Circuit Court for Calvert County
Case No. C-04-JV-23-000003

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1960

September Term, 2023

IN RE: A.B.

Graeff,
Friedman,
Beachley,

JJ.

Opinion by Beachley, J.

Filed: June 24, 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).

J.B. ("Father"), appellant, and K.R. ("Mother"), appellee, are the parents of two-year-old A.B. In January 2023, the Calvert County Department of Social Services ("the Department") filed a "Petition for Shelter Care and a Finding of Child in Need of Assistance" in the Circuit Court for Calvert County.[1] Following a hearing, the circuit court, sitting as a juvenile court, granted the Department's shelter care request and placed A.B. in its temporary custody.[2] Shortly thereafter, Mother and Father moved to West Virginia.

On February 6, 2023, the court held an adjudication and disposition hearing, at the conclusion of which it determined that A.B. was a child in need of assistance ("CINA") and committed him to the Department's care and custody.[3] As a result of a July 17, 2023 review hearing, the court established a permanency plan of reunification with the parents. Thereafter, Mother filed a motion to transfer jurisdiction to West Virginia, where she, Father, and A.B.'s grandparents resided. Following a hearing, the court granted Mother's motion and ordered the case transferred to "the appropriate court in Mercer County, West

[1] The Department and A.B. are also appellees in this appeal.

[2] "'Shelter care' means a temporary placement of a child outside of the home at any time before [CINA] disposition." Md. Code (1974, 2020 Repl. Vol., 2023 Supp.), § 3-801(bb) of the Courts & Judicial Proceedings Article ("CJP").

[3] A "CINA" is "a child who requires court intervention because: (1) The child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and (2) The child's parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child's needs." CJP § 3-801(f).

Virginia[.]" Father timely appealed that decision and presents a single question for our review, which we have rephrased as follows:[4]

> Did the court abuse its discretion by relinquishing jurisdiction of A.B.'s CINA case to West Virginia after determining that Maryland was an inconvenient forum?

We answer this question in the negative and will affirm the judgment of the juvenile court.

FACTS AND PROCEEDINGS

Because this appeal only concerns the court's decision to decline jurisdiction pursuant to Md. Code (1984, 2019 Repl. Vol.), § 9.5-207 of the Family Law Article ("FL"), we shall provide an abbreviated history of A.B.'s CINA proceeding.

The CINA Petition and Shelter Care Request

A.B. first came to the attention of the Department on January 3, 2023, when it received a report that he had been exposed to a violent physical altercation between the parents. On January 10, 2023, the Department removed A.B. from the parents' custody and placed him in emergency shelter care. The Department filed a petition the following day requesting, *inter alia*, that the court declare A.B. a CINA and continue shelter care for his benefit. According to the Department's petition, "[t]he family [was] residing in a corner of an unfinished basement with no appropriate sleeping arrangements" for A.B. and his

[4] Father phrased his question presented as follows:

> Did the Court commit prejudicial error when it ruled that jurisdiction should be transferred from Maryland to West Virginia[?]

half-sister, B.R.[5] In its petition, the Department also recounted that on January 7, 2023, its representatives made contact with the parents and A.B., whereupon they noticed that A.B. was suffering from severe, untreated skin problems and advised the parents to take him to the emergency room. According to the petition, although the parents took A.B. to the hospital, they became embroiled in an argument and left the hospital before A.B. could be seen. The petition further alleged, *inter alia*, that: (1) the Calvert County Sheriff's Office had responded to thirty-eight 911 calls concerning the parents between August 2022 and January 2023; (2) Father, the primary caretaker, had not been taking medication prescribed for a mental health condition; (3) both parents tested positive for cannabis in January 2023; (4) the parents were being evicted and had not secured another place to live; (5) A.B. had not received adequate medical care; and (6) B.R. "had an unexplained black eye upon entering foster care."

The Shelter Care Hearing

On January 12, 2023, the court held a hearing on the Department's request for continued shelter care of A.B., at which the parties agreed to proceed by proffer. In addition to the relief requested in its petition, the Department sought home studies, pursuant to the Interstate Compact on the Placement of Children ("ICPC"), of both the West Virginia residence of A.B.'s maternal grandmother ("Grandmother") and the North Carolina

[5] A.B. and B.R. share the same mother but have different fathers. B.R.'s status is not directly at issue in this case, nor is her father a party on appeal.

residence of two other maternal relatives.[6] Both parents assented to expedited home studies. Mother, through counsel, proffered that "before the Department . . . got involved," she had been preparing to grant Grandmother temporary custody of the children so that she could "have [them] in West Virginia." Father's attorney, in turn, relayed his client's desire for A.B. and B.R. to remain together and "to be with family."

At the conclusion of the hearing, the court granted the Department's shelter care request and placed A.B. in its temporary custody. The court granted the parents supervised visitation with A.B. and ordered them to "submit to a substance abuse and mental health assessment," "complete a domestic violence assessment," and "engage in and comply with [a] service case plan with the Department." The court also announced that it would order expedited home studies of the North Carolina and West Virginia residences. The court scheduled an adjudication and disposition hearing for February 6, 2023. The court memorialized its oral rulings in a written order entered on January 13, 2023.

The Department's CINA Report

On February 1, 2023, the Department filed a CINA report that it had prepared at the court's direction and in anticipation of the adjudication and disposition hearing. In that

[6] "The ICPC is a binding contractual agreement among all fifty states, the District of Columbia, and the U.S. Virgin Islands regarding the interstate placement of children." *In re R.S.*, 470 Md. 380, 398 (2020). Currently codified as FL §§ 5-601 through 5-611, "[t]he ICPC requires the sending state to notify the receiving state prior to placement of the child in the receiving state. Afterwards, the out-of-state resident must undergo a pre-placement home study to ascertain whether they are a viable placement option." *In re R.S.*, 470 Md. at 400 (citation omitted).

report, the Department advised the court that the parents had "recently moved to Princeton[,] West Virginia." The report also indicated that it was "unknown" whether the parents had "completed any tasks that the court ordered" and noted that "an ICPC request ha[d] been made to the home states of the relatives." Ultimately, the Department continued to recommend that the court declare A.B. a CINA and stated, in part:

> It continues to be contrary to the best interest of [A.B.] to return home at this time. [Mother] and [Father] have recently moved to West Virginia and are attempting to engage in services there. However, at this time, neither parent's circumstances have changed since the time of removal and due to the fact that the parents are no longer in the state of Maryland, the Department would be unable to monitor the children and the famil[y's] progress should they be returned to their parents.

The CINA Adjudication and Disposition Hearing

At the outset of the February 6, 2023 adjudication and disposition hearing, the parties again agreed to proceed by proffer. During the adjudication phase of that hearing, the Department asked the court to sustain the allegations in its CINA petition. As the parents neither admitted nor denied those allegations, the court granted the Department's request.

During the disposition portion of the hearing, the Department introduced the CINA report into evidence without objection and reiterated the allegations contained therein. Mother's attorney then advised the court that her client had relocated to Princeton, West Virginia because "[s]he hadn't been living [in Maryland] for very long[,]" and West Virginia was the state in which Grandmother and her older sister—both key members of her support system—resided. According to counsel, Mother was residing with her sister

and had started working as a waitress. Father's attorney, in turn, reported that Father was residing in Bluefield, West Virginia and had also recently obtained employment.[7] Both parties represented that they had attempted to undergo domestic violence assessments but reported having difficulty locating appropriate providers in West Virginia and requested the Department's assistance in this regard. At the conclusion of the hearing, the court declared A.B. a CINA, continued to commit him to the Department's care and custody, ordered the parents to complete mental health, parenting skills, and domestic violence assessments, and set a review hearing for July 17, 2023. Later that day, the court entered a written order to the same effect.

The Department's Review Report

On July 9, 2023, the Department filed a progress review report. In that report, the authoring caseworker confirmed that Mother had "been in contact with the Department during this last review period and shar[ed] updates on her progress with employment, program involvement and attendance, and her living situations." With respect to their places of residence, the report recounted that although the parents had initially lived with Mother's sister, they were "evicted . . . due to frequent law enforcement activity." The parents began renting an apartment in May 2023, but that living arrangement was short-lived. After her relationship with Father "dissolved," Mother moved out of the apartment

[7] It appears that when Mother and Father first moved to West Virginia, they were both living with Mother's sister in Princeton. Father moved out shortly before the hearing, but moved back in with Mother and her sister at some point after the hearing.

and into the home of Grandmother, who had "agreed to help get her back on her feet[.]" The report also noted that Mother had struggled to maintain steady employment and lacked "access to reliable transportation." Notwithstanding the latter limitation, the report reflected that, in addition to fourteen "virtual visits," both Father and Mother had managed to attend five in-person supervised visits with A.B. in Calvert County during the preceding four months.

Turning to Father, the report characterized his contact with the Department as "inconsistent and sporadic[.]" For example, although it relayed that Father had "reported . . . that he was working at McDonald's," the report added that "it is unclear if he is still working at this time." The report then noted that Father had "struggled with finding providers in West Virginia to complete the required assessments."

After opining that A.B. had "adjusted well" to being in foster care, the report concluded by recommending, *inter alia*, that A.B. "remain[] in his current placement to allow [Mother] and [Father] to continue working on their court[-]ordered programs and establish stability."

The Permanency Plan Hearing

On July 12, 2023, Father filed a motion to participate virtually in a permanency plan hearing scheduled for July 17. In support of his motion, Father represented, in part:

1. [Father] lives in West Virginia;

2. The Department . . . is requesting that the matter be transferred to West Virginia;

3. All parties agree with the transfer to West Virginia;

* * *

5. [Father] cannot afford to travel such great lengths from West Virginia to attend the hearing[.]

Mother filed a similar motion on July 14, 2023, in which she too sought permission to participate in the permanency plan hearing remotely, claiming that she was also "residing in West Virginia and . . . unable [to] participate in court in person." The court granted both parties' motions.

At the July 17, 2023 permanency plan hearing, the Department requested, among other things, that the court (1) find that A.B. remained a CINA, (2) continue to commit A.B. (as well as B.R.) to its care and custody, and (3) order a permanency plan of reunification. In support of its requested factual findings, the Department introduced its July 9 review report into evidence. The Department noted that Mother lacked both a driver's license and "access to reliable transportation." Finally, the Department advised the court that "an ICPC request was . . . completed for . . . [G]randmother[,]" but cautioned that the fact that Mother was residing with Grandmother "would be a concern for placing the children there." Neither parent disputed the facts set forth by the Department and both supported its proposed permanency plan.

At the conclusion of the hearing, the court found that A.B. remained a CINA, continued the commitment of A.B. to the Department's care and custody, established A.B's permanency plan as reunification with the parents, and directed the parents to participate

in several court-ordered services. The court memorialized its findings and rulings in an order entered on July 17, 2023.

Mother's Motion to Transfer Jurisdiction

On November 28, 2023, Mother filed a "Motion to Transfer Jurisdiction," which provided, in pertinent part:

> [M]other is unable to visit with [A.B.] on a weekly basis because o[f] the distance between Calvert County and West Virginia. She is currently relying on public transportation. She is working full-time, and it takes 8 hours by car and 20 hours by bus to get to Calvert County, Maryland for in-person visits.
>
> [Father] reside[s] in West Virginia.
>
> The maternal grandparents, paternal grandparents[,] and all of [A.B.]'s aunts, uncles, and cousins reside in West Virginia.
>
> It is in the best interest of [A.B.] for this case to be moved to Huntingto[]n, West Virginia so [he] can be close to [his] mother, father[,] and relatives and visit with them on a regular basis.

(Paragraph numbering omitted). The court promptly set a hearing on Mother's motion for December 1, 2023. In a "daily sheet" dated the following day, the presiding judge documented his consultations with judges of the Circuit Courts for Mercer and Cabell Counties in West Virginia, and confirmed that the former court could accommodate the case.

The Hearing on Mother's Motion

On December 1, 2023, the court heard argument on Mother's motion for Calvert

County to relinquish jurisdiction of both of the children's cases to West Virginia.[8] In support of her motion, Mother, through counsel, argued that transferring jurisdiction to West Virginia would both be in the best interest of A.B. and promote reunification with the parents. Mother represented that she did not own a motor vehicle and either had relied on others to transport her to and from Maryland or had taken the bus. According to Mother, "for her to get to Calvert County[,] it takes eight hours by car and at least 16 hours by bus." Although she acknowledged that A.B.'s foster parents had driven him to West Virginia "about once a month" for "the last couple months," Mother claimed that the distance between her home in Huntington, West Virginia, and Calvert County, Maryland, where A.B.'s foster parents lived, prevented her from fully availing herself of weekly visitation. Mother added that A.B.'s and B.R.'s respective fathers both resided in West Virginia, as did their aunts, uncles, and cousins. Thus, she maintained that transferring the case would not only permit weekly visitation between the parents and children, but would also allow the children "to have frequent contact with their extended family[.]"

In opposing Mother's motion, Father, also through counsel, asserted that he "was really a resident of . . . Maryland and intend[ed]" to return to the State. This representation was contrary to the statement in Father's July 12, 2023 motion that he resided in West Virginia and agreed to the proposed transfer. He also expressed both approval of the care that A.B.'s foster parents had provided and concern that removing A.B. from their custody

[8] Specifically, Mother clarified at the hearing that she sought transfer of the cases to the Circuit Court for Mercer County.

could traumatize him. Father was now particularly averse to the case being transferred to West Virginia for fear that A.B. "could be placed with a relative of [Mother], and that would essentially cut him out of the child's life[.]"

A.B.'s attorney joined Mother in urging the court to relinquish jurisdiction to West Virginia. While he conceded that Maryland had initial jurisdiction over the case, A.B.'s attorney contended that "West Virginia probably is a more appropriate forum at this stage[.]" His argument in support of that position was based in large part upon the apparent consensus among the parties "that the permanency plan should be reunification, and that it is in the children's best interest that reunification take place." Specifically, A.B.'s attorney asserted that the geographical distance between the parents' respective residences and the children's foster home would likely hinder the reunification process, stating, in part: "I think it's going to be very difficult to increase the number of supervised visits . . . considering the distance that is involved here for the parents to come." In support of that assertion, he noted the parties' limited income, Mother's lack of access to a vehicle, and that travel by bus could take "up to 16 hours," all of which made visitation a "very difficult process[.]"

Although the Department now concurs with Mother's position on appeal, it opposed Mother's motion in the circuit court to transfer jurisdiction. The Department emphasized that A.B. "ha[d] never resided in . . . West Virginia[,]" and alleged that B.R. had suffered consistent anxiety at the prospect of "being removed from her current foster home." The Department expressed "serious concerns about the children . . . potentially being

separated."[9] It cautioned that "[s]tarting over in a new foster home with new people that [the children] do not know . . . [would be] a serious loss [of] attachment for them, which could lead to attachment disorders as they grow up."[10] Finally, the Department advised the court that it had "asked . . . the parents to make an additional visit to . . . Maryland so that they . . . hav[e] two in-person visits per month," adding that it would "support them by providing gift cards for gas and booking hotels for them," as it had on a prior occasion.

In responding to the Department's argument, Mother's attorney emphasized the implications of Mother's geographical distance from the children in the context of the reunification process, stating:

> [T]he goal is for the kids to return home as soon as possible.
>
> It is concerning that [the Department] has indicated that [it is] not contemplating any sort of traveling visit or movement home. Because as the [reunification] progression is, once you have unsupervised visits, you keep progressing. . . . [The Department] start[s] out with two hour visits for three week[s], four hour visits for three weeks, six hour visits for three weeks, eight hour visits for three weeks, an overnight visit, and then another overnight, and they keep increasing as long as everything goes well.

[9] Thus, the Department effectively argued that just as B.R.'s best interests would be served by remaining in her foster parents' care, so too would it be in A.B.'s best interest to remain with his sister, to whom he was "extremely bonded[.]"

[10] The Department added:

> If the [c]ourt is considering granting the move to West Virginia, the Department believes that it would be best to do so gradually and have visits before the move . . . occur[s] with the foster family so they can become accustomed to a new home and to new foster parents.

> So, . . . in Calvert County in particular, the Department . . . has a very long, extended transition to a trial home visit. And our concern is that that won't be able to occur with both of her kids residing in Maryland.
>
> * * *
>
> [T]he goal is reunification with the parents. And everyone agrees that that is the goal . . . . We are really concerned that reunification will not be able to occur in this case because of the transition time and the travel distance, and we're not really sure how a transition to overnights is going to be able to occur and how a transition to . . . extended visits is going to occur if [the] children continue to reside in Maryland.

The Court's Ruling

After hearing from the parties, the court announced its decision from the bench. The court explicitly addressed and applied all of the factors set forth in FL § 9.5-207, which we will discuss in detail *infra*. In so doing, the court found: (1) the parents shared a history of domestic violence in Maryland and West Virginia, and both states were "in a position to protect the [parents] and the children"; (2) A.B. "has had no contact . . . within West Virginia"; (3) traveling between Princeton, West Virginia and Calvert County, Maryland requires either a six-hour drive each way, or a sixteen-hour bus ride; (4) Mother had limited financial means, lived with Grandmother, lacked access to an automobile, and "relie[d] on others for transportation"; (5) the parents disagreed about which state should exercise jurisdiction; (6) Mother's prospective witnesses were primarily located in West Virginia, while Father maintained "that his witnesses . . . would be [predominantly] in Maryland"; (7) the courts of Maryland and West Virginia were both able to expeditiously "handle" the case; and (8) West Virginia was better situated to assess the parents' progress toward

reunification, as the relevant witnesses were located there.

After addressing the statutorily prescribed factors, the court considered the children's best interests. The court acknowledged that the children appeared to be "bonding well" and "thriving" while in shelter care and that a transfer of jurisdiction "would . . . require that there be [a] change either in foster care and/or placement[.]" The court then turned to the consequences of separating the children from each other if it transferred jurisdiction in one case but not the other. It observed that each child had been a mainstay in the other's life and stated: "I'm not inclined to separate the children. I think it's important that [they] remain together."

Finally, the court discussed the practical implications of its prospective decision on the reunification permanency plan. The court concluded that maintaining the case in Maryland—as opposed to relinquishing jurisdiction to West Virginia—would impede reunification. It explained that reunification is a gradual process that begins with supervised visitation, progresses to unsupervised visitation, and may eventually include overnight visits. Given the distance between the parents' residences and the children's foster home, the fact that Mother lacked access to an automobile, and the parties' "limited financial means," the court reasoned that reunification would be more likely to occur if West Virginia had jurisdiction of the case. The court therefore granted Mother's motion, staying the proceedings pending transfer of the case to the Circuit Court for Mercer County

in accordance with FL § 9.5-207(c). [11]

On December 5, 2023, the court entered a written order which memorialized its oral ruling and provided as follows:

> **ORDERED**, that the Motion to Transfer Jurisdiction be and the same hereby is **GRANTED** pursuant to [FL §] 9.5-207; and it is further[,]
>
> **ORDERED**, that the matter be transferred to the appropriate court in Mercer County, West Virginia; and, it is further,
>
> **ORDERED**, that the matter shall be stayed pending transfer of the matter to West Virginia. This court shall retain jurisdiction until said transfer is effectuated; and, it is further,
>
> **ORDERED**, that this [c]ourt shall communicate with the appropriate [j]udge in Mercer County, West Virginia . . . to facilitate transfer. The Department . . . shall communicate with the Department of Human Resources or other appropriate agency in West Virginia to facilitate transfer of the matter to Mercer County, West Virginia.

Father noted a timely appeal from that order.

DISCUSSION

Father contends that "the court erred as a matter of law by transferring jurisdiction to West Virginia." Relying on four of the eight factors enumerated in FL § 9.5-207(b)(2), he argues that the circuit court abused its discretion by relinquishing jurisdiction because

[11] FL § 9.5-207(c) states:

> (c) If a court of this State determines that it is an inconvenient forum and that a court of another state is a more appropriate forum, it shall stay the proceedings upon condition that a child custody proceeding be promptly commenced in another designated state and may impose any other condition the court considers just and proper.

(1) "the children were currently residing in Maryland," (2) the evidence was located in Maryland, (3) "Maryland could decide the issue[s] expeditiously and West Virginia could not," and (4) the Maryland court "was [already] familiar with the facts and issues in the pending litigation[.]"[12] (First alteration in original) (quotation marks omitted).

The Maryland Uniform Child Custody Jurisdiction and Enforcement Act ("UCCJEA"), codified as FL § 9.5-101 *et seq*., governs subject matter jurisdiction over child custody cases—including CINA proceedings—involving Maryland and another state.[13] *See Toland v. Futagi*, 425 Md. 365, 370 (2012) ("Whenever a child custody dispute in Maryland involves another state or another country, the Maryland Uniform Child Custody Jurisdiction and Enforcement Act is implicated." (citing *In re Kaela C.*, 394 Md. 432, 454 (2006))). A court may decline to exercise its jurisdiction "if it determines that it is an inconvenient forum under the circumstances and that a court of another state is a more appropriate forum." FL § 9.5-207(a)(1). Before determining whether Maryland is an

[12] Father also claims that any inconvenience that Mother may have incurred as a consequence of the court retaining jurisdiction could have been mitigated by, *inter alia*, "requiring that services be provided to [her], including transportation into Maryland for visits [and] requesting the Department to provide [her] gas cards and hotel lodging[.]"

[13] The parties do not dispute that the Maryland court had subject-matter jurisdiction to render an initial child custody determination in this case. Accordingly, we will presume "that jurisdiction over the subject matter and parties [was] rightfully acquired and exercised." *In re John F.*, 169 Md. App. 171, 180 (2006) (quoting *In re Nahif A.*, 123 Md. App. 193, 212 (1998), *overruled in part on other grounds by In re Antoine M.*, 394 Md. 491 (2006)).

inconvenient forum, a court must consider the propriety of another state assuming jurisdiction, including the following factors:

> (i) whether domestic violence has occurred and is likely to continue in the future and which state could best protect the parties and the child;
>
> (ii) the length of time the child has resided outside this State;
>
> (iii) the distance between the court in this State and the court in the state that would assume jurisdiction;
>
> (iv) the relative financial circumstances of the parties;
> (v) any agreement of the parties as to which state should assume jurisdiction;
>
> (vi) the nature and location of the evidence required to resolve the pending litigation, including testimony of the child;
>
> (vii) the ability of the court of each state to decide the issue expeditiously and the procedures necessary to present the evidence; and
>
> (viii) the familiarity of the court of each state with the facts and issues in the pending litigation.[14]

FL § 9.5-207(b)(2). While courts must consider and apply the above-enumerated factors in assessing whether to transfer jurisdiction, "[t]he decision whether to relinquish the court's jurisdiction in favor of a more convenient one is . . . addressed to the sound discretion of the court[,]" and we will not disturb the exercise of that discretion absent a clear abuse thereof. *Miller v. Mathias*, 428 Md. 419, 454 (2012).

[14] Notably, "FL § 9.5-207 only requires that the court consider these factors[.]" *Cabrera v. Mercado*, 230 Md. App. 37, 95 (2016). It does not mandate that a court "state a finding as to each factor onto the record." *Id.*

A court abuses its discretion when "the decision under consideration [is] well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable." *Miller*, 428 Md. at 454 (alteration in original) (quoting *In re Yve S.*, 373 Md. 551, 583-84 (2003)). An abuse of discretion also occurs where "'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.'" *Id.* at 454-55 (quoting *Touzeau v. Deffinbaugh*, 394 Md. 654, 669 (2006)). A court does not abuse its discretion, however, merely because the reviewing court would have reached a different conclusion. *Aventis Pasteur, Inc. v. Skevofilax*, 396 Md. 405, 436 (2007); *see also In re Yve S.*, 373 Md. at 583 ("Questions within the discretion of the trial court are 'much better decided by the trial judges than by appellate courts[.]'" (quoting *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 312 (1997))).

We begin by noting that Father does not deny that the court recognized and considered the law applicable to this case, *i.e.*, the eight statutory factors the court shall consider in determining whether to relinquish jurisdiction to another state. Thus, the narrow question before us is whether the court abused its discretion in its evaluation of those factors and in reaching the ultimate conclusion that West Virginia was a more convenient forum.

As noted, Father argues that four of the eight factors enumerated in FL § 9.5-207(b) weigh in favor of Maryland retaining jurisdiction. First, he claims that the duration of A.B.'s residence in Maryland favored the court retaining jurisdiction. In announcing its

ruling from the bench, the court acknowledged that "both children have been in Maryland substantially" and that "A.B. has had no contact . . . within West Virginia[.]" The court noted, however, that B.R. had previously lived in West Virginia and found that separating the children would be contrary to their best interests. Based on these considerations, coupled with the undisputed fact that A.B. had resided in North Carolina before moving to Maryland, the court could have readily concluded that this factor weighed only slightly in favor of its retaining jurisdiction.

Father next asserts that "[t]he 'nature and location of the evidence' was in Maryland . . . and Maryland was familiar with the 'facts and issues in the pending litigation.'" With respect to the former factor, the court acknowledged that the children resided in Maryland, but inferred from their ages that neither would be able to testify.[15] As to the states' familiarity with the underlying facts and issues, the court observed that although Maryland was more familiar with the facts relevant to a CINA determination, that adjudication had concluded, and the proceedings had therefore transitioned to reunification pursuant to the established permanency plan. Given that the principal witnesses to the parents' recent progress toward reunification were in West Virginia, the court determined that West Virginia was well-suited to review and work toward implementation of the permanency

[15] Although the court also acknowledged that Father planned to return to Maryland, it subsequently added that it was unclear "when, where, or how" he would do so. Furthermore, Father's request in July of 2023 that the case be transferred to West Virginia suggests that his intent to return to Maryland has not been constant.

plan. We agree with the court's reasoning in this regard, which applies with equal force to the former factor (*i.e.*, the nature and location of the evidence). As the parents resided in West Virginia and the court's permanency plan order directed them to participate in various services, it stands to reason that West Virginia would be best positioned to assess their progress toward reunification based on evidence located in West Virginia.

Finally, Father maintains that "Maryland could 'decide the issue[s] expeditiously' and West Virginia could not," (alteration in original), as the court's decision to transfer jurisdiction triggered FL § 9.5-207(c)'s requirement that it stay the case pending the commencement of proceedings in West Virginia. In addressing this fourth factor, the court recounted its conversation with the Mercer County circuit court judge, who had indicated that Mercer County's docket was "running smoothly and expeditiously."[16] The court thus concluded that "both courts have the ability to handle this case expeditiously." The court's finding is amply supported by the record.

To whatever extent the factors Father cites might weigh in favor of Maryland retaining jurisdiction, the court could readily have concluded that they were counterbalanced by the factors he fails to address. Of those remaining factors, the distance

[16] The court's conversation was authorized by FL § 9.5-109(b), which provides: "A court of this State may communicate with a court in another state concerning a proceeding arising under this title." During that conversation, the Mercer County judge also indicated that West Virginia "operates under similar procedures with adjudication and disposition, with planning reviews, and that they have resources available . . . to handle these cases, including access to foster parents, mental health resources, substance abuse resources, and other issues such as that."

concern, as well as the parties' limited financial circumstances, were especially significant given the permanency plan in effect and the parties' consensus that parental reunification was in A.B.'s best interest. The court reasonably determined that the distance between the parents' West Virginia residences and Calvert County, coupled with their limited financial means, would hinder visitation and therefore frustrate the reunification process if Maryland were to retain jurisdiction. Based upon that inference, viewed in light of the other factors, the court was well within its discretion in concluding that West Virginia represented a more convenient forum to monitor and resolve A.B.'s case.

We conclude that the court's decision to relinquish jurisdiction to West Virginia was neither "well removed from any center mark" nor "beyond the fringe of what [we] deem[] minimally acceptable." *Miller*, 428 Md. at 454 (quoting *Touzeau*, 394 Md. at 669). Finding no abuse of discretion, we affirm the judgment of the juvenile court.

JUDGMENT OF THE CIRCUIT COURT FOR CALVERT COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.