Circuit Court for Montgomery County
Case Nos. 06-I-18-80, 06-I-18-81, 06-I-18-82, 06-I-18-83 & 06-I-18-84

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 235

September Term, 2020

IN RE: G.O., Y.O., K.O., J.O.H., & D.O.H.

Reed,
Friedman,
Alpert, Paul E.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Friedman, J.

Filed: January 13, 2021

This appeal arises from orders by the Circuit Court for Montgomery County, sitting as a juvenile court, which changed the permanency plan for G.O. (born 1/07), Y.O. (born 9/08), K.O.[1] (born 3/14), J.O.H. (born 3/16), and D.O.H. (born 1/18), children adjudicated in need of assistance ("CINA"),[2] from reunification to custody and guardianship with a non-relative for G.O. and Y.O. and adoption by a non-relative for K.O., J.O.H., and D.O.H. Appellants, Y.H.L. ("Mother") and J.C.O. ("Father"), represented separately by counsel, timely noted appeals of the juvenile court's orders and ask us to consider whether the court abused its discretion when it changed the children's permanency plans from reunification to arrangements with non-relatives and whether the juvenile court erred in declining to consider placement of the children with their maternal aunt.[3] Father additionally claims that the juvenile court erred in finding that the Montgomery County Department of Health and Human Services ("the Department") made reasonable efforts to facilitate his reunification with the children.

For the reasons that follow, we affirm the orders of the juvenile court.

[1] K.O. prefers to use her middle name and is often referred to as S.O. in the record documents.

[2] Pursuant to Md. Code, § 3-801(f) of the Courts & Judicial Proceedings Article ("CJP"), a "child in need of assistance" means "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."

[3] An order changing a permanency plan for a child adjudicated CINA is an appealable interlocutory order. CJP § 12-303(3)(x).

FACTS AND LEGAL PROCEEDINGS

In March 2018, E.H., the older maternal half-sibling of G.O., Y.O., K.O., J.O.H., and D.O.H., disclosed neglect and physical and sexual abuse at the hands of Mother and her maternal grandmother, some of which was witnessed by Father, who did not intervene. After E.H. was adjudicated CINA and removed from Mother and Father's home, the Department began working with the five younger children. Mother was arrested in relation to the sexual abuse of E.H. and held without bond until she was transferred to U.S. Immigration and Customs Enforcement ("ICE") custody.

During Mother's arrest Montgomery County police discovered video evidence on Father's cell phone depicting Grandmother's partner sexually abusing one of the five younger children.[4] Soon thereafter, Father was arrested for sexual abuse, child pornography, and for failing to protect E.H. from Mother's abuse. Father was released on bond with the condition that he have no contact with the children. He was then detained by ICE.

Because neither parent was available to care for the children, the Department placed G.O., Y.O., K.O., J.O.H., and D.O.H. in foster care and filed a CINA petition.[5] The juvenile court issued an emergency shelter care order the same day.

[4] Grandmother and her romantic partner were convicted for their parts in the abuse of E.H. and one of the younger children. They were precluded from having any contact with any of the children.

[5] The Department amended the CINA petition on June 21, 2018.

At the adjudication and disposition hearing, the parties agreed that if the Department presented witnesses, it would be able to prove the facts alleged in the amended CINA petition. The juvenile court found that, had the matter gone to trial, a preponderance of the evidence would have proven sexual abuse by Grandmother's partner and that, due to Mother and Father's incarceration, the children had been neglected. The juvenile court therefore sustained the allegations in the CINA petitions and adjudicated the children CINA.

Although the Department recommended foster care, the juvenile court placed the children with J.C. and S.C. J.C. is a family friend who lived in Maryland. S.C. is the children's maternal aunt, who had travelled from California to care for the children.

At a permanency plan hearing the juvenile court maintained the CINA status of the children, affirmed a permanency plan of reunification, and placed the five children in foster care. The Department had recommended the reunification plan and the interim foster care placements, because S.C. had announced her intention to return to California, citing what she perceived to be overly intrusive interference by the Department.[6] The five children were placed in three different homes: G.O. in one home, Y.O. and K.O. together in a second home, and J.O.H. and D.O.H. together in a third home. The court issued a written order memorializing its oral ruling on November 16, 2018.

[6] S.C. offered to take full custody of the children and take them to California with her, but the juvenile court found that plan to be "a little premature now," partly because Mother and Father were still at the beginning of their respective criminal cases.

At the next permanency plan review hearing the juvenile court reaffirmed the reunification plan and encouraged the Department to investigate the possibility of visitation between the parents and the children. At this hearing, the Department informed the court that evidence of Mother's further physical abuse of three of the children had been discovered and was being investigated by law enforcement.

By the time of the next permanency plan review hearing Mother had been convicted of sexual abuse of a minor and second-degree child abuse and sentenced to 40 years in prison, with all but ten years suspended. Father was still awaiting trial and had been compliant with the Department's case plan during the review period, although he had not yet completed a court-ordered psychological evaluation. At the hearing the juvenile court reaffirmed the reunification plan, adopted the "compelling reasons as to why the Department has not filed a petition for guardianship yet," and suggested to the Department that there needed to be a plan for the children in the future, likely a change in the permanency plan. The juvenile court also denied "at this point," Mother's request for an Interstate Compact for Placement of Children ("ICPC") investigation of S.C. for placement of the children with her in California.

Prior to the next permanency plan review hearing, the Department recommended that the children's permanency plan be changed from reunification to custody and guardianship by a non-relative for G.O. and Y.O. (Y.O. was to be moved to G.O.'s foster home, as Y.O. and K.O.'s foster parents were not a permanent resource) and adoption by a non-relative for K.O., J.O.H., and D.O.H. (K.O. was to be moved to J.O.H. and D.O.H.'s

foster home). As part of this recommendation, the Department reported that Father had been acquitted of all charges related to the alleged abuse of E.H. but that he still had an indicated sexual abuse finding with Child Welfare Services, for which the appeal period had expired. In addition, Father had not participated in court-ordered services and had made no progress toward reunification. The Department also argued that he was subject to a deportation order, which called into question his ability to provide permanency for the children.

The juvenile court considered the permanency plans of (1) G.O. and Y.O.; and (2) K.O., J.O.H., and D.O.H. at separate hearings. At the first hearing, the juvenile court heard from S.R., G.O.'s foster mother; Tanya Kulprasertrat, the Department social worker assigned to the children's case; G.O.'s attorney; Y.O.; Mother's attorney; Father; and Father's attorney.

S.R. testified that G.O. was very involved with S.R.'s family but was anxious about her potential placement.[7] S.R. had assured G.O. that her placement was for the long term, and she indicated a willingness to have Y.O. move in with the family, as well. Understanding the bond among the siblings, S.R. agreed that she would also foster a relationship with the other three children.

Ms. Kulprasertrat testified that she believed S.R. was a "great foster parent" with "emotional affection" for G.O. and that Y.O. would assimilate well into S.R.'s home. In

[7] G.O. had changed placement six times since her removal from Mother and Father's home and had been hospitalized for depression and suicidal ideation on three occasions.

Ms. Kulprasertrat's view, G.O. and Y.O.'s permanency plan should change to custody and guardianship by a non-relative, as Mother's ten-year prison sentence and Father's lack of progress toward reunification, and potential deportation,[8] made a continuation of reunification as the permanency plan untenable, despite the children's bond with their parents and S.C.'s desire for an ICPC home study in California.

G.O.'s attorney explained that G.O. was very happy in her placement with S.R., and she agreed with the suggested plan of custody and guardianship by a non-relative. Y.O. also agreed to the plan but asked that reunification with Mother and Father remain a concurrent plan.

Mother's attorney argued that the Department had made no reasonable efforts toward the plan of reunification. In addition, Mother claimed, the Department had an obligation to explore the children's aunt, to whom the children were bonded, as an appropriate placement before granting custody and guardianship to a non-relative.

Father testified that he was self-employed as a taxi driver in Gaithersburg, with a flexible schedule. He explained that he had a Social Security number and U.S. Department of Homeland Security clearance to work in the country and believed there were no outstanding immigration concerns.[9]

[8] Ms. Kulprasertrat was unable to provide evidence of a pending deportation order, and Father's attorney denied one existed. In its permanency plan order, the court simply noted that Father "is now at risk of deportation."

[9] His work clearance, however, had expired in January 2020.

Father added that he had been voluntarily interacting with service providers—including a social worker and a therapist—but that Ms. Kulprasertrat "hasn't taken that into account" and did not return his calls unless she wanted him to sign papers. He claimed not to know why his wife was in jail, did not believe she had hurt the children in any way, and insisted he was unaware of an indicated finding of sexual abuse of E.H. He said he was willing to participate in psychological evaluation and therapy to facilitate reunification with the children. And, if reunification were not possible, he wanted S.C. to be granted custody.

Father's attorney pointed out that the Department had elected to wait for a resolution of Father's criminal trial before making a suggestion as to a change in placement, but the Department had been "completely dismissive" of Father's acquittal and of his promises to undertake action to be reunified with the children. Father asked that reunification remain the only permanency plan.

At the hearing concerning the permanency plans for K.O., J.O.H., and D.O.H., the juvenile court heard from Julia Wessel, K.O.'s therapist; A.T., J.O.H. and D.O.H.'s foster mother; Ms. Kulprasertrat; Montgomery County's attorney; K.O., D.O.H., and J.O.H.'s attorney; and the attorneys for Father and Mother.

Ms. Wessel testified that K.O. had suffered from significant trauma from her experiences prior to placement in foster care and from removal from her home. Ms. Wessel agreed that a permanent situation would be beneficial to K.O.

A.T. testified that she and S.R. live in the same neighborhood and that all the children play together often. A.T. said she understood the importance of the siblings

maintaining their family connection to each other and had offered to take K.O. into her home so the three siblings could live together. If the court changed the permanency plan for those three children to adoption, she said it would be "an easy decision" for her to adopt them all.

A.T. explained that D.O.H., who had come into her care as a 10-month-old, would likely only remember her as his mother, and J.O.H. already called her "Mommy." Although it would be harder for K.O. to make yet another transition, A.T. "would do whatever she needed to help make it as easy a transition as possible." And, although she thought it would be problematic for J.O.H. and D.O.H. to have a relationship with the biological parents they did not remember, A.T. said she would facilitate one if the court deemed it to be in the children's best interest.

Ms. Kulprasertrat reported that J.O.H. and D.O.H. were very happy in A.T.'s home and that A.T. interacted well with them, showed them affection, and supported their relationship with their siblings. In her opinion, the children were very attached to A.T.

Ms. Kulprasertrat opined that J.O.H. and D.O.H. would not be safe if placed with Father because Father had not participated in offered services, had not been compliant with the court's orders, and was, she still believed, subject to a deportation order. She was also concerned that Father professed not to know why the children had been removed from the home or why Mother was incarcerated, which, in her view, evidenced a lack of insight.

Ms. Kulprasertrat also explained that the children's aunt, S.C., was not being considered as a resource because State regulations exclude individuals if they are not U.S.

citizens or don't have a green card, and S.C. did not qualify. The Department was also concerned that S.C. could not care for all five children, along with her own two minor children.

In closing, the Department argued that Mother, due to her incarceration, "is out of the picture for a decade," and Father lacks the insight to be a resource for the children, who had been in foster care for 20 months. On the other hand, the foster parents were able "to provide more stability, structure, predictability, and routine" than the parents. Counsel for K.O., J.O.H. and D.O.H. agreed that the permanency plan should change to adoption by a non-relative, given the children's attachment to A.T. and A.T.'s apparent willingness and ability to provide the necessary support for all three children.

The attorney for K.O., J.O.H., and D.O.H. agreed with the Department's recommendation to change their permanency plan to adoption by a non-relative. Mother, on the other hand, advocated reunification with Father.

Father's attorney argued that, despite the Department's claim that he "hasn't done anything," Father was engaged with behavioral and mental health services and had sent letters to the children, when permitted. Father was ready and willing to work toward reunification and asked the court for three or four months to prove it to the Department. Mother's counsel joined in Father's argument and said that holding S.C.'s legal status against her "is not appropriate," so S.C. should remain "at least" a backup plan. Mother therefore requested, if the plan were to change to adoption, that there be an alternative plan of adoption by a relative.

The juvenile court presented its findings and oral ruling on February 26, 2020. As to G.O. and Y.O., the court agreed that the permanency plan should change to custody and guardianship by a non-relative, based, in part on the children's ages and their stated preference. As to K.O., J.O.H., and D.O.H, the court noted that those younger children had been out of the parents' home for most of their lives and had little to no relationship with them. As they were in nurturing homes with families who would continue to support them, the juvenile court adopted the Department's recommendation that their permanency plan change to adoption by a non-relative. The juvenile court further found that the Department had made reasonable efforts to facilitate the plan of reunification.

DISCUSSION

Mother and Father contend that the juvenile court abused its discretion in changing the children's permanency plans away from reunification to arrangements with non-relatives and in declining to consider placement of the children with their maternal aunt, S.C. Father also argues that the Department failed to make reasonable efforts toward his reunification with the children.

Standard of Review

We recently set forth the standard of review for CINA matters:

> There are three distinct but interrelated standards of review applied to a juvenile court's findings in CINA proceedings. The juvenile court's factual findings are reviewed for clear error. Whether the juvenile court erred as a matter of law is determined without deference; if an error is found, we then assess whether the error was harmless or if further proceedings are required to correct the mistake in applying the relevant statute or regulation. Finally, we give deference to the juvenile court's ultimate decision in finding a child in need of assistance, and a decision will be reversed for abuse of discretion

> only if well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable.

In re J.R., 246 Md. App. 707, 730-31 (2020) (cleaned up).

Specifically, when reviewing a juvenile court's decision to modify a permanency plan, an appellate court determines if there has been an abuse of the court's discretion. *In re Shirley B.*, 419 Md. 1, 18-19 (2011). And, we review the court's finding that the Department fulfilled its obligation to make reasonable efforts toward the effectuation of a particular permanency plan under the clearly erroneous standard. *In re Adoption/Guardianship of C.A. & D.A.*, 234 Md. App. 30, 55 (2017).

The Court of Appeals has emphasized that appellate review of a juvenile court's determination concerning a permanency plan is "limited." *In re Ashley S.*, 431 Md. 678, 715 (2013). "Because the overarching consideration in approving a permanency plan is the best interests of the child, we examine the juvenile court's decision to see whether its determination of the child's best interests was 'beyond the fringe' of what is 'minimally acceptable.'" *Id.* (quoting *In re Yve S.*, 373 Md. 551, 583-84 (2003)). In doing so, we must remain mindful that "only [the juvenile court] sees the witnesses and the parties, hears the testimony, and has the opportunity to speak with the child; [it] is in a far better position than is an appellate court, which has only a cold record before it, to weigh the evidence and determine what disposition will best promote the welfare of the minor.'" *Baldwin v. Bayard*, 215 Md. App. 82, 105 (2013) (quoting *Yve S.*, 373 Md. at 585-86).

Analysis

I. *Change in Permanency Plan*

Mother and Father assert that the juvenile court abused its discretion by changing the children's permanency plan from reunification to custody and guardianship with a non-relative for G.O. and Y.O. and adoption by a non-relative for K.O., J.O.H., and D.O.H. and in declining to consider placement with S.C. in California. They contend that it is not in the children's best interest to have to transition again and risk losing their connection to their parents and biological family.

When a CINA is committed to a local department of social services, the juvenile court must determine which permanency plan is in the child's best interest, the "paramount concern," as well as the ultimate governing standard. CJP § 3-823(e)(1); *In re Caya B.*, 153 Md. App. 63, 76 (2003) (quoting *Sider v. Sider*, 334 Md. 512, 533 (1994)).[10] Following its implementation of a permanency plan, a juvenile court must conduct periodic hearings to review the child's permanency plan, during which the court must, *inter alia*, determine whether reasonable efforts have been made to finalize the permanency plan and change the

[10] The permanency plans, "in descending order of priority," are: (1) reunification with a parent or guardian; (2) placement with relatives for adoption or custody and guardianship; (3) adoption by a nonrelative; (4) custody and guardianship by a non-relative; or (5) another planned permanent living arrangement. CJP § 3-823(e)(1)(i).

Reunification with a parent is presumptively the better option, as it is presumed to be in the child's best interest to remain in the care and custody of his or her biological parent. *In re Adoption/Guardianship of Cadence B.*, 417 Md. 146, 157 (2010). Nonetheless, "if there are weighty circumstances indicating that reunification with the parent is not in the child's best interest, the court should modify the permanency plan to a more appropriate arrangement." *Id.*

permanency plan if it would be in the best interest of the child to do so. CJP § 3-823(h)(2)(ii) and (vi). Pursuant to CJP § 3-823(e)(2), in determining and reviewing the child's permanency plan, the court must consider the factors enumerated in FL § 5-525(f)(1), which include:

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

Here, the record supports a reasonable conclusion that the juvenile court properly considered the required factors before changing the children's permanency plans. As far as the children's ability to be safe and healthy in the parents' home, the court found that the children would not be safe in the parents' home because Mother had participated in sexual abuse of the children's older half-sister, E.H., which led to her conviction and a ten-year prison sentence, and Father had observed the abuse of E.H. and one of the younger children and done nothing to intervene. Despite having been acquitted of the criminal abuse charges, Father was subject to an indication of sexual abuse with the Department, had initiated phone contact with one of the children in violation of the court's order, and was "at risk for

deportation." Further, Father had been non-compliant with the Department's case plan and its requirement that he undergo a psychological evaluation. Finally, according to the Department, Father displayed a grave lack of insight as to what had precipitated the children's removal from his and Mother's care. FL § 5–525(f)(1)(i).

Regarding the children's attachment and emotional ties to their natural parents and siblings, the juvenile court found that G.O., Y.O., and K.O. were attached and emotionally bonded to Mother and Father but that J.O.H. and D.O.H., who had been removed from their parents' care as babies, "have less emotional attachment with their natural parents." On the other hand, the siblings maintained a strong relationship and bond with each other and with their older half-sister, E.H., and interacted well during joint visits. FL § 5-525(f)(1)(ii).

In discussing the children's emotional attachment to their current caregivers, the juvenile court found clear evidence that G.O. was well-bonded to S.R., her foster mother, and to S.R.'s family after having been in S.R.'s care for six months, and turned to S.R. for comfort, guidance, and reassurance. Y.O. had not yet been placed with S.R., but the court noted that S.R. was "committed to developing a relationship with [Y.O.] and welcoming her into the home," after having met Y.O. during sibling visits.

J.O.H. and D.O.H. had a "close bond" with their foster family and referred to their foster mother, A.T., as "Mommy" after having been placed with her for 14 months. A.T. ensured that their physical and emotional needs were met. K.O., who had not yet been placed with A.T., had nonetheless already forged a bond with A.T. during sibling visits.

A.T. was willing to serve as a long-term placement for all three siblings and to encourage all five siblings to maintain their bond. FL § 5-525(f)(1)(iii) and (iv).

The juvenile court found that G.O., who had experienced "a series of placement changes" since coming into Department care, was "particularly affected by each placement change and expresses depression and suicidal ideation with each change," such that a "change in her environment would significantly disrupt her progress." Similarly, Y.O. had exhibited trauma symptoms and required stability and permanency to manage her mental health issues. The court noted that the Department was committed to working with S.R. to ensure that Y.O. transitioned smoothly to her new foster home. After having experienced significant trauma, both girls were in nurturing, loving placements with a foster mother equipped to manage their mental health.

For J.O.H. and D.O.H., who had lived in their current "loving, nurturing, and stable home" for most of their lives, the juvenile court found that a move would cause them additional trauma. Although K.O. would be required to transition again, she and A.T. had already fostered a good relationship, and K.O. would have the benefit of living with two of her siblings after the move. Moreover, K.O.'s community, school, and mental health treatment would not change after the move to A.T.'s home. According to the juvenile court, any further placement change would cause the children "additional stress." FL § 5-525(f)(1)(v) and (vi).

We conclude that the juvenile court adequately considered the required statutory factors when reviewing the children's permanency plans and reasonably concluded that it

was in G.O. and Y.O.'s best interest to change their permanency plan to custody and guardianship by a non-relative and in K.O., J.O.H., and D.O.H.'s best interest to change their permanency plan to adoption by a non-relative. We perceive no abuse of discretion in the court's rulings.

We further find no error or abuse of discretion in the juvenile court's decision not to consider placing the children with S.C. in California. Although S.C. commendably uprooted her own family to move to Maryland to care for her nieces and nephews upon Mother and Father's arrests and asserted her willingness to care for them all in California, caring for seven minor children would be a herculean task for anyone, especially in the absence of any mention in the record of a spouse or domestic partner. A sudden, cross-country move, without the possibility of a gradual transition, would likely stress the children, who have suffered from trauma and mental health issues and who need structure, predictability, consistency, and routine. Any move away from their therapists, schools, and friends, even to live with a family member, would potentially be harmful to the children's progress and well-being.

Moreover, during her time in Maryland, S.C. had bridled at what she perceived to be the Department's intrusion into her care of the children, and she ultimately returned to California as a result, calling into question the likelihood that she would cooperate with the Department's local counterpart in California. And, the Department claimed, without

dispute, that S.C. was an undocumented immigrant who may be subject to deportation. If true, that fact would further undermine the children's stability and permanence.[11]

Having bonded with their loving foster families, who were committed to maintaining a familial relationship and permanence, the children were in a stable situation. *See In re Adoption/Guardianship of Jayden G.*, 433 Md. 50, 102 (2013) (recognizing that a juvenile court is required to consider a child's emotional ties to the foster family in determining placement). We cannot say that the juvenile court abused its discretion in declining to uproot the children for a cross-country move that ultimately may not be their best source of safety, permanence, and well-being.

II. *Reasonable Efforts*

Father also argues that the juvenile court erred when it determined that the Department had made reasonable efforts to facilitate his reunification with the children. He faults the Department for not offering guidance or help, even when he voluntarily sought and obtained substance abuse and mental health assessments and parenting services.

[11] If true, S.C.'s undocumented status may also preclude her from being approved as a resource for the children. *See* COMAR 07.02.25.04, which states, in pertinent part:

> **.04. Technical Requirements for Resource Home Approval and Reapproval.**
>
> A. An applicant may apply for resource home approval at the local department.
>
> B. An applicant shall be a United States citizen or alien lawfully admitted for permanent residence under the Immigration and Nationality Act.

> Reasonable efforts
>
> "means efforts that are reasonably likely to achieve the objectives set forth in [CJP] § 3-816.1(b)(1) and (2)"[12] This definition is amorphous. Thus, it is clear that there is no bright line rule to apply to the "reasonable efforts" determination; each case must be decided based on its unique circumstances.

In re Shirley B., 191 Md. App. 678, 710-11 (2010) (footnote in original), *aff'd*, 419 Md. 1 (2011). Reasonable efforts "need not be perfect to be reasonable" but "must adequately pertain to the impediments to reunification." *In re James G.*, 178 Md. App. 543, 601 (2008).

Reasonable efforts findings are limited to the period of time between the "last adjudication of reasonable efforts" and the current proceeding. CJP § 3-816.1(b)(5). The juvenile court, most recently before issuing its March 2020 permanency plan review

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[12] [CJP §] 3-816.1(b)(1) and (2) provides, in relevant part:

> (b)(1) In a hearing conducted in accordance with § 3-815, § 3-817, § 3-819, or § 3-823 of this subtitle, the court shall make a finding whether the local department made reasonable efforts to prevent placement of the child into the local department's custody.
>
> (2) In a review hearing conducted in accordance with § 3-823 of this subtitle or § 5-326 of the Family Law Article, the court shall make a finding whether a local department made reasonable efforts to:
>
> (i) Finalize the permanency plan in effect for the child; [and]
>
> (ii) Meet the needs of the child, including the child's health, education, safety, and preparation for independence[.]

hearing orders, had made findings that the Department's efforts were reasonable during the November 2019 permanency plan review hearing, and neither Mother nor Father appealed the juvenile court's findings.

The juvenile court, in its March 2020 orders, found that Father had: (1) been non-compliant with the case plan; (2) ignored the court's order that he have no contact with the children; and (3) not completed a psychological evaluation. The court also found that the Department had made reasonable efforts by, *inter alia*, conducting meetings with Mother and Father to discuss the service plans. In addition, the Department had relayed Father's letters and pictures to and from the children, as permitted by the juvenile court.

While the Department's efforts were arguably sparse, we perceive no clear error in the juvenile court's determination that the Department made reasonable efforts toward the effectuation of the children's permanency plan of reunification. Until the start of Father's criminal trial in January 2020, he was unwilling to undergo the required psychological evaluation, presumably to avoid any possibility of self-incrimination during his criminal proceedings. Even after his acquittal of the criminal charges, Father failed to initiate communication with the Department and immediately accept the Department's case plan, violated the court's order on contact with the children, and continued to drag his feet on the psychological evaluation.

In his brief, Father argues that the Department did not make reasonable efforts toward reunification with the children, but he points to no specific efforts the Department could or should have made, other than facilitating visitation with the children, which the

Department was unable to do so long as the juvenile court's order suspending Father's visitation remained in place. Given the circumstances, there is little else the Department could have done to facilitate reunification with Father, and the fact that he initiated services on his own does not negate the finding that the Department made reasonable efforts. Accordingly, we reject Father's contention that the juvenile court clearly erred in connection with its reasonable efforts finding.

ORDERS OF THE CIRCUIT COURT FOR MONTGOMERY COUNTY, SITTING AS A JUVENILE COURT, AFFIRMED; COSTS TO BE PAID BY APPELLANTS.