Circuit Court for Baltimore City
Case Nos. 818127002 and 818127008

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 323

September Term, 2021

IN RE: P. C., A. H.

Arthur,
Leahy,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Arthur, J.

Filed: November 3, 2021

A juvenile court changed the permanency plans for two children in need of assistance. The children's mother appealed. Because the court did not err or abuse its discretion, we affirm.

FACTUAL AND PROCEDURAL BACKGROUND

A. The Circumstances Leading to the Out-of-Home Placement

Ms. L.G. ("Mother") is a 34-year-old woman living in Baltimore City. Mother has four children: P.C. (born in October 2007), A.H. (born in August 2012), A.W. (born in May 2014), and K.W. (born in March 2018).

On May 4, 2018, the Baltimore City Department of Social Services (the "Department") responded to a report that P.C. had been sexually abused and that Mother was suffering from mental-health issues. P.C. claimed that the father of her younger half-siblings, A.W. and K.W., and his two older sons had sexually abused her. That same evening, the Department removed all four children from Mother's custody.

On May 7, 2018, the Department filed CINA[1] petitions with a request for shelter care for all four children. The petitions alleged that Mother had mental-health issues and was non-compliant with therapy; had failed to provide a clean and sanitary home; had a history of neglect with the Department's Child Protective Services unit; had a history of domestic violence in the home; and was unable to adequately protect P.C. from her

[1] A "CINA" or child in need of assistance is a child who requires court intervention because the child has been abused or neglected, or has a developmental disability or mental disorder, and whose parents cannot or will not give proper care and attention to the child and the child's needs. Maryland Code (1974, 2021 Repl. Vol.), § 3-801(f) of the Courts and Judicial Proceedings Article ("CJP").

stepfather and his sons. At the time of the petitions, the identities of P.C.'s father and A.H.'s father were unknown.

Following an emergency shelter care hearing that same day, the juvenile court committed P.C. and A.H. to the custody of the Department pending a CINA adjudication. The Department placed P.C. in foster care; about a month after the shelter care order, the Department placed A.H. in the custody of his paternal grandmother, Ms. D.

P.C. later recanted her allegations of sexual abuse. However, the children remained in the custody of the Department because of concerns about Mother's mental-health and anger-management issues.

At some point, the juvenile court allowed the younger half-siblings, A.W. and K.W., to return to Mother's home under an order of protective supervision.

B. The Beginning of the CINA Hearings

On October 1, 2018, the CINA adjudication hearing began before a magistrate. The hearing before the magistrate was continued to October 9, 2018, but did not conclude until September 19, 2019.[2]

[2] This Court has observed that "the duration of a term of shelter care is expressly limited." *In re O.P.*, 240 Md. App. 518, 550 (2019), *aff'd in part, rev'd in part on other grounds*, 470 Md. 225 (2020); *accord In re K.Y.-B.*, 242 Md. App. 473, 485 n.4 (2019). CJP § 3-815(c)(4) authorizes shelter care for a period of up to 30 days and permits a juvenile court to extend shelter care "for up to *an* additional 30 days if the court finds after a hearing held as part of an adjudication that continued shelter care is needed to provide for the safety of the child." (Emphasis added.). "Through the reference to 'an' additional 30 days (singular, not plural), § 3-815(c)(4) appears to imply that a court may grant, at most, one single extension of up to an additional 30 days beyond the initial 30 days." *In re K.Y.-B.*, 242 Md. App. at 485 n.4. In other words, the statute clearly implies that children may remain in shelter care for 60 days, at most. We note with dismay that,

On November 1, 2018, during one of the lengthy delays in the CINA adjudication proceeding, the Department amended its CINA petition to allege that Mother had been involuntary admitted to a hospital for in-patient psychiatric treatment on August 28, 2018.

C. The Events of March 29, 2019

On March 29, 2019, while the long-running CINA adjudication was still in progress, Mother informed the Department that someone had come to her house and taken all of her belongings. Kevin Greene, the permanency case manager for P.C. and A.H., went to Mother's house. The police were at Mother's house as well.

Mother was "yelling," "crying," and "shouting," and "everybody was trying to calm her down." She did not appear to be stable, there was no furniture or food in the home, and there was debris on the main level of the house. The Department removed Mother's two other children, A.W. and K.W., and placed them in foster care.

Mother informed the case manager, Mr. Greene, that she was going to be illegally evicted, that the housing authority had removed her furniture, and that she needed assistance to obtain food and furniture. The Department helped Mother pay the outstanding balance on her rent so that she could remain in her home. The police took her to a hospital for a psychiatric evaluation.

despite the clear statutory limit on the amount of time that children may remain in shelter care before a CINA adjudication, no one objected to the children remaining in shelter care for five months before the CINA adjudication even began and for more than a year before it concluded before the magistrate.

D. The Magistrate's Recommendation and Mother's Exceptions

The proceedings before the magistrate finally concluded on October 2, 2019, 16 months after P.C. and A.H. were placed in shelter care. On that date, the magistrate recommended that the court sustain the allegations in the Department's amended petition. The case proceeded immediately to a CINA disposition.

In a written report and recommendation dated October 3, 2019, the magistrate recommended that P.C., A.H., and their two younger siblings, A.W. and K.W., be found to be CINAs and remain in the Department's custody. Among other things, the magistrate recommended findings that Mother has a history of noncompliance with mental-health treatment and of aggressive and hostile behavior, that Mother has an unstable living arrangement, and that Mother has been involuntarily admitted for mental-health treatment. The recommended findings included several references to the events of March 29, 2019, when Mother became irate and had to be admitted to the hospital for an emergency psychiatric evaluation after Department employees discovered that she was in the process of being evicted and that her cluttered home had no food and no beds.

The magistrate recommended that P.C. be committed to the Department and that A.H. be committed to the Department for placement with a relative.

Mother filed timely exceptions, in which she challenged the evidentiary basis for the magistrate's recommendations.

E. The De Novo Hearing

On January 31, 2020, the court held a hearing on Mother's exceptions. Mother did not testify or call any witnesses.

At the hearing, the Department introduced Mother's psychiatric records from two hospitals. The records reflected diagnoses of bipolar disorder and schizoaffective disorder.

Mr. Greene, the case manager for P.C. and A.H., testified about his interactions with Mother on March 31, 2019. According to Mr. Greene, Mother told him that someone had broken the locks on her front door and had "come into her unit [and] poured battery acid on her and her children when she was sleeping." Mr. Greene testified that, when he spoke with Mother about her mental health, she claimed to have been misdiagnosed.

Mr. Greene also testified that Mother had been receiving mental-health treatment until February 2019, but had discontinued the treatment because she decided that she no longer needed it. In its service agreements with Mother, the Department included a requirement that she attend mental-health counseling. Mother disagreed with the requirement, but signed the agreements.

Mother's medical records established that on October 30, 2019, her primary care physician sent her to an emergency room because of concerns about her safety. The primary care physician wanted Mother to undergo a psychiatric evaluation because she

was experiencing "a bipolar 1 manic episode with psychosis." Mother's "chief complaint," as reported in the record, was: "I am here for identity theft and want to get mentally stable."

According to the record, Mother "seemed to be manic." She had "pressured speech" and "disorganized thought process[es]," was "labile" and "irritable," and reported "having some paranoid delusion." She claimed that "CPS wanted to give [her] children back and they also agreed that [her] identity has been stolen." Although the record reports that she has had multiple psychiatric hospitalizations in the past, Mother denied having any psychiatric diagnosis. She claimed that she only had PTSD and anxiety and that she needed Xanax. Nonetheless, she reported that she had taken other medications (Depakote, Lithium, and Haldol), which, she said, had caused her to "'bleed in her brain'" so that "'the blood came out from [her] head on the face.'" She "[made] threatening gestures during the interview session" and was "very uncooperative" in providing her psychiatric history.

The author of the record observed that Mother was "suffering from bipolar mania" and that "[s]he seemed to have poor insight . . . into her illness" and "impaired judgment." The author concluded that Mother was "an imminent risk of danger to [her]self or others." Consequently, Mother was involuntarily admitted for inpatient psychiatric treatment.

On the basis of the evidence presented at the exceptions hearing, the juvenile court found that Mother had failed to provide the children with a safe and stable home

environment. The court specifically found that "continued residence in [Mother's] home is contrary to the welfare of the child[ren]" and that it was "not now possible to return the child[ren] to the home because . . . [M]other continues to have mental-health issues that render her a danger to herself and the children." In reaching its decision, the court placed great weight on the medical record of Mother's psychiatric admission on October 31, 2019, including the statement that Mother was "an imminent risk of danger to [her]self or others."

During the ensuing disposition hearing, the parties reached an agreement under which P.C. would remain in foster care and A.H. would continue to live with his paternal grandmother, Ms. D.[3]

F. <u>The Magistrate Recommends Changing the Permanency Plans</u>

After a child is declared to be a CINA, the court must determine a "permanency plan" that is "consistent with the best interests of the child." CJP § 3-823(e)(1)(i); *see In re Adoption of Jayden G.*, 433 Md. 50, 55 (2013). The permanency plan dictates "'the goal toward which [the parties and the court] are committed to work.'" *In re Damon M.*, 362 Md. 429, 436 (2001) (quoting *In re Adoption of Jayden G.*, 433 Md. at 55). "[T]he permanency plan is 'an integral part of the statutory scheme designed to expedite the movement of Maryland's children from foster care to a permanent living . . . arrangement," optimally, with the children's family. *In re Adoption of Jayden G.*, 433

[3] A.W. and K.W., the younger siblings of P.C. and A.H., were found not to be CINAs because their father was willing and able to care for them. A.W. and K.W. are not involved in this appeal.

Md. at 55 (quoting *In re Damon M.*, 362 Md. at 436). When the juvenile court found that P.C. and A.H. were CINAs, their permanency plan was one of reunification with Mother.

An initial permanency planning hearing, during which the juvenile court reviews or approves of a permanency plan, must be held "[n]o later than 11 months" after the child enters out-of-home placement. CJP § 3-823(b)(1)(i). On November 5, 2020, a magistrate began a CINA review hearing. The proceedings were virtual because the courts were largely closed as a result of the COVID-19 pandemic.

During the hearing, the Department requested that the court change the children's permanency plans from reunification with a parent to custody and guardianship with a non-relative for P.C. and custody and guardianship with a relative for A.H. The children's attorney agreed as to A.H., but asserted that P.C. wanted Mother to have more time "to get things in order." For P.C., the attorney requested a concurrent plan of reunification and custody and guardianship with a non-relative. A.H.'s father, who is incarcerated, requested that the plan remain one of reunification.

Mother interrupted the virtual proceedings several times, and her attorney could not control her. When Mother continued to unmute her microphone and speak out of turn, the magistrate warned her that her behavior was unacceptable and that she would be removed from the hearing if she continued to do so.

On November 5, 2020, the case manager, Mr. Greene, testified regarding his interactions with Mother and the progress of P.C. and A.H. Mr. Greene had medical releases signed by Mother. Despite multiple requests, however, he was only able to

obtain information about the dates of Mother's therapy sessions. He had no information regarding her diagnosis or medications, and her mental-health care provider had been unable to provide any "recent information." He testified that Mother had not appeared to be stable during the Department's most recent interactions with her.

Mr. Greene transported the children to Mother's home on a weekly basis and supervised their visitation. The younger siblings, A.W. and K.W., were typically present during the visits. A.H. generally spent most of his time with A.W. and K.W., while P.C. spent more time with Mother.

Mr. Greene stated he did not have concerns about Mother's supervised visits, although the content of her discussions was not always appropriate. For example, on September 24, 2020, Mother reported to Mr. Greene that P.C. had been sexually assaulted in one of her foster-care placements. Mother began yelling at him and demanding that P.C. be taken to the hospital for examination and that she be removed from her current placement. The police were called, but P.C. was not taken to the hospital, apparently because a forensics examination would not have revealed any useful information at that time (the alleged assault having taken place sometime in the past).

Mr. Greene had visited with both P.C. and A.H. each week, and he testified about their progress. He stated that A.H. had been placed with his grandmother, Ms. D., since June 2, 2018. A.H. was in good health, doing very well in school, and up to date on his medical and dental appointments. A.H.'s grandmother initiated telephone calls with A.H.'s father, who was incarcerated.

Mr. Greene reported that P.C. had been in her therapeutic foster-care placement since November 2018. P.C. was doing well there and had a good relationship with her foster parents. While P.C. was experiencing some academic difficulties in the sixth grade, Mr. Greene was seeking a review of her Individualized Education Program to see if P.C. was eligible for additional educational assistance. P.C. attended weekly therapy sessions, was up to date on her dental care, and had an upcoming medical appointment. Mr. Greene testified that P.C.'s father, Mr. C., had some phone contact with her in the past, but had not spoken with her recently and was unwilling to be a placement resource for her.

When the virtual CINA review hearing resumed on January 21, 2021, the parties experienced technical difficulties. In the interest of completing the proceeding, the magistrate announced that she would proceed by accepting proffers rather than actual testimony. Counsel for Mother responded as follows:

> I do know that my client did want to testify. But it sounds like if she's going to do it, it's probably not going to be here. So I guess if that's how you want to proceed, so be it.[4]

The Department proffered that Mother had not demonstrated an understanding of her mental-health issues and had not been willing to address them. The Department

[4] Both before and after the virtual hearing in this case, this Court has warned against the practice of deciding cases by proffer when important factual issues are in dispute. *In re M.H.*, 252 Md. App. 29, 53-54 (2021); *In re Damien F.*, 182 Md. App. 546, 584 (2008). We do not consider the propriety of proceeding by proffer in this case, because Mother has not raised it on appeal. In any event, Mother may well have waived that question when her counsel acquiesced in the magistrate's decision ("so be it").

noted Mr. Greene's testimony that Mother had acted inappropriately during recent visits in front of her children, especially P.C., whom it characterized as "very, very traumatized." Additionally, the Department proffered that it had sought documentation relating to Mother's mental-health treatment for over a year and a half without success. The Department requested that the permanency plans for the children be changed from reunification to custody and guardianship by a relative for A.H. and by a non-relative for P.C.

The children's counsel proffered that the children have been stable and have been making good progress in both their placements. P.C.'s counsel proffered that P.C. "loves her mom," but had asked her attorney to tell the court that, while she's "been ready to go home, it's Mom that isn't ready . . . to take her homeAdditionally, P.C.'s counsel proffered that it was difficult for P.C. to live in a situation "where she's afraid to say anything." P.C. "fears complete abandonment and anger from her mom" if she were sent home. A.H.'s counsel proffered that A.H. missed Mother and his siblings and that "he would want to be" with Mother if he could "make everything right at Mom's house."

Through counsel, A.H.'s father, Mr. H., proffered he would like A.H. to remain in his current placement with Mr. H.'s mother, but with a plan of reunification.

Mother's counsel proffered that Mother wanted to have her children back, opposed any change in their permanency plans, and was "determined to do whatever it [took] to get her kids back." Mother claimed to have a printout from her therapist showing her schedule of appointments and that she would have submitted the printout to the court.

Mother also claimed that her weekly visits with the children "seem[ed] to be going well." Counsel for Mother proffered that Mother had "problems" with the circumstances that led to the children's removal and with the care of the children while they had been out of her custody.

At the conclusion of the hearing, the magistrate found that Mother's "mental health issue remain[ed]" and that there was no "further evidence that Mother [had been] making progress in her treatment." The magistrate noted that she had "observed displays of anger from [Mother]" and that she could "imagine that a child might be not only frightened but terrified when things like that happen." Until Mother can control her anger, the magistrate found, "she is really a danger to her children."

In tacit recognition of the obligation to make "[e]very reasonable effort . . . to effectuate a permanent placement for the child within 24 months after the date of initial placement" (CJP § 3-823(h)(4)), the magistrate concluded: "[W]e have been working with the family long enough now to see that we need to move forward today." She recommended changing P.C.'s permanency plans from reunification to custody and guardianship by a non-relative. She recommended changing A.H.'s permanency plan from reunification to custody and guardianship by a relative (the paternal grandmother, Ms. D.).

G. Mother Files and Withdraws Exceptions

Mother filed timely exceptions to the magistrate's recommendation. By agreement of all counsel, the juvenile court scheduled the exceptions hearing for April 14, 2021.

Mother was not present at the beginning of the scheduled hearing. Mother's attorney was unable to reach Mother by phone or mail. The court, too, was unable to reach Mother by phone. Mother's attorney withdrew her exceptions, and the court entered an order reflecting the withdrawal.

On April 19, 2021, Mother's counsel filed a request to reinstate her exceptions and sought another de novo hearing. Mother's counsel alleged that Mother had obtained a new telephone number, had not received her counsel's messages or letter, had provided her new number to the Department, and had been relying on her caseworker to provide her with the sign-in information for the virtual hearing. The Department opposed Mother's motion, and on April 20, 2021, the court denied it.

H. The Juvenile Court Enters the Magistrate's Proposed Order

At a contested review hearing on May 1, 2021, the juvenile court entered the magistrate's proposed order. Thus, the court changed P.C.'s permanency plan to guardianship by a non-relative and changed A.H.'s permanency plan to placement with a relative for custody and guardianship.

Mother filed this timely appeal.[5]

MOTION TO DISMISS

The Department has moved to dismiss this appeal, arguing that Mother acquiesced in the changes to the permanency plans by withdrawing her exceptions to the magistrate's recommendations. *See In re Nicole B.*, 410 Md. 33, 64 (2009) (stating that "a party in the trial court is not entitled to appeal from a judgment or order if that party consented to or acquiesced in that judgment or order"). A.H.'s father, Mr. H., has joined in the motion. Although Mother failed to file a response, we shall deny the motion to dismiss.

As a general rule, "failing to file exceptions to a [magistrate's] findings prevents a party from appealing the circuit court's adoption of the [magistrate's] factual findings." *Green v. Green*, 188 Md. App. 661, 674 (2009). A party, however, "is not precluded from appealing the trial court's adoption of the [magistrate's] recommendation if the issues appealed concern the court's adoption of the [magistrate's] application of law to the facts." *Id.* (citing *In re Levon A.*, 124 Md. App. 103, 125 (1998), *rev'd on other grounds*, 361 Md. 626 (2000)); *accord Miller v. Bosley*, 113 Md. App. 381, 390 n.8 (1997).

[5] Under CJP § 12-303(3)(x), parents may take an immediate, interlocutory appeal from an order depriving them "of the care and custody of [their] child, or changing the terms of such an order." "If the change could deprive a parent of the fundamental right to care and custody of [the parent's] child, whether immediately or in the future, the order is an appealable interlocutory order." *In re Karl H.*, 394 Md. 402, 430 (2006). No one disputes that under CJP § 12-303(3)(x) Mother has the right to an immediate appeal of the interlocutory orders in this case.

Here, the trial court adopted the magistrate's decision to change permanency plans, which involves the application of law to facts. *See In re Yve S.*, 373 Md. 551, 586 (2003). Therefore, Mother "assigns error not to the [magistrate], but to the trial [court] in [its] exercise of [its] judicial responsibilities." *Miller v. Bosley*, 113 Md. App. at 390 n.8. Accordingly, although Mother lost her right to challenge the magistrate's factual findings when she withdrew her exceptions, she did not lose her right to argue that the court applied erroneous legal principles or abused its discretion in applying the law to the facts found by the magistrate. *Id.*; *accord Green v. Green*, 188 Md. App. at 674; *In re Levon A.*, 124 Md. App. at 125. In this appeal, we may consider the propriety of those actions by the juvenile court. *Miller v. Bosley*, 113 Md. App. at 390 n.8; *accord Green v. Green*, 188 Md. App. at 674; *In re Levon A.*, 124 Md. App. at 125.

Moreover, contrary to Mr. H.'s contentions, Mother's appeal does not offend Md. Rule 8-131(a), which states that an appellate court "[o]rdinarily" will not decide any issue unless it "plainly appears by the record to have been raised in or decided by the trial court." The court "squarely considered and 'plainly decided'" the question raised on appeal when the court exercised its discretion to change the permanency plans on the basis of the magistrate's uncontested factual findings. *In re Levon A.*, 124 Md. App. at 125. Mother's claim is preserved under Rule 8-131(a).

Accordingly, we deny the motion to dismiss.

QUESTION PRESENTED

Mother presents one question, which we quote: "Did the trial court abuse its discretion when it changed the permanency plans for P.C. and A.H. away from reunification?"

DISCUSSION

I. Standard of Review

We review changes to permanency plans under three levels of review:

> "When the appellate court scrutinizes factual findings, the clearly erroneous standard . . . applies. [Secondly,] if it appears that the [juvenile court] erred as to matters of law, further proceedings in the trial court will ordinarily be required unless the error is determined to be harmless. Finally, when the appellate court views the ultimate conclusion of the [juvenile court] founded upon sound legal principles and based upon factual findings that are not clearly erroneous, the [juvenile court's] decision should be disturbed only if there has been a clear abuse of discretion."

In re Shirley B., 419 Md. 1, 18 (2011) (quoting *In re Yve S.*, 373 Md. 551, 586 (2003)) (alterations in original).

In this case, Mother has foregone any challenge to the factual findings because she withdrew her exceptions to the magistrate's recommendation. Furthermore, Mother does not contend that the juvenile court committed a prejudicial error of law. Hence, she can prevail only if she shows that the court abused its broad discretion in concluding that the permanency plans should be changed in light of the uncontested facts found by the magistrate.

"[W]e will reverse the juvenile court's order as an abuse of discretion only if we determine the order 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 D.M.*, 250 Md. App. 541, 566 (2021) (quoting *In re Shirley B.*, 419 Md. at 18-19 (internal quotations omitted); *see North v. North*, 102 Md. App. 1, 13 (1994) (inner citations omitted) (stating that a court abuses its discretion when "no reasonable person would take the view adopted by the [trial] court" or when "the ruling is clearly against the logic and effect of facts and inferences before the court").

We perceive neither error nor abuse of discretion.

II. The Court Did Not Abuse Its Discretion in Changing the Permanency Plans

In general, a juvenile court must review a permanency plan "at least every 6 months" until the child is no longer committed to the Department. CJP § 3-823(h)(1)(i). The court "shall" (i.e. must) change the permanency plan if a change "would be in the child's best interest." CJP § 3-823(h)(2)(vi).

Mother contends that the juvenile court changed the permanency plans for P.C. and A.H. based on insufficient evidence that her mental health prevents her from adequately caring for P.C. and A.H. She cites *In re Yve S.*, 373 Md. 551, 593-94 (2003), for the proposition that a mental illness on its own is not a valid reason for the court to find her unable to care for her children.[6] In addition, Mother contends that the court erred

[6] The relevant passage from *In re Yve S.* reads as follows: "'The fact that [a parent] has a mental or emotional problem and is less than a perfect parent or that the children may be happier with their foster parents is not a legitimate reason to remove them from a

in deciding that reunification was not in the children's best interests. Citing *In re Jertrude O.*, 56 Md. App. 83, 100 (1983), Mother argues that the juvenile court based its determination on a "gut reaction" and an abundance of caution, not on any real threat of harm that she may have posed to the children.

We disagree. The record contains ample evidence to support the conclusion that Mother's mental health prevents her from competently caring for P.C. and A.H. and places them at risk of harm. Mother's medical records establish that she suffers from both bipolar and schizoaffective disorders. She has been involuntarily hospitalized for psychiatric treatment on multiple occasions because she was a risk to herself and others. She has repeatedly denied her diagnoses or claimed to have been misdiagnosed. She has discontinued her psychiatric treatment on the basis of her own unilateral decision that she no longer needed it. A psychiatrist opined that she had "poor insight and impaired judgment into her illness."

Mother contends, in essence, that the evidence of her mental health was stale. She observes that the Department had no evidence of an involuntary admission for psychiatric treatment since October 2019, which, she contends, "demonstrates stability." She equates the absence of evidence of recurring crises with proof that her mental illness has dissipated.

natural parent *competent* to care for them in favor of a stranger.'" *In re Yve S.*, 373 Md. at 594 (quoting *In Re Barry E.*, 107 Md. App. 206, 220 (1995)) (emphasis added). In other words, mental illness may be a legitimate reason to remove children from a natural parent if it affects the parent's competence to care for the children.

On this record, the court was not required to conclude that Mother no longer posed a risk to her children merely because the Department had no evidence concerning her psychiatric treatment in the 15 months since her last known involuntary admission. The Department, despite what appears to have been reasonable efforts, had been unable to obtain details about Mother's treatment plan or progress, because her mental-health provider could not provide any recent information. Moreover, Mother claimed to have documentation of her treatment, but she failed to introduce it into evidence. In these circumstances, the court was well within its discretion to infer that the documentation of treatment and progress could not be obtained, not because the Department failed to make reasonable efforts to obtain it, but because the documentation simply did not exist.

Furthermore, there is abundant evidence that Mother cannot control her anger and that she is a danger to P.C. and A.H. On March 29, 2019, the police took Mother to the hospital for a psychiatric evaluation because she was angry, erratic, and unstable. Seven months later, on October 29, 2019, Mother was involuntarily admitted for psychiatric treatment because she was having paranoid delusions, made threatening gestures towards her caregiver, and was found to be "an imminent risk of danger to [her]self or others." The case manager, Mr. Greene, testified that Mother had appeared to be unstable during the Department's most recent encounters with her. During the first day of the permanency plan review hearing on November 5, 2020, Mother could not control her emotions and had to be warned to stop interrupting or face exclusion from the hearing. Having seen Mother's conduct at two virtual hearings, the magistrate could "imagine that

a child might be not only frightened but terrified" when Mother gets angry. The magistrate expressly found that, until Mother can control her anger, "she is really a danger to her children in that regard." Mother gave up the right to challenge that crucial finding when she withdrew her exceptions.

This Court grants substantial deference to a juvenile court's determination that a parent's conduct placed a child at substantial risk of harm. *See, e.g.*, *In re Priscilla B.*, 214 Md. App. 600, 633 (2014). In our judgment, the court had ample evidence to conclude that Mother poses a risk to P.C. and A.H. *In re Nathaniel A.*, 160 Md. App. 581, 596-97 (2005) (stating that the court may look to a parent's past conduct to predict future conduct). Accordingly, we see no error or abuse of discretion in the court's conclusions.

Finally, it is worth noting that Mother's children recognized that their love for her could not overcome her mental illness. According to her lawyer, 13-year-old P.C. was ready to go home, but knew that her mother was not ready to take her home. P.C. was "afraid to say anything" to Mother and "fears complete abandonment and anger." The case worker, Mr. Greene, testified that Mother had acted inappropriately during recent visits in front of her children, especially P.C., who, he said, was "traumatizedEight-year-old A.H. loves Mother and missed his siblings and would choose to be at Mother's house if he could "make everything right" there, which, obviously, he cannot do. The magistrate aptly found that, although Mother had maintained a relationship with the children, her displays of anger "terrify" them.

We see no error or abuse of discretion in the court's conclusions. The juvenile court properly exercised its broad discretion in concluding that the children's best interests required a change in the permanency plans.

JUDGMENTS OF THE CIRCUIT COURT FOR BALTIMORE CITY, SITTING AS A JUVENILE COURT, AFFIRMED. APPELLANT TO PAY COSTS.