parent-child relationship, when it determined:

> The Court does not feel that at this time it would be traumatic to the child for the parent-child relationship to be severed. The Court finds that in the reverse, it would be traumatizing if she was removed from the home of her foster parents, Mr. and Mrs. [B.].

For the reasons expressed above with respect to FL § 5-323(d)(4)(ii), we find no error in the juvenile court's findings with regard to this factor.

FL § 5-323(d)(4)(iv) – Impact on Child's Well-Being

The juvenile court again referenced K.D.H.'s bond with her foster parents when considering FL § 5-323(d)(4)(iv), which requires consideration of "the likely impact of terminating parental rights" on K.D.H.'s well-being. The court found:

> The Court notes that [K.D.H.] has a strong bond with Mr. and Mrs. [B.] and their immediate and extended family. This is a bond that cannot be severed. A termination of parental rights would not impact the child's wellbeing. To the contrary, the child would be adversely impacted if the bond between her and Mr. and Mrs. [B.] is severed.

For the reasons expressed above with respect to FL § 5-323(d)(4)(ii) and (iii), we find no error in the juvenile court's findings with regard to this factor.

Exceptional Circumstances

After consideration of the required factors, the juvenile court determined that it was in K.D.H.'s best interest that the petition for guardianship with the right to consent to adoption be granted. The court determined, by clear and convincing evidence, that it was in K.D.H.'s best interest that the parental rights of Father be terminated based on extraordinary circumstances. The court specifically stated that it did not find that Father was unfit.

As we have already stated, "[a]n exceptional circumstances analysis must turn on whether the presence – or absence – of particular facts and circumstances makes continuation of the parental relationship detrimental to the child's best interests." *In re H.W.*, 460 Md. at 231. Here, the court clearly considered that K.D.H. had been in the home

of her foster family for more than four years and that it was the only home the child had ever known. The court determined that the extraordinary circumstances in this case included "specifically the bond with the [Bs] since the child was six days old, her adjustment to their home, the community, their family, their extended family, and her school[.]" In its written order, the court stated that "the bond the child has with [her foster parents], their family, her school, and her community is irreparable, and a termination of that bond would be traumatic."

Against this backdrop, we hold that the court did not err in terminating Father's parental rights based on exceptional circumstances. The court methodically and comprehensively analyzed the requisite statutory factors, made findings based on those factors that were not clearly erroneous, and applied the correct legal standard in reaching its ultimate conclusions. The court's findings provided ample evidence from which it could conclude that terminating Father's parental rights was in K.D.H.'s best interest.

JUDGMENT OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, SITTING AS A JUVENILE COURT, AFFIRMED; COSTS TO BE PAID BY APPELLANT.