Circuit Court for Cecil County
Case Nos.: C-07-JV-22-000110 & 111

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

Nos. 515 & 516

September Term, 2025

IN RE: C.G.-S. and J.S.

Wells, C.J.,
Beachley,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Eyler, J.

Filed: October 31, 2025

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

On October 4, 2022, the Circuit Court for Cecil County, sitting as a juvenile court, found two brothers, six-year-old C.G.-S. and two-year-old J.S., to be children in need of assistance. On May 6, 2025, the court changed the children's permanency plan from a primary plan for relative custody/guardianship and a secondary plan of parental reunification to a single plan of nonrelative custody/guardianship for C.G.-S. and relative custody/guardianship for J.S. Mr. S. ("Father"), the children's father,[1] appeals the changed plan and raises two questions, which we have rephrased slightly[2]:

I. Did the juvenile court err in finding that the Cecil County Department of Social Services had made reasonable efforts toward reunification?

II. Did the juvenile court err when it determined that it was in the children's best interest to change their permanency plan?

For the reasons that follow, we shall affirm the judgment of the circuit court.

[1] Mother is not a party to this appeal. Accordingly, we shall only refer to Mother where appropriate to give a clear picture of the events involving the children and Father.

[2] Father phrased the questions as:

1. Did the court erroneously find in May 2025 that DSS made reasonable efforts to reunify Father with J.S. and C.G.-S. and do DSS's reasonable-efforts failings merit extending the reunification periods for both children?

2. Did the court err when it failed to order reunification with Father as the sole, or at least concurrent, permanency plans for J.S. and C.G.-S. in May 2025 and instead changed J.S.'s plan to a sole plan of relative custody and guardianship and C.G.-S.'s plan to a sole plan of nonrelative custody and guardianship?

BACKGROUND FACTS

C.G.-S. was born in April 2016 and J.S. was born in January 2020 to Father and Mother, an unmarried couple who lived together in North East, Maryland. In August 2022, the Cecil County Department of Social Services ("CCDSS") opened an investigation for neglect by Father.[3] Father had been arrested while intoxicated and asleep in a parked car while C.G.-S. was playing in a park unsupervised, and there were reports of substance abuse by the parents, domestic violence, and that Father had left two-year-old J.S. at home alone. Repeated attempts by the CCDSS to put a safety plan in place were ineffective, and on September 9, 2022, the CCDSS filed an emergency request for shelter care and removed the children from the parents' home.

On September 13, 2022, the juvenile court held a shelter care hearing at which, among others, both parents, their respective attorneys, and the children's maternal aunt ("Aunt") were present. The court admitted the CCDSS's emergency shelter care report into evidence. After hearing the parties' arguments, the court granted the CCDSS's request for shelter care, finding that the children were not safe in their parents' home due to the parents' substance abuse and domestic violence. The court awarded each parent separate,

[3] This was not the first time the CCDSS had been involved with the family. When C.G.-S. was born substance exposed, the CCDSS provided services to the family for several months. When J.S. was born, the CCDSS became involved again because, although he tested negative for all controlled substances, Mother tested positive for amphetamines, THC, and prescribed Suboxone. In September 2020, the CCDSS opened an investigation for domestic violence involving the parents and substance abuse by Mother, and in December 2021, the CCDSS opened an investigation for the same things and neglect by Father. In February 2022, the CCDSS opened an investigation for neglect by Mother.

supervised visitation because of their violent history. The CCDSS subsequently filed a CINA motion, and the court appointed a special advocate ("CASA") for the children.

Within the first few weeks of CCDSS involvement, the boys experienced multiple disruptions in their foster care placement. The boys were placed in their first foster home on September 9. Three days later, the children's stay was disrupted through no fault of theirs, and they were placed in a second foster home. The day after the shelter care hearing, the boys were moved to a third foster home where C.G.-S. presented with some behavioral problems.

October 4, 2022 – CINA finding

On October 4, 2022, a contested adjudication and disposition hearing took place at which, among others, the parents, their respective attorneys, and Aunt were present. The juvenile court entered an order sustaining all the allegations in the CINA petition, finding both C.G.-S. and J.S. to be CINAs and committing them to the custody of the CCDSS. The parents were granted separate, supervised visitation. Father was ordered to enter into a service agreement with the CCDSS and to complete certain tasks, including: a substance abuse assessment; random drug testing by the CCDSS; psychological and parenting evaluations; and mental health treatment. At the time of the hearing, Father was facing a criminal charge of second-degree assault of Mother, and there was a no-contact order in place for the parents.

March 28, 2023 – initial review hearing

About six months later, on March 28, 2023, the juvenile court held a review hearing at which it heard proffers from the attorneys for the parents. Additionally, the court

admitted into evidence, without objection, the CCDSS's progress report dated March 17, 2023.

The report related that, on October 7, 2022, the children were moved to a fourth foster home, but the family also struggled to meet their needs. In December 2022, they were placed in a fifth foster home where C.G.-S. exhibited behavioral problems in the home. Both children had numerous health and educational evaluations during this period with no major health concerns reported. The report noted that, since entering shelter care, C.G.-S. had been enrolled in four different schools due to change of placements and determining the best fit for his Individual Education Plan ("IEP") for developmental delays. J.S. received an asthma diagnosis after a five-day hospitalization, and toward the end of the review period, he was diagnosed with a speech delay for which he began services.

On November 15, 2022, Father signed a service agreement. Pursuant to the service agreement, he was to obtain photo identification; complete substance abuse treatment; complete a psychological/parenting evaluation; obtain and maintain housing and employment; complete parenting education; complete a conflict resolution course; and attend his children's appointments. After he was discharged from a substance abuse treatment for poor attendance, the CCDSS sent him a referral for another program that he began at the end of 2022. He tested negative at monthly CCDSS drug screenings from September 2022 through February 2023. A parenting and psychological evaluation was to occur the day after the hearing. Father participated in a parenting class, but the facility reported that Father did not engage, and they asked him to go elsewhere "for more intensive care." Although Father stated that he had appropriate housing for the children, he had failed

to schedule a time for a home health report, despite the CCDSS's attempts to do so. Father stated that he is employed as a contractor and provided documentation the day of the hearing. Father had not enrolled in a conflict resolution program, and on March 3, 2023, he was observed striking Mother in front of the children prior to his visit. Mother confirmed the assault, but Father denied it. He had not attended any of the boys' medical appointments, although the case worker had attempted to contact him about those. His attorney related that, because of Father's work schedule, Father was worried that he might be unable to attend those appointments but would try.

Since September 16, 2022, Father regularly participated in hourly, supervised weekly visitation with the children, after which Mother had her hourly, supervised visitation. The CCDSS case worker reported that Father had "limited control" of the children during the visits and the children were "running around uncontrollably." Father admitted to "yank[ing]" the arms of C.G.-S. to correct him, and Father was advised to use "time out[s]" instead. Although the parents have separate visitations, Father had to be reminded on a weekly basis not to be involved in Mother's visits. The CCDSS case worker reported that the children are excited to visit with Father and are attached to him. Both children regress after visitation, however, with C.J.-S. becoming "very aggressive" and J.S. reverting to a '"baby' like state."

At the conclusion of the review hearing, the court set the children's permanency plan for reunification and found that the CCDSS had made reasonable efforts toward reunification.

October 31, 2023 – initial permanency plan hearing

After a postponement in August, the court held a permanency plan hearing on October 31, 2023. Father and the parents' respective attorneys were present at the hearing. Sarah Callahan, the foster care supervisor at the CCDSS, was the only witness.

Ms. Callahan testified that the boys have a "brotherly" relationship but that they do "butt heads," with C.G.-S. often directing his aggression toward his younger brother. She reported that the visitations are challenging, with the boys being "very rowdy and difficult to control[.]" Visitations were currently taking place at a library but had taken place at the Family Affairs center with the same behaviors exhibited.[4]

As to Father, she testified that he had yet to provide documentation of a photo ID. Father provided a certificate of completion for substance abuse treatment. The majority of his drug screens have been negative, although he tested positive in June and July of 2023. Additionally, in June of 2023, Father was cited for driving without a registration and driving while under the influence or impaired by alcohol. The charges were placed on the stet docket. Father had not completed a court-ordered parenting and psychological evaluation. He stated that he had enrolled in a parenting class but had not provided documentation. Although Father stated he had appropriate housing, the case worker had been unable to schedule an appointment with Father to do a home health report. Ms.

[4] Ms. Callahan testified that the CCDSS had tried to schedule the parents' visitations on different days but decided to keep it on the same day because: it was more disruptive for the children to have two separate visits a week; when held on different days the parents still transport to visitation together; and the children's behavior regresses after the visitations, regardless if it occurs on the same or separate days.

Callahan testified that Father had failed to complete an anger management class, which was one of the most important items in his service agreement as it was part of the reason the children were removed. She said that the children are emotionally attached to Father. On May 1, 2023, the CCDSS moved the children to foster treatment care with Mr. and Mrs. W., to whom the children are also emotionally attached and are doing well. Their foster care provider is able to positively redirect the children, particularly when their behaviors regress after visitations with parents. She advised that the boys' Aunt had applied to be a kinship caregiver.

The court did not admit the CASA report for this time period but heard from a CASA volunteer, to which Father stated he had no objection.[5] The CASA volunteer advised the court that the foster parents are "great" and dedicated to both children, but they had recently reached out and were seeking more resources. Although C.G.-S. was enrolled in a psychiatric program at Johns Hopkins since the start of the school year, he was dismissed from the program a few days prior to the hearing because "his behavior was so out of control[.]" His outbursts included kicking, screaming, and making threats, which were often directed at J.S., particularly when J.S. was getting more attention or outperforming C.G.-S. This has had a negative impact on J.S., particularly his speech. The volunteer stated that each of the parent visitations were "out of control" and recommended that the court reduce the frequency of visits. The volunteer noted that the Family Affairs supervisor

[5] A CASA is a "trained volunteer[] whom the court may appoint to: (i) [p]rovide the court with background information to aid it in making decisions in the child's best interest; and (ii) [e]nsure that the child is provided appropriate case planning and services." Md. Code Ann., Courts & Judicial Proceedings § 3-830(a)(3).

"almost has to intervene every single visit with both the parents." C.G.-S. is not engaged during visits because Father often provides his cell phone to him, and when the phone is removed, C.G.-S. has outbursts. The parents have active no-contact orders in place that they frequently violate during visits, as they often drive together and do not respect the boundaries of the other's visit. Further, both parents often make inappropriate comments to their children, like when they are coming home to live with them, for which they had to be reminded of what is appropriate to say.

After hearing the evidence and the parties arguments, the juvenile court stated from the bench: "[Father] has made some substantial strides here[.] . . . The reality is that it looks -- there are still some strides left to be undertaken. The distance to be traveled here is a relatively long road. But good progress is being made." The court ordered that the permanency plan continue to be reunification and found that the CCDSS had made reasonable efforts toward reunification. The court noted, however, that at the next review hearing it wanted to see "what continued progress" Father would make and whether kinship placement with Aunt would be appropriate.

April 30, 2024 – review hearing

After several postponements for good cause, the next review hearing occurred six months later on April 30, 2024. On that date, no testimony was given and no exhibits were entered into evidence. By consent of the parties, the permanency plan was changed from reunification to a primary plan of custody/guardianship to a relative and secondary plan of reunification. This was in anticipation that the children would soon be placed together in Aunt's home. The court also changed the parent visitations to bi-monthly, supervised visits

on alternating weeks. The parties further agreed that Father was to participate in an anger management program.

The permanency review hearing in August 2024 was continued after Father's attorney proffered that Father had been arrested the day before and Mother requested to strike her court-appointed attorney.

October 22, 2024 – permanency plan review hearing

On October 22, 2024, the juvenile court held a permanency plan review hearing at which Father, his attorney, and Aunt were present. The court did not take testimony but admitted into evidence without objection a CCDSS report dated October 11, 2024, and over Father's counsel's objection, a CASA report dated October 9, 2024.

The CCDSS report stated that the children had been in the same treatment foster care home since May 1, 2023. The foster parents have a good relationship with the children and can de-escalate and redirect them when they display negative behaviors. The CASA report stated that C.G.-S. has had difficulty in school – he is repeating second grade, and he struggles with behavioral issues that are antagonizing and disruptive. He receives special education services and speech therapy, and he attends weekly children's therapy at Johns Hopkins Bayview. J.S. had received speech therapy but was not currently.

Father had yet to provide the CCDSS case worker with a photo ID. Father completed substance abuse treatment on September 12, 2023, and had previously provided documentation that he is employed as a contractor. He had not participated in court ordered parenting and psychological evaluations, nor had he cooperated with scheduling a time for a home assessment. Although Father enrolled in a parenting class, he did not complete it.

He had attended two out of twelve anger management classes. He had also not attended the children's medical appointments. Father was arrested and held without bond on November 23, 2023, but all charges were later dropped when Mother did not show up to testify against him. On January 28, 2024, while imprisoned on the charges against Mother and before the charges were dropped, Father was charged with second-degree assault and assault of a Maryland corrections officer. He was tried on those charges, given probation before judgment, and sentenced to twelve months of unsupervised probation. On June 16, 2024, Father was charged (Mother was the victim) of violating a protective order, harassment, malicious destruction of property valued at less than $1,000, and malicious destruction of property valued at $1,000 or more. He was arrested on those charges on August 5, 2024, and released on September 23, 2024, when Mother did not appear for trial, which was rescheduled for October 25, 2024. During the hearing, Father did not dispute any of the charges, but his attorney stated that none of them had resulted in a conviction.

As to visitation, the CASA report stated that Father did not have visitation while incarcerated, which was most of August and September. Father had since resumed visitations but has not shown the ability to progress with visitation, as the children are reported to be "running around" and not listening to him. Father had also contacted Mother twice during the visits despite an active no-contact request placed by Mother. Aunt had weekly visitation with the boys and was in the process of building a home large enough to accommodate the boys, her three biological children, and the children's great-grandmother, who has been a part of the boys' lives since birth. Aunt and her husband have completed their foster parent training classes. The CASA report noted that Father, who is over sixty

years old, suffered a stroke while incarcerated from November 2023 through March 2024, and he had a heart attack while incarcerated from August through September 2024. The CASA volunteer who wrote the report noted that Father often has difficulty standing during supervised visits. His attorney admitted to the court that Father "has had some health issues," but he has made "a lot of progress" toward reunification.

The juvenile court continued the children's permanency plan and found that the CCDSS had made reasonable efforts toward reunification.

March and April 2025 – review hearings and subsequent order

The juvenile court held review hearings on March 25 and April 22, 2025. Testifying at the first hearing was Robin Lucas-Pratt, a Family Affairs visitation supervisor; Michelle Longinotti, the boys' CCDSS case worker since October 2024; and Gbemisayo Green, the parents' CCDSS case worker since December 2023. The court admitted into evidence the Family Affairs' sixteen-page visitation log/notes. Additionally, the court spoke with J.S.

Ms. Lucas-Pratt testified that she works at Family Affairs, which supervises visits between family members. She testified that the parents have alternating bi-monthly visitation for two hours at the Family Affairs Visitation Center, as well as at libraries and parks, and that she has supervised the visitations between the children and their parents since November 2022. Father has shown up for the majority of his visits but it is "very difficult" for him to keep both "very active" children engaged at the same time. During his visitations, she has intervened almost "every visit" because of the children's behavior. She has attempted to educate Father when she has intervened, and "[a]t times," he has used a

skill suggested. She testified that she would have concerns about his ability to keep the children safe, if the visits were unsupervised.

Ms. Longinotti testified that both children were placed with their Aunt and her family on November 30, 2024. The family had trouble maintaining the boys in the house, with C.G.-S. needing much more one-on-one attention than was possible in the situation. Within two weeks, C.G.-S. was placed in respite care before returning to his long-term foster treatment parents, Mr. and Mrs. W., on January 19, 2025, who have been involved in his life, even when he was with Aunt and in respite care. Both children's needs are being met in their current placement. C.G.-S. is on medication for anxiety and PTSD. He has been diagnosed with ADHD; is on the wait list for an assessment at Kennedy Krieger; and is receiving therapy. Both Aunt and C.G-S.'s foster parents take the boys on at least weekly sibling visits. C.G.-S. is doing "very well" in his new school and J.S started pre-kindergarten. Although Father had not previously attended any prior medical appointments, in the last two weeks he had attended a medical appointment and psychological assessment for C.G.-S. and a dental appointment and IEP meeting for J.S.

Ms. Green testified that she has been unable to complete Father's home health assessment despite repeated reminders and a scheduled meeting to which he was a no-show. Father completed a psychological assessment in June 2024, after which he was admitted to an anger management program but was discharged due to a lack of attendance. He re-enrolled in October 2024 and completed the program on February 3, 2025. She has repeatedly asked Father for a paycheck or an updated employment letter, and at the hearing he gave her a typed letter with no letter head or signature dated the day before from an

employee of a company. The letter stated that Father has been an employee of a subcontractor of the company working in Pennsylvania for the past three months. She has not been able to verify it. She had scheduled time to assist Father in enrolling in a virtual parenting class, but he did not show up, and she had sent him a letter in January and February 2025 about attending a class. The day of the hearing, Father provided her with a document dated the day before which stated he had completed a four-hour parenting class.

The matter was continued to April 22, 2025. On that date, Ms. Longinotti, Aunt, and Father testified. Ms. Longinotti testified that she and Ms. Green completed a CCDSS home health assessment of Father's apartment on March 31, 2025. The assessment, which was admitted into evidence, concluded that the three-bedroom apartment did not meet the minimum standard of care for safe housing. Among other things, the apartment had no operable heat or lighting, nor was the stove or refrigerator operable. Additionally, the apartment had exposed electrical wiring. During the inspection, Father said that he was in the process of renovating the apartment, did not have a date of completion, and was doing the work himself. Forty-seven photographs of the apartment were admitted into evidence showing construction material, including drywall and lumber, throughout. Ms. Longinotti testified that Father has never requested a reinspection even though the report states that a reinspection can be done in fourteen days, and at the time of inspection, he was specifically told about how to have a reinspection and that the CCDSS could make referrals for any noted safety deficiencies, such as lack of smoke alarms.

Aunt testified that she has been a part of the boys' lives since they were born. She testified that C.G.-S. is an "amazing" child, but he "needs a lot of specialized care" and

exhibits aggressive behavior. The aggression is mostly directed to J.S., but when C.G.-S. lived with her, it was also directed at those in her home, including her ten-year-old autistic son, her three-year-old twins, and C.G.-S.'s ninety-two-year-old great-grandmother. Aunt testified that C.G.-S. also needs support around his academics, in which he is many years behind. Aunt coordinates sibling visits every week with C.G.-S.'s foster parents. She testified that the sibling visits start off "wonderfully" but devolve so that, by the end of the visit, the boys are "beyond irritated with each other[.]" J.S. has acclimated very well to her house and is very close to the twins. He is doing well in school, which is also addressing his speech delay needs. She has implemented a structured routine at home and practices emotional regulation techniques with him. She testified that the hardest days are visitation days with parents, after which it takes a full day for J.S. to de-escalate, which is what C.G.-S.'s foster family also reports to her. The dysregulation occurs regardless of which parent he is visiting. She recounted that after one of the recent transition meetings, she mentioned to Father the boys' aggressive behavior, and he said she "should have given them boxing gloves to fight it out."

Father testified that he loves to spend time with his children and during visitations the children "get along great . . . [and] we all get along great." As far as behavioral issues, he testified that the boys "behave good. They have no problem." Father testified that he does not live in the apartment he identified but nearby, both homes are on family property; he was not yet ready for the boys to live with him in the apartment; and thought the renovations would be completed in about three weeks. He explained that he works ten-hour

days as a carpenter in Pennsylvania five days a week, and if reunited with his boys, an aunt, who lives nearby, would get them ready for school and care for them until he came home.

The court admitted, with no objection, the CASA report dated April 11, 2025. The report relates that C.G.-S. has an IEP, is repeating second-grade, and performs at a pre-kindergarten to first grade level. Through his IEP, he receives speech therapy twice a week, occupational therapy once a week, and counseling every week. J.S. is in pre-kindergarten and is doing well in school but struggles with speech and language.

An unidentified CASA volunteer spoke to the court that the volunteer was concerned about the parents meeting the children's needs, if reunification were to occur. Like Ms. Green, the volunteer had not been able to observe Father using any skills from his parenting or anger management classes during his visits with the boys. Father had yet to attend any of C.G.-S.'s IEP meetings to date. The volunteer expressed concern about Father's inability to control his children during the visits, where they frequently do not acknowledge what Father is saying, and C.G.-S. has been unable to self-regulate his aggressive outbursts. Father's attorney questioned the volunteer about Father's substance abuse treatment programs but nothing else.

The matter was continued to May 6, 2025. At this hearing, the juvenile court spoke to C.G.-S., after which it issued its ruling from the bench. The court expressly reviewed the six factors of Md. Code Ann., Family Law ("FL") Art., § 5-525(f)(1) regarding permanency plans. In conclusion, the court noted that "we are pushing three years here and we just have not gotten to the point where we are even on the precipice of being able to return the boys to their parents." The court ruled that it was in the boys' best interest to

change their permanency plan from a primary plan of relative custody/guardianship and secondary plan of parental reunification to a sole plan of nonrelative custody/guardianship for nine-year-old C.G.-S. and relative custody/guardianship for five-year-old J.S. The court stated that the CCDSS had made reasonable efforts and that visitation will remain unchanged. The court subsequently entered a written order reflecting its ruling. It is from this order that Father appeals.

DISCUSSION

Standard of Review

We apply "three different levels of review" to a juvenile court's findings in a CINA proceeding. *In re Adoption/Guardianship of Jasmine D.*, 217 Md. App. 718, 733 (2014). We apply the clearly erroneous standard to factual findings; reviewing matters of law for error, unless the error is harmless; and apply the abuse of discretion standard to the juvenile court's ultimate conclusion. *In re Ashley S.*, 431 Md. 678, 704 (2013) (citing *In re Yve S.*, 373 Md. 551, 586 (2003)). "Abuse of discretion has been said to occur where no reasonable person would take the view adopted by the [juvenile] court, or when the court acts without reference to any guiding rules or principles." *Alexis v. State*, 437 Md. 457, 478 (2014) (cleaned up). *See also In re Shirley B.*, 419 Md. 1, 19 (2011) ("'[Q]uestions within the discretion of the trial court are much better decided by the trial judges than by appellate courts, and the decisions of such judges should only be disturbed where it is apparent that some serious error or abuse of discretion or autocratic action has occurred.'" (quoting *In re Yve S.*, 373 Md. at 583)).

A. Reasonable Efforts Toward Reunification

Father argues that the juvenile court erred in finding that the CCDSS made reasonable efforts toward reunification. He argues that the CCDSS only assisted him in enrolling in parenting classes since early 2025 and presented no evidence that it had provided services to him to resolve the chaotic visitations, such as family therapy or parent-child interactive therapy. He also argues that the CCDSS failed to show that it had notified him of the children's various appointments or offered him any housing assistance. The CCDSS and the children's attorney disagree and respond that the juvenile court did not commit clear error in finding that the CCDSS had made reasonable efforts toward reunification.

As part of the CINA statutory framework, a department shall make efforts to timely effectuate a permanency plan, and the juvenile court shall determine whether those efforts were reasonable. *See* Md. Code Ann., Courts & Judicial Proceedings ("CJP") § 3-816.1(b)(2)(i) and FL § 5-525(e)(1), (4). Reasonable efforts are defined as "efforts that are reasonably likely to achieve the objectives" of: 1) preventing placement of the child in the local department's custody, 2) finalizing the child's permanency plan, and 3) meeting the needs of the child. *See* CJP § 3-801(x) and § 3-816.1(b)(1), (b)(2)(i)-(ii).

There is "no bright line rule" in a reasonable efforts determination. *In re Shirley B.*, 191 Md. App. 678, 710-11 (2010). "'[E]ach case must be decided based on its unique circumstances'" and "in light of the services at [DSS]'s disposal." *In re Shirley B.*, 419 Md. at 7, 25 (quoting *In re Shirley B.*, 191 Md. App. at 711). The statute makes clear, however, that the "primary consideration must be given to the safety and health of the child." *In re*

Adoption/Guardianship of Rashawn H., 402 Md. 477, 500 (2007) (internal quotation marks and citation omitted). Additionally, while a department's efforts must adequately relate to mitigating the root cause(s) of removal, those efforts "need not be perfect to be reasonable[.]" *In re James G.*, 178 Md. App. 543, 601 (2008). Moreover, it is not reasonable to leave a child in "permanent chaos and instability" due to a parent's continued inability to care for their child. *In re Rashawn H.*, 402 Md. at 501. We review for clear error a juvenile court's determination that a department made reasonable efforts to achieve reunification. *In re Shirley B.*, 191 Md. App. at 708-09.

Here, we are only concerned with the reasonable efforts made by the CCDSS during the last review period, from October 22, 2024 until March 25, 2025. *See* CJP § 3-816.1(b)(5) (stating that the juvenile court's reasonable efforts finding is assessed for the period since the court's last finding of reasonable efforts). During that time, the CCDSS provided Father with supervised visitation through Family Affairs; determined that C.G.-S. should be assessed at Kennedy Krieger for services and had him placed on a waiting list; encouraged Father to attend the children's medical appointments; attempted to enroll him in parenting classes; and sought to inspect Father's home, but he failed to show up for the scheduled inspection. Father had only just completed a parenting class the day before the hearing, even though the CCDSS had for years attempted to have Father psychologically evaluated and attend parenting classes. Moreover, the same is true of his housing situation as Father repeatedly advised that he had housing for the children but never pursued a home assessment until after the March 2025 hearing. Father suggests other possible services the CCDSS could have provided, but as stated above, the law does not require the CCDSS to

make perfect or exhaustive efforts – only reasonable efforts. The juvenile court found that the CCDSS's efforts were more than reasonable, and we find no clear error in this finding.

B. Change of Permanency Plan

Father argues that there was insufficient evidence to support changing the children's permanency plan of reunification with Father, particularly because reunification was the only option that would keep the bonded siblings together.[6] The CCDSS and the children's attorney respond that the juvenile court did not commit error in changing the children's permanency plan where the children have been in foster care for thirty-two months, and Father was still not able to safely care for and reunify with the children.

A juvenile court must establish a permanency plan for a child who has been declared a CINA and placed in an out-of-home placement. *In re Andre J.*, 223 Md. App. 305, 320 (2015) (citing CJP § 3-823(b)). The plan must be consistent with a CINA's best interests and shall consider the following six factors:

> (i) the child's ability to be safe and healthy in the home of the child's parent;
>
> (ii) the child's attachment and emotional ties to the child's natural parents and siblings;

[6] Preliminarily, Father argues that the juvenile court erred to the extent it considered pre-filed but not admitted CCDSS reports to decide that reunification was no longer in the children's best interests. *See In re M.H.*, 252 Md. App. 29, 53-54 (2021) (holding that a juvenile court may not rely on unadmitted reports and proffers to resolve factual disputes at contested adjudication hearing). Father also argues that we cannot rely on factual information contained in those reports. Although Father fails to direct us to information the juvenile court considered in any unadmitted report, we agree with Father that any contested information in those reports cannot be relied upon to support the juvenile court's ruling because those reports were not admitted into evidence. All the reports admitted at various hearings throughout this case, however, can be properly considered.

> (iii) the child's emotional attachment to the child's current caregiver and the caregiver's family;
>
> (iv) the length of time the child has resided with the current caregiver;
>
> (v) the potential emotional, developmental, and educational harm to the child if moved from the child's current placement; and
>
> (vi) the potential harm to the child by remaining in State custody for an excessive period of time.

CJP § 3-823(e)(2); FL § 5-525(f)(1)(i)-(vi). The section does not describe the weight to be given each factor but instead directs the court to change a child's plan "if a change in the permanency plan would be in the child's best interest[.]" CJP § 3-823(h)(2)(vii).

Certainly, parents have a fundamental right to raise their children free from undue interference from the State. *In re Rashawn H.*, 402 Md. at 495. Therefore, the statute directs the juvenile court to give priority to a plan of reunification. *See* CJP § 3-823(e)(1)(i)(1). However, the statute also provides when "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." *In re Adoption of Cadence B.*, 417 Md. 146, 157 (2010) (citing CJP § 3-823(e)(1)(i) (stating that it is the best interests of the child that prevails)). Moreover, one of the goals of a CINA proceeding is to "achieve a timely, permanent placement for the child consistent with the child's best interests[.]" CJP § 3-802(a)(7). Further, the statute requires "[e]very reasonable effort . . . be made to effectuate a permanent placement for the child within 24 months . . . of initial placement." CJP § 3-823(h)(5).

Here, the juvenile court specifically addressed each of the six statutory factors and ruled that it was in the boys' best interest to change their permanency plan from a primary plan of relative custody/guardianship and secondary plan of parental reunification to a sole plan of nonrelative custody/guardianship for nine-year-old C.G.-S. and relative custody/guardianship for five-year-old J.S.

As to the first factor, the court stated that neither child could be safe and healthy in Father's care. The court found that, although Father has made progress, he has not demonstrated "an appropriate level of fitness" in caring for and managing the children. This conclusion was certainly supported by evidence of Father's home assessment that revealed exposed wires, inoperable appliances, and lack of basic safety features, and that Father has not been able to move beyond the chaotic supervised visitations twice a month. As to the second factor, the court stated: "It is very clear to me from the testimony that [Father] loves his children. . . . It is clear from the conversations that I have had with each of the boys, the boys love their parents and the boys love each other." The court stated, however, that it would not weigh this factor more heavily than the others, stating that its ultimate determination "cannot begin and end on those principles." As to the third factor, the court stated that both children are doing well in their current placements. The court noted that J.S. is living with his Aunt and her family, who he "has known his entire life." C.G.-S. is living with a foster family where his "particularized issues are being addressed by his caregivers" and the "dynamic between" him and his foster parents is "positive and nurturing." As to the fourth factor, the court noted that J.S. has been with Aunt and uncle

since November of 2024 and that C.G.-S. was returned to his current placement in January of 2025, but has resided with them historically.

In addressing the fifth factor, the court noted that the children "have been moved a lot[,]" but they are now in:

> placements where their needs are being addressed in a nurturing, structured, safe environment. You know, the socialization needs are being addressed. Mental health needs are being addressed. Educational needs are being addressed. To move them again, to change that now, where we are finally at a point where it appears that some level of functional stability has been realized for each of them, would, in this Court's mind, undoubtedly work a detriment or a harm to them. They are, given the history and given the age, they are at a point where that level of stability and structure is direly necessary. And to take action that would interrupt or impede that, once it has finally been achieved to this extent, would not be in either of the boys' best interests.

As to the sixth factor, the court stated:

> [I]f we are in a circumstance where progress is being made, and where reunification genuinely appears to be a viable option, then more time in care may not necessarily be contrary to the kids' best interests.
>
> But if we are in a circumstance where that level of progress does not appear present, where reunification does not appear to be imminently viable, it is in that circumstance where additional time rem[a]ining in the care of the State is not in a child's best interest. You know, these two boys have been in the care of the State for 32 months. The progress that has been made towards reunification is not at a point, based upon the record that has been presented to the [c]ourt, where this [c]ourt can make a finding that some more time in State care would not be detrimental. You know, these boys need permanency. They need stability. To continue to exist in the limbo of the present dynamic is contrary to their best interests.

The court noted that the children had been in the system "for almost three years[,]" which was "excessive," and "we just have not gotten to the point where we are even on the precipice of being able to return the boys to their parents."

Father objects at the outset to two comments made by the juvenile court at the beginning of the third day of the review hearings. The first comment was the court's misstatement: "[B]oth of the boys have had a substantial number of placements and being relocated. At times, they have been placed together. **I believe largely, they have been placed separately**." (Emphasis added.) Father argues that the court's brief misstatement that the boys' have historically been placed separately indicates a mistaken belief that it would "not be all that significant" for the court to place the children separately because they have largely been living apart. The second comment was the court's misstatement that C.G.-S.'s prior permanency plan was primary **nonrelative** custody/guardianship (with reunification being secondary), when it was in fact primary **relative** custody/guardianship (with reunification being secondary). Father argues that the court's misstatement suggests the court was starting from a "false premise" that it had already been found to be in the children's best interests to pursue permanency options where the children would be placed separately.

We find Father's argument amounts to no more than pure speculation that does not arise to a reversal. There is no precise standard to obtain reversal for an alleged error. *In re Adoption/Guardianship of T.A., Jr.*, 234 Md. App. 1, 13 (2017). However, one must demonstrate harm from an error that "affects the outcome of the case[.]" *Id*. The error must be "substantially injurious," and it "is not the possibility, but the probability of prejudice that is the focus." *Id*. (quotation marks and citation omitted). We note that the court made detailed findings as to why a plan change served the children's best interests. Moreover, we note that the brief misstatements were made at the outset of the third day of the review

hearing to which no one objected. Additionally, even if the court mistakenly believed what it had said, it caused no injury because it was the children's recent stability, not their recent separation, that persuaded the court to make a change in their plan. Moreover, as shown above, the court made detailed findings regarding the six factors as to why a plan change served the children's best interests.

Turning to the merits of the juvenile court's ruling, Father directs our attention to the many accomplishments he has made in the nearly three years since the children were removed from his home. He points out that he had completed substance related services in September 2023, anger management classes in February 2025, and parenting education classes in March 2025. He was employed, participated in the children's various appointments, and was in the process of renovating his home, which would be completed in a few weeks. Additionally, he regularly participated in the children's bi-monthly visitations, and while he acknowledges that the boys were "rowdy" during visitations, he states they were never injured and every caretaker has had difficulty controlling the boys' behavior. He argues the court did not receive evidence that C.G.-S.'s mental health needs could not be adequately managed if the boys stayed together, or the children would suffer greater psychological harm if placed together rather than apart. In sum, he argues that, given the strong sibling bond between the children and evidence that Father "could currently or imminently provide them with safe care," the court erred in changing their permanency plan.

Father is "cherry picking" those facts that support his argument, but he fails to look at the overall picture. Father has not been able to progress beyond the weekly and then bi-

monthly supervised visitations at any point during these proceedings. Despite corrections from the supervising agent, he has only sometimes been able to put suggestions into effect, and there is no evidence of Father using the skills learned in his parenting or anger management class effectively to bring change to the chaotic visitations. Additionally, despite assurances from the beginning that he has a home for the children, Father had failed to complete the home assessment until recently (and failed to show up for an inspection he scheduled), and the recent report related that the home did not meet the basic standard of safety and health. Moreover, Father has not requested a reassessment. Despite Father's testimony that he could have the home ready in three weeks, under the circumstances, the court could determine that this statement was not credible. Even if other caretakers had difficulty managing the boys, as argued by Father, this does not mean that the boys must reunify with Father by default where there was another plan in their best interest that allowed them to maintain safety and stability.

The court here assessed each of the six statutory factors and determined that the plan was in each of the boys' best interests. We find no error. Maintaining Father's parental rights under these circumstances would have placed the children's status in a state of suspended animation until a future date that may never occur. Despite Father's recent successes, he was still not there yet. *See In re Rashawn H.*, 402 Md. at 501 (where the Maryland Supreme Court recognized that a child's childhood is finite and that time is of the essence when it stated "that children have a right to reasonable stability in their lives and that permanent foster care is generally not a preferred option"); *In re Adoption of Jayden G.*, 433 Md. 50, 82 (2013) ("A critical factor in determining what is in the best

interest of a child is the desire for permanency in the child's life."). Accordingly, we find no error in the juvenile court's findings or ultimate decision to change the children's permanency plan.

JUDGMENTS OF THE CIRCUIT COURT FOR CECIL COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.