Circuit Court for Montgomery County
Case No. 6-Z-20-00006

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

Nos. 1283 & 1404

September Term, 2020

IN RE: G.N.

Nazarian,
Arthur,
Ripken,

JJ.

Opinion by Arthur, J.

Filed: August 30, 2021

This consolidated appeal concerns the biological parents of a child born in September 2017. The child was placed in foster care when she was two weeks old, while the mother was hospitalized for psychiatric care and the father's whereabouts were unknown. Over the next three years, the mother consistently participated in visitation, but never progressed from supervised to unsupervised visits.

In February 2020, the Montgomery County Department of Health and Human Services petitioned for guardianship of the child with the right to consent to adoption. The mother objected to the proposed termination of her parental rights. The father, who had never met the child during the first three years of her life, also objected. After a two-week trial, the Circuit Court for Montgomery County, sitting as juvenile court, found that it was in the child's best interests to terminate the parental rights of both parents.

Both parents have appealed, challenging various aspects of the juvenile court's rulings. For the reasons stated in this opinion, the judgments will be affirmed.

FACTUAL AND PROCEDURAL BACKGROUND

A. Circumstances Leading to G.N.'s Out-of-Home Placement

Ms. T. ("Mother") is originally from Cameroon and later became a Maryland resident and United States citizen. Mother is the biological mother of two daughters from two different fathers: J.T., born in April 2016; and G.N., born in September 2017.

Over a five-year period that began in 2013, Mother suffered a series of mental health crises that resulted in frequent hospitalizations. Her symptoms included auditory hallucinations, depressive episodes, suicidal ideation, and anxiety, including panic attacks. Largely because of Mother's hospitalizations and the unavailability of the

biological fathers, both children were removed from Mother's care within weeks after being born.

In April 2016, while Mother was still in a hospital following the birth of her first child, J.T., the hospital staff transferred Mother to a psychiatric unit after Mother reported hearing voices telling her that she was going to die. The Montgomery County Department of Health and Human Services removed J.T. from Mother's care and placed J.T. with a foster family.[1] Mother received treatment for postpartum psychosis and later was discharged with a diagnosis of major depressive disorder. Mother was briefly hospitalized later that month and again in the following month when her symptoms reemerged.

Once Mother was no longer hospitalized, the Department began facilitating visits between Mother and J.T., as well as providing parenting education to Mother. Initially, the Department observed that Mother was making progress in managing her mental health and achieving the goals set by parenting educators. By the fall of 2016, Mother began to have unsupervised overnight visits with J.T.

In the fall of 2016, Mother met Mr. M. ("Father"), who had moved from Cameroon to the United States a year earlier with two minor children of his own. Mother began living with Father at his apartment in Washington, D.C., in November 2016. Around this time, Father impregnated Mother with her second child, G.N.

In late December of 2016, J.T. stayed with Mother for a two-week, unsupervised

[1] J.T.'s biological father has lived in Cameroon throughout J.T.'s entire life.

visit at Father's apartment. During that visit, Father and Mother had an altercation in which Father demanded that Mother leave his apartment. A few days later, Mother was hospitalized after an apparent anxiety attack. Mother was released after four days. During that hospital stay, Mother learned that she was pregnant with her second child.

During the first six months of 2017, Mother was admitted for psychiatric treatment at four different hospitals. Mother was diagnosed with Bipolar I disorder with psychotic features. Ultimately, Mother underwent an extensive course of electroconvulsive therapy in the spring of 2017. Afterwards, Mother resided at an assisted living facility with 24-hour wraparound services for adults with mental illnesses.

G.N. was born in September 2017. After G.N.'s birth, Mother moved to a residential facility operated by Uplift I.N.C., which provides mental health care services and accepts parents who live with minor children.[2] Two weeks later, Uplift staff made a report of suspected neglect to the Baltimore City Department of Social Services. According to Uplift staff, Mother appeared to be in a catatonic state, and, on one occasion, G.N. was pressed against a brick wall while Mother was co-sleeping with G.N. By emergency petition, Mother was involuntarily admitted to Johns Hopkins Hospital.

G.N. was removed from Mother's care and placed with foster care providers, Mr. and Ms. P., at their home in Baltimore. G.N. has lived with the P. family continuously since her removal from Mother's care.

On January 17, 2018, after an adjudicatory hearing, the Circuit Court for

[2] "I.N.C." is not a typographical error; it is an acronym for "Individuals iN Christ."

Baltimore City, sitting as juvenile court, found that G.N. was a child in need of assistance. Mother did not contest the allegation that G.N. was a child in need of assistance, i.e. "a child who requires court intervention because (1) [t]he child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and (2) [t]he child's parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child's needs." Md. Code (1974, 2020 Repl. Vol.), § 3-801(f) of the Courts and Judicial Proceedings Article. The parties stipulated that the whereabouts of G.N.'s father were "unknown" and that Mother had identified Mr. M. as "a possible father" of G.N.

B. Unsuccessful Reunification Efforts

Mother remained hospitalized for four months after G.N.'s birth. Afterwards, Mother relocated to a shelter in Silver Spring, more than one hour away from G.N.'s foster home in Baltimore. In early 2018, the Baltimore City Department of Social Services began facilitating supervised visits between Mother and G.N. Because of the travel time and the limited resources of the local department, these visits occurred no more frequently than once every two weeks.

Meanwhile, the Montgomery County Department of Health and Human Services petitioned for guardianship of G.N.'s older half-sister, J.T. In the summer of 2018, the Circuit Court for Montgomery County, sitting as juvenile court, held a hearing to decide whether to terminate Mother's parental rights as to J.T. After the hearing concluded, the foster family who had been caring for J.T. for more than two years suddenly asked that J.T. be removed from their home. The Department temporarily placed J.T. with a

different foster family.

On November 15, 2018, the juvenile court issued an order terminating Mother's parental rights as to J.T. Mother appealed, and this Court eventually reversed the termination of Mother's parental rights as to J.T. *In re Adoption/Guardianship of J.T.*, 242 Md. App. 43 (2019). This Court concluded that the juvenile court had erred by not holding an additional hearing to reevaluate J.T.'s best interests after J.T. was unexpectedly removed from the care of her foster parents. *Id.* at 71. This Court also held that the juvenile court had not adequately considered the progress Mother had been making in managing her mental health at the time of the hearing. *Id.* at 71-72.

The Montgomery County Department of Health and Human Services arranged for J.T. and G.N. to meet each other for the first time in early 2019. By the summer of 2019, J.T. began living with the P. family in Baltimore. J.T. has lived with the P. family ever since.

The Department, which had been managing J.T.'s case since its inception, also took over responsibility for G.N.'s case in early 2019. The Department began facilitating supervised visits between Mother and G.N. twice per month, for two hours per visit. Community service aides transported G.N. from her foster home in Baltimore to a visitation house in Montgomery County. Once J.T. moved into the P. family's home, Mother began having combined visits with both daughters. The Department provided Mother with a French-speaking parenting educator during these supervised visits.[3]

[3] Later, in March 2020, Mother's visits became remote video visits as a precaution during the COVID-19 pandemic. The in-person visits resumed in July 2020.

When the Department took over G.N.'s case, the Department attempted to contact Mr. M., whom Mother had identified as G.N.'s biological father. In March 2019, Shiho Murakami, a social worker for the Department, sent a letter to Father at an address in Washington, D.C., asking him to contact the Department. Several days later, Father responded by phone saying: "I received a letter. What's wrong with the baby?" Because Father preferred to continue the conversation in French rather than English, Ms. Murakami called back on the following day with a French-speaking colleague. During that conversation, Father claimed that he did not know Mother and declined to take a paternity test.

Over the next several months, the Department sent letters to Father's last-known address, requesting his participation in paternity testing. Father failed to appear for the scheduled tests. Ms. Murakami repeatedly called Father by phone, but those calls ended as soon as she identified herself as a social worker. In early 2020, the Department discovered a new address for Father and sent a certified letter asking him to contact the Department regarding G.N., but the Department received no response. The Department eventually verified that Father's actual address was the same address used for the certified letter and that his phone number was the same number that the Department had used in its attempts to contact him.

Meanwhile, Mother achieved relative stability after her most recent psychiatric hospitalization in early 2018. Vesta, Inc., an outpatient mental health clinic, provided regular therapy and monitored Mother's use of medications. Mother progressed from a series of shelters to a transitional housing facility and then to an apartment with rental

assistance. Mother found and maintained part-time employment as a cashier at a grocery store. Yet even though Mother consistently participated in visitation, social workers and parenting educators believed that Mother was not making progress toward being able to care for her daughters safely without constant intervention from her support team.

During September 2019, Mother underwent a comprehensive evaluation by Dr. Samantha Bender, a clinical psychologist, after a referral by the Department. Dr. Bender had evaluated Mother three years earlier in connection with J.T.'s child-in-need-of-assistance case. At that time, Dr. Bender had determined that Mother met the criteria for post-traumatic stress disorder and major depressive disorder, recurrent, in partial remission, with a history of psychotic features.

In the updated evaluation report, Dr. Bender noted "a marked deterioration in [Mother's] presentation from 2016 to the present[.]" Dr. Bender observed that, during the 2019 interviews, Mother's "affect was flat and her speech was slow and at times slurred, although her thought process was coherent." Using a variety of tests to measure Mother's cognitive ability, Dr. Bender diagnosed Mother with "Unspecified Neurocognitive Disorder" and "Borderline Intellectual Functioning." Dr. Bender concluded that Mother's history and testing results indicated that she has "significant vulnerability to becoming overwhelmed in the face of increasing environmental demands" and "impaired problem-solving skills that include impairment in her ability to utilize environmental feedback to guide her problem-solving or shift her approach as needed and impairment in her ability to transfer knowledge or insight gained in one

situation or aspect of problem-solving to a subsequent similar situation."[4]

In the fall of 2019, the Department recommended changing the permanency plans for J.T. and G.N. from reunification with Mother to adoption by a non-relative. Mother contested the proposed change in the permanency plans.

The Circuit Court for Montgomery County, sitting as juvenile court, held a review hearing in December 2019 and January 2020. Father was not a party to the proceedings. Afterwards, the juvenile court issued orders changing the permanency plans for J.T. and G.N. to adoption by a non-relative. Mother appealed to the Court of Special Appeals.

On February 26, 2020, the Department filed a petition asking the juvenile court to terminate the parental rights of Mother and Father as to G.N. and to grant the Department guardianship of G.N. with the right to consent to adoption. Mother filed a timely notice of objection to the petition.

At the time of the guardianship petition, Father had not participated in any of the juvenile court proceedings regarding G.N. After being served with the petition, Father filed a timely notice of objection. Father subsequently submitted to a paternity test, which, in June 2020, confirmed that he is G.N.'s biological father. Father met G.N. for the first time in October 2020. He had failed to arrive for his first scheduled visit during the previous month.

On September 11, 2020, this Court affirmed the juvenile court's orders changing

[4] Dr. Bender recommended further neurological testing to evaluate other medical causes of the deterioration in Mother's functioning. A neurologist opined that Mother's impairments are likely the combined result of her psychiatric illnesses and her treatment, including medications and electroconvulsive therapy.

the permanency plans for G.N. and J.T. to adoption by a non-relative. *In re: J.T. & G.N.*, No. 2372, Sept. Term 2019, 2020 WL 5499051 (Md. Ct. Spec. App. Sept. 11, 2020) (unreported). In her appeal, Mother had argued that the juvenile court failed to make reasonable efforts to achieve the permanency plan of reunification. Mother had also challenged the juvenile court's determination that a permanency plan of adoption by a non-relative was in each child's best interest. This Court rejected these challenges. This Court concluded that "the Department assisted Mother with extensive measures designed to improve her mental health and supported her in developing stability and proper parenting skills[,]" but "Mother did not show adequate progress—over a four-year period—in developing parenting skills that would make it safe for her to be in charge of her two children." *Id.* at *16.

In October 2020, the juvenile court held a hearing on the Department's request to terminate Mother's parental rights as to J.T. The juvenile court found by clear and convincing evidence that Mother was unfit to remain in a parental relationship with J.T. and that terminating Mother's parental rights was in J.T.'s best interests. For the second time, the juvenile court terminated Mother's parental rights as to J.T. Mother appealed. This Court ultimately upheld the termination of Mother's parental rights as to J.T. *In re: J.T.*, Nos. 1023 & 1137, Sept. Term 2020, 2021 WL 2653543 (Md. Ct. Spec. App. June 28, 2021) (unreported).

C. Trial on Termination of Parental Rights as to G.N.

In December 2020, the juvenile court conducted a two-week trial on the Department's petition for guardianship of G.N. with the right to consent to adoption. At

the time of trial, G.N. was three years and three months old. Mother and Father opposed the requests to terminate their respective parental rights in G.N. Counsel for the child supported the Department's petition.

At trial, the Department offered expert testimony from Dr. Samantha Bender regarding the results of the two psychological evaluations of Mother. Dr. Bender concluded that Mother experienced "a significant deterioration in [her] functioning between the time of the 2016 evaluation and the time of the 2019 evaluation[.]" Dr. Bender opined that this deterioration was "consistent with [Mother's] own self report and reports of child welfare workers" who had been working with her, as well as findings from Mother's recent neurological and neuropsychological evaluations. Dr. Bender explained that "there are not medications that increase someone's level of cognitive functioning."

In Dr. Bender's opinion, the "most concerning" findings were test results showing that Mother had "difficulty with problem solving." Dr. Bender explained that, although Mother was capable of handling routine tasks necessary to support and care for herself, she was impaired in her ability to solve problems where she lacked specific directions to follow. Dr. Bender opined that this impairment would make it difficult for Mother to make effective decisions when faced with any of the unexpected problems that inevitably arise when caring for a child.

As part of her case, Mother offered testimony from Dr. Lisa Piechowski, an expert in forensic psychology. Dr. Piechowski opined that Dr. Bender's conclusions were unreliable because of linguistic and cultural biases in the tests that Dr. Bender used to

assess Mother's cognitive ability. Dr. Piechowski opined that the tests used by Dr. Bender would not produce accurate results for a person, such as Mother, who is not a native English speaker and who was raised in Cameroon.[5]

Emily Brewster McCarthy, a community service aide with the Department, testified that, beginning in early 2019, she provided transportation and supervision for Mother's visits with G.N. and J.T. Ms. McCarthy observed that Mother was significantly less attentive to the children when she did not receive prompting from a parenting educator. In particular, Ms. McCarthy noted that Mother tended to focus most of her attention on J.T. at the expense of G.N.[6] Ms. McCarthy observed that G.N. behaved cautiously around Mother and rarely would initiate any physical affection with Mother. Ms. McCarthy recalled that, on four occasions, Mother failed to react to potential safety threats, such as when one of the girls would try to open the front door to the visitation house or would run near a busy street or parking lot. On those occasions, Ms. McCarthy and her colleagues needed to intervene.

Phuong Pham-Lee, who specialized in assisting with families who may have language or cultural barriers, worked with Mother from September 2019 through February 2020. Ms. Pham-Lee testified that, when she helped supervise visits, she often

[5] Despite Dr. Piechowski's critique, the juvenile court ultimately found that Dr. Bender's conclusions were reliable.

[6] Ms. McCarthy also expressed concern that, during a visit to celebrate G.N.'s third birthday, Mother "brought gifts for both girls, the same thing for both girls." According to Ms. McCarthy, Mother seemed to treat G.N.'s birthday celebration "as if they were twins or as if it was [J.T.'s] birthday."

observed that Mother would tend to focus her attention on J.T. and that G.N. would be visibly upset. Ms. Pham-Lee said that she never saw G.N. demonstrate affection toward Mother and that G.N. would appear "uncomfortable" and "crunch her body down" or "pull herself away" whenever Mother would try to give her a hug or a kiss.

Sophia Coudenhove-Kalergi, a Licensed Certified Social Worker—Clinical, testified as an expert in social work and parenting education. Ms. Coudenhove worked with Mother over approximately 40 sessions from the summer of 2019 to the summer of 2020. When Ms. Coudenhove began working with Mother, she observed that Mother had a stronger relationship with J.T. than with G.N. and that J.T. received "considerably more maternal attention" than G.N. After several months, Ms. Coudenhove reported that Mother continued to rely heavily on parenting educators, social workers, and community service aides when it came to setting boundaries for the children.

Ms. Coudenhove noted that Mother made some progress toward the goal of dividing attention between the two girls, but that this progress halted in early 2020, when the in-person visits became video visits in response to the COVID-19 pandemic. Ms. Coudenhove said that G.N. barely had any interaction with Mother during the video visits. After more than a year of parenting education, Ms. Coudenhove reported that Mother "still demonstrate[d] a passivity" that in Ms. Coudenhove's opinion "prevent[ed] [Mother] from exerting the necessary authority to keep [G.N.] and [J.T.] supported and safe unsupervised."

Kerrie LaRosa, a Licensed Masters Social Worker, testified as an expert in the field of parenting education. Beginning in August 2020, Ms. LaRosa provided parenting

education to Mother during visits with both J.T. and G.N. Ms. LaRosa had previously worked with Mother and J.T. during the summer of 2016. Ms. LaRosa recalled that, during the parenting education sessions that occurred in 2016, Mother was able to carry over information from one session to the next and to achieve the parenting goals that Ms. LaRosa established. By contrast, Ms. LaRosa said that Mother failed to achieve the parenting goals established for the 2020 sessions.

For instance, Ms. LaRosa said that she and other social workers had demonstrated to Mother the importance of setting "boundaries for where the children could go physically in order to help maintain their safety" in outdoor settings. Later, when they moved to a different location, Mother did not set any similar boundaries for the children. The children walked towards an elevator bank, but Mother "didn't seem to notice" and Ms. LaRosa needed to redirect the children to a safe play area.

Ms. LaRosa believed that Mother did not demonstrate insight into why the parenting educators and social workers needed to intervene during visits, even though Mother had demonstrated insight into the purpose of the parenting education in 2016. Ms. LaRosa observed that Mother was able to implement some "very concrete" suggestions but that she "has a hard time generalizing or making adjustments" to different circumstances. Ms. LaRosa said that Mother "misinterprets or does not follow through on suggestions in the same way that she did in 2016, and she does not do so consistently." Ms. LaRosa doubted that Mother would ever be able to achieve the parenting education goals through additional lessons.

Shiho Murakami, an adoption caseworker and child protective services worker,

began working on G.N.'s case when it was transferred to the Department in early 2019. The juvenile court accepted Ms. Murakami as an expert in the areas of social work, safety and risk, and attachment theory.

Ms. Murakami reported that Mother often was slow to respond to possible safety threats, "such as [a] child running out of the building, or [Mother] leaving sharp objects on [a] table during the visits while she's not around that object[.]" Ms. Murakami expressed concern that Mother often would become focused on a particular task, such as preparing food, and "completely le[ave]" the two girls in the care of social workers or parenting educators. Similarly, Ms. Murakami observed that Mother sometimes would be occupied with one of the children and forget to pay attention to the other. Ms. Murakami believed that Mother had never demonstrated the ability to care for even one child without help from her support team. Ms. Murakami opined that, as of the time of trial, G.N. would not be safe if left unsupervised in Mother's care. Ms. Murakami did not believe that any additional services would allow G.N. to be returned safely to Mother's care within a reasonable period of time.

Ms. Murakami characterized G.N. as "dismissive" toward Mother and said that G.N. had "a consistent pattern of avoiding" Mother. For instance, Ms. Murakami observed that when Mother would try to give G.N. a hug, G.N. "would stand there and she w[ould] allow [Mother] to hug her, but she wouldn't return the hug back to [Mother]." Ms. Murakami further opined that Mother's tendency to devote most of her attention to J.T. instead of G.N. threatened G.N.'s emotional safety.

Ms. Murakami opined that G.N. was "definitely safe," both physically and

emotionally, in her current placement with the P. family. In Ms. Murakami's opinion, G.N. was "securely attached" to her foster parents, Mr. P. and Ms. P., and that G.N. showed that she trusted them as caregivers. Mr. Murakami said that G.N. established an "instantaneous and very strong bond" with her older half-sister, J.T., when J.T. moved into the P. home in mid-2019. Ms. Murakami also observed that G.N. was emotionally attached to the P. family's other adopted daughter, K., and "looks up to [K.] as her older sister[.]" Ms. Murakami opined that it would be "significantly damaging to [G.N.]'s healthy development" to remove G.N. from the care of the P. family, who had cared for her "for over 38 months."

Mr. P. and Ms. P., who had cared for G.N. since she was 18 days old, both testified that they intend to adopt G.N. if granted the opportunity do so. Mr. and Ms. P. live in a single-family home in Baltimore with three children: G.N., J.T., and K., their adopted daughter, who was eight years old at the time of trial. Mr. P. works as a warehouse supervisor and Ms. P. works as a social worker. G.N. attends preschool or daycare when Mr. and Ms. P. are working. Mr. and Ms. P. commented that G.N. appears to be very happy in their home and has bonded closely with J.T. and K.

In her testimony, Mother said that she was currently employed as a cashier at a supermarket, where she had worked for more than two years. Mother said that she lived at the same apartment for more than two-and-a-half years. Mother previously received rental assistance, but she had been paying rent on her own since early 2020. Mother said that she was "feeling much better" since she had been taking the two medications that she was currently taking (around the fall of 2018) and intended to continue taking that

medication regimen.

Mother offered expert testimony from Alimatue Nabie, a psychiatric nurse practitioner, who had monitored Mother's medication usage since mid-2019. Ms. Nabie explained that, at the time of trial, Mother was taking two medications daily, a mood stabilizer and an anti-psychotic. Ms. Nabie reported that Mother's mental health was "stable," that Mother was taking her medication as prescribed, and that Mother had never missed any scheduled appointments. Ms. Nabie testified that, while working with Mother for about a year and half, she had "no concerns" about Mother.

Mother presented testimony from Ronald Means, M.D., whom the court accepted as an expert in forensic psychiatry. Based on a review of Mother's medical records, Dr. Means opined that Mother had "done well over the past approximately three years" of treatment for bipolar disorder and major depressive disorder. Specifically, Dr. Means said that Mother had "been taking the prescribed medication regimen" and had "been able to not only maintain stability but actually reduce the number of medications that she is taking[.]" Dr. Means said that it was "a good sign" of Mother's future stability that she had been tolerating the same regimen of two medications for more than two years.

In his testimony, Father stated that he moved to the United States in 2015 and is now a permanent resident. At the time of trial, Father was employed as a maintenance worker at Dulles International Airport and was also working part-time at a restaurant. Father had lived at various addresses in Washington, D.C., before moving to Prince George's County in 2018. Father had two minor children in his sole custody, one who was in high school and the other who was in first grade. Father said that he and his

children lived in a house with his brother, his brother's wife, their four children, and other members of Father's extended family.

Mother and Father provided conflicting accounts of the end of their relationship. Mother testified that, on December 27, 2016, she told Father that she had an anxiety problem that had started when she was in a previous relationship. Mother said that Father became upset when he learned that she had previously dated a white man. Mother said that he became so angry that he told her that he did not want her to stay at his house anymore. Mother recalled that she felt very anxious and called a social worker, who came to pick up J.T. a few days before the end of the scheduled visit. According to Mother, the social worker called 911 and paramedics took Mother to a hospital.

In his testimony, Father said that two incidents prompted him to ask Mother to leave his home in late December 2016. First, Father claimed that Mother took his two children, who were around three years old and 13 years old at the time, to go shopping in Silver Spring and left them to find their own way back to their home. Second, Father claimed that Mother threw away food inexplicably and made "a big mess in the house" with wet laundry. Father said that, because of these behaviors, he decided that he could no longer allow her to stay at his home with his two children. Father said that he called the police and that the police removed her from the house.

Mother testified that in January 2017, after her release from the hospital, she visited Father at his home and told him that she was pregnant. Mother testified that Father denied that he was the father of the child and told her to leave. Mother said that she made repeated attempts to contact Father but she eventually stopped trying because

he never replied.

In his testimony, Father claimed that he never spoke with Mother after he called the police to remove her from his home. Father acknowledged that Mother sent him a message through Facebook, telling him that she was pregnant, but he claimed that he did not believe her. Father acknowledged speaking with Ms. Murakami in March 2019. Father claimed that he had refused to submit to a paternity test because the last name of the putative mother was not the same name that Mother had used when he was in a relationship with her. Father denied receiving any letters requesting that he take a paternity test and denied hanging up on phone calls from the Department.[7]

D. Juvenile Court's Decision to Terminate Parental Rights

On January 11, 2021, the juvenile court entered a final order terminating the parental rights of Mother and Father as to G.N. The order granted the Department guardianship of G.N. with the right to consent to adoption or to long-term care short of adoption. The court set forth its findings of fact and conclusions of law in a comprehensive, 52-page opinion. With respect to both parents, the court expressly discussed each of the factors set forth in § 5-323(d) of the Family Law Article of the Maryland Code.

The juvenile court stated that, when G.N. was initially removed from Mother's care 18 days after her birth, Mother was "suffer[ing] a severe mental health crisis and was hospitalized with a diagnosis of major depressive disorder[,]" while Father's

[7] The juvenile court ultimately found that Father's testimony on these issues was not credible.

"whereabouts were unknown." The court said that "[Mother's] recurring acute mental health and psychiatric hospitalizations and [Father's] unavailability constitute[d] neglect and necessitated [G.N.]'s emergency removal and placement."

The court recognized that Mother had been "crisis free" since her most recent psychiatric hospitalization in early 2018. The court noted that, at the time of trial, Mother was taking medication daily and attending regular therapy as part of her ongoing treatment for her diagnosis of bipolar disorder. The court further observed that Mother was maintaining stable housing and employment.

The court's acknowledgment of Mother's progress came with significant reservations. The court expressed concern that, on more than one occasion, Mother had decided to stop taking medications prescribed to her and that, at one point, Mother had decided to decrease the frequency of her therapy sessions. The court said that Mother's "ambivalence about therapy and unilateral decisions about necessary medications . . . illustrates a lack of insight into the essential components of her recovery" and "increases the risk of [Mother] not adhering to her medication and therapy regime in the future."

Similarly, the court observed that Mother had a history of making comments minimizing the importance of her mental health issues. Ms. Murakami testified that, when she interviewed Mother in early 2019, Mother said that she was depressed not because of a medical condition but because she was apart from her daughters. The court noted that, at a permanency planning review hearing a year earlier, Mother "stated repeatedly that mental health was not the cause of her inability to care for her children." The court said that, at the termination-of-parental-rights trial, Mother asserted that "she

always knew that mental health was the issue." The court found this assertion "was not credible," because "her testimony was replete with denials" of basic facts about her well-documented mental health history. The court said that it had "serious concern regarding [Mother's] lack of insight into the role her mental health history has played in the lives of her children."

The court considered at length whether Mother had a disability which made her unable to care for G.N.'s immediate and ongoing needs for long periods of time. The court credited Dr. Bender's opinion that Mother had experienced a deterioration in her cognitive functioning between 2016 and 2019. The court noted that this conclusion was consistent with the findings from her recent neurological evaluations, as well as the reports of social workers and parenting educators indicating that Mother was "slow to respond to unforeseen risks" and unable "to shift instruction regarding risk from one environment to another." The court concluded that "the increased demands of childcare" would present the types of challenges that Mother was ill-equipped to face. Ultimately, the court said: "The practical effects of Mother's disability with the deterioration in functioning and lack of insight into core issues, elevates the risk in terms of her ability to safely parent [G.N.] over a long period of time." The court added: "This risk is further magnified given [G.N.'s] young age since she is unable to protect, report or advocate for herself."

The court stated that, although Mother was "receptive to th[e] oversight and education" provided by the Department, her progress remained "inconsistent." The court said that the Department had been "providing case management services to [Mother] for

over [four and a half] years, coordinating efforts with other providers, tracking Mother's progress through multiple hospitalizations and periods of unstable housing, facilitating psychological evaluations, supervising visitation, and providing parenting education." The court said that Mother had "made appreciable progress in managing the basics of housing, employment, transportation, and finances[,]" but not "[o]n the critical piece of parenting[.]" "Given the length of time that services ha[d] been provided by a continuum of support teams" and "the fact that Mother ha[d] not yet progressed to even unsupervised visitation," the court found that Mother "is not likely to benefit from additional services to affect a lasting parental adjustment, so that [G.N.] can be returned to her within an ascertainable time."

The court said that "[G.N.]'s emotional ties with [Mother] can best be described as distant." Relying on the extensive testimony concerning Mother's supervised visits with G.N., the court concluded "that [G.N.] does not have a grounded emotional bond with [Mother] and that, if anything, [G.N.] has been resistant to [Mother's] attempts to engage her." The court said that Mother's attempts to build a bond with G.N. had been "inconsistent and overshadowed by Mother's focus on [J.T.]." In the court's assessment, G.N. "appear[ed] to acquiesce in the scheduled contact with [Mother], but never to welcome or embrace it."

The court found that G.N. has a strong emotional bond with her half-sister, J.T., and with the P. family's other adopted daughter, K. The court found that G.N. has "a strong attachment to and strong emotional ties with both Mr. and Ms. P." The court was "persuaded that [G.N.] is secure in [the P. family's] home, and that it adequately and

appropriately provides a stable and loving environment for her." The court found that G.N. had "adjusted well to her foster home from the outset" and "continued to thrive" with the P. family. The court noted that G.N. was "developmentally on target and maturing socially and educationally." The court credited Mr. P.'s and Ms. P.'s testimony that they intended to adopt G.N. if given the opportunity to do so. Overall, the court found that terminating the parental rights of G.N.'s biological parents was likely to enhance G.N.'s well-being by allowing G.N. to achieve permanent placement.

In summary, the court said that "Mother's psychiatric history and its aftermath have left her largely unavailable to parent [G.N.] in a safe and emotionally grounded manner." The court considered "[Mother's] lack of insight into core issues[] and inability to make real progress in her parenting capacity" to be "insurmountable obstacles" to reunification. The court found, by clear and convincing evidence, that Mother is unfit to remain in a parental relationship with G.N. and that terminating Mother's parental rights is in G.N.'s best interests.

The court explained that Father's circumstances are "very different" from those of Mother. The court said that Father had "simply been absent in [G.N.'s] life."

The court credited Mother's testimony that she told Father that she was pregnant with his child as soon as she learned of the pregnancy, and that he responded by denying that he was the father and telling her to leave. The court observed that Mother's testimony was consistent with prior statements she made to doctors and social workers. The court did not credit Father's testimony that he was unaware that he was G.N.'s biological father throughout the first three years of her life. The court found that Father

"knew that [Mother] was pregnant" and that he "was, in fact, running from his duties." The court noted that Father "made his initial choice to abandon his unborn child knowing that [Mother] had mental health issues and that she had [another] child in the foster care system."

The court found that Father "continued to evade his responsibilities by ignoring the Department's attempts to establish whether he was [G.N.]'s father," until he eventually learned that the Department was seeking to terminate his parental rights. The court noted that Father objected to the petition "before even taking the DNA test" that established his paternity. The court was "convinced that [Father's] abandonment of his responsibilities over the course of [G.N.]'s young life renders him fundamentally unfit." The court further said that "the circumstances of his parental relationship with [G.N.] can be fairly characterized as exceptional." The court found, by clear and convincing evidence, that terminating Father's parental rights is in G.N.'s best interests.

Within 30 days after the juvenile court entered the order terminating the parental rights of both parents, Mother and Father each filed timely notices of appeal.

On February 2, 2021, the juvenile court entered an order closing G.N.'s child-in-need-of-assistance case. In the same order, the court reduced Mother's supervised visitation from once per month to once every two months, for the period from February 2021 through April 2021, and then to once every three months, for the period from May 2021 through October 2021. Mother filed a second notice of appeal.

QUESTIONS PRESENTED

In this consolidated appeal, Mother and Father each challenge the termination of

their respective parental rights as to G.N. In addition, Mother challenges the juvenile court's decision to reduce her visitation with G.N. after the termination of her parental rights. The Department and the child, through counsel, contend that the juvenile court's orders should be affirmed.

In her appellate brief, Mother presents the following three questions:

> 1. Did the court err in finding sufficient evidence that Mother was unfit to continue a parental relationship with G.N. when Mother achieved stability with her mental health and Mother's track record indicated progress in all respects?
>
> 2. Did the court commit error when it found that the department had made reasonable efforts to facilitate reunification between Mother and G.N.?
>
> 3. Did the court abuse its discretion when it unilaterally decreased Mother's visitation with G.N.?

In his appellate brief, Father presents the following three questions:

> 1. Was the evidence legally sufficient to establish either parental unfitness of the father or exceptional circumstances rendering it in [G.N.]'s best interest to terminate [Father's] rights?
>
> 2. Did the trial court err in admitting evidence of a direct comparison between the biological parents and the foster/pre-adoptive parents?
>
> 3. Did the trial court err in permitting the father to be asked whether the foster parents were espousing an unreasonable position, and the mother to be asked whether the father had deceived her?

For the reasons discussed below, we see no basis to disturb the judgments of the juvenile court.

STANDARD OF REVIEW

Parents have a fundamental right to raise their children without undue State interference. *See, e.g.*, *In re Adoption/Guardianship of H.W.*, 460 Md. 201, 215-16 (2018). These rights are "not absolute," however, and "must be balanced against the fundamental right and responsibility of the State to protect children, who cannot protect themselves, from abuse and neglect." *In re Adoption/Guardianship of Rashawn H.*, 402 Md. 477, 497 (2007). When the State determines "that a parent cannot adequately care for a child, and efforts to reunify the parent and child have failed, the State may intercede and petition for guardianship of the child[.]" *In re Adoption/Guardianship of C.E.*, 464 Md. 26, 48 (2019). The grant of a petition for guardianship "terminates the existing parental relationship" and transfers the parental rights to the State, so that the State may "re-transfer the parental rights to an adoptive family." *Id.* (citing *In re Adoption/Guardianship of Rashawn H.*, 402 Md. at 496).

In deciding whether parental rights should be terminated, the court's overriding consideration is the best interest of the child. *See In re Adoption of Ta'Niya C.*, 417 Md. 90, 112 (2010). The law presumes that a child's best interests are served by maintaining a parental relationship between the child and the child's parents. *In re Adoption/Guardianship of C.E.*, 464 Md. at 50. The State may overcome this presumption only if it establishes, by clear and convincing evidence, that the parent is unfit or that exceptional circumstances exist that would make continuing the parental relationship detrimental to the child's best interests. *Id.*

Maryland Code (1984, 2019 Repl. Vol.), § 5-323(d) of the Family Law Article ("FL") provides that, "[i]n ruling on a petition for guardianship of a child," the juvenile court must "give primary consideration to the health and safety of the child and consideration to all other factors needed to determine whether terminating a parent's rights is in the child's best interests[.]" FL § 5-323(d)(1)-(4) sets forth the factors that the court "must specifically examine and consider" when making its determination. *In re Adoption/Guardianship of C.E.*, 464 Md. at 53. These factors also guide the assessment of whether a parent is unfit or that exceptional circumstances exist justifying the termination of parental rights. *Id.* at 50-51. "Ultimately, these factors seek to assist the juvenile court in determining 'whether the parent is, or within a reasonable time will be, able to care for the child in a way that does not endanger the child's welfare.'" *Id.* at 51-52 (quoting *In re Adoption/Guardianship of Rashawn H.*, 402 Md. at 500).

If, upon consideration of these factors, the juvenile court "finds by clear and convincing evidence that a parent is unfit to remain in a parental relationship with the child or that exceptional circumstances exist that would make a continuation of the parental relationship detrimental to the best interests of the child such that terminating the rights of the parent is in the child's best interests, the juvenile court may grant guardianship of the child" without the parent's consent. FL § 5-323(b).

When reviewing a decision to terminate parental rights, an appellate court will not disturb the juvenile court's factual findings unless those findings are clearly erroneous. *In re Adoption of Ta'Niya C.*, 417 Md. at 100. Under this standard, the appellate court must "give due regard to the opportunity of the trial court to judge the credibility of the

witnesses." Md. Rule 8-131(c). The appellate court determines "questions of law without deference, and if the [juvenile] court erred, further proceedings are ordinarily required unless the error is harmless." *In re Adoption/Guardianship of H.W.*, 460 Md. at 214. The appellate court will disturb the juvenile court's ultimate determination "'only if there has been a clear abuse of discretion.'" *Id.* (quoting *In re Adoption of Ta'Niya C.*, 417 Md. at 100).

This Court has described the scope of our review as follows:

> [O]ur function, in reviewing the juvenile court's findings, is not to determine whether, on the evidence, we might have reached a different conclusion. Rather, it is to decide only whether there was sufficient evidence—by a clear and convincing standard—to support the court's determination that it would be in the best interest of the child to terminate the parental rights of the parent. In making that decision, we must assume the truth of all the evidence, and of all of the favorable inferences fairly deducible therefrom, tending to support the factual conclusion of the trial court. And, in a case involving termination of parental rights, the greatest respect must be accorded the opportunity the trial court had to see and hear the witnesses and to observe their appearance and demeanor. Where the best interest of the child is of primary importance, the trial court's determination is accorded great deference, unless it is arbitrary or clearly wrong.

In re Adoption/Guardianship of C.A. & D.A., 234 Md. App. 30, 46 (2017) (citations, alteration marks, and quotation marks omitted).

MOTHER'S APPEAL

I. Determination of Unfitness to Remain in Parental Relationship

In this appeal, Mother contends that the juvenile court erred when it found by clear and convincing evidence that Mother was unfit to remain in a parental relationship with G.N. According to Mother, the juvenile court terminated her parental rights as to G.N.

based on an erroneous "finding that her mental health issues and illness amounted to parental unfitness."

Mother asserts that, at the time of the termination-of-parental-rights trial in December 2020, her bipolar disorder was in remission and she had maintained stability for nearly three years. Mother faults the court for its scrutiny of decisions to stop taking certain prescribed psychiatric medications in 2018 and to temporarily reduce the frequency of her therapy in 2019. In this regard, the court said that Mother's "ambivalence about therapy and unilateral decisions about necessary medications . . . illustrate[] a lack of insight into the essential components of her recovery[,]" which "increases the risk of [Mother] not adhering to her medication and therapy regime in the future." Mother criticizes the juvenile court for its "focus on decisions Mother made when emerging from her prior hospitalization and was just gaining stability rather than crediting Mother's more recent and current decisions" in managing her mental health.

Mother recognizes that "a parent's past conduct is relevant to a consideration of the parent's future conduct." *In re Adriana T.*, 208 Md. App. 545, 570 (2012) (citing *In re Dustin T.*, 93 Md. App. 726, 731 (1992)). Mother argues, however, that "when the court has more recent evidence, not only of a parent's progress, but a demonstrated track record of stability, the court cannot ignore progress in favor of past concerns." Mother concludes: "Where Mother's trajectory of progress toward the near future was strong and positive, the court erred in focusing on her past to justify the termination of her relationship with G.N."

We agree with Mother that it would have been improper for the juvenile court to

give undue weight to Mother's past circumstances rather than her progress in overcoming those circumstances by the time of trial. We disagree, however, with Mother's account of the reasons for the juvenile court's decision. In our assessment, the juvenile court properly focused on the results of Mother's efforts to make a lasting adjustment. The court concluded that Mother's progress over three years, while significant, was insufficient to make it safe for G.N. to return to Mother's care in an ascertainable time consistent with G.N.'s welfare. We see no error or abuse of discretion in the court's conclusions.

The juvenile court found that one major obstacle to reunification was that Mother "lacks insight" into her mental health challenges and its effect on her children. The court credited Ms. Murakami's report that, in March 2019, Mother stated that she believed that she would not need medications if her children were returned to her because she believed that she was depressed only because she was apart from her children. The court recounted that, at a permanency planning review hearing in December 2019 and January 2020, Mother "steadfastly maintained that her mental health had not been an obstacle to caring for her children at any time."

The court explained that, at the termination-of-parental-rights trial in December 2020, Mother "sought . . . to modify" her prior testimony and asserted that "she always knew" that her mental health was the main obstacle to reunification. The court stated that Mother's trial testimony "was replete with denials of what has become a well-documented account of her history, much of it included in [child-in-need-of-assistance] petitions that she did not contest." Most notably, the court said that Mother "denied that

there were any problems at Uplift before [G.N.] was removed" from her care and claimed that G.N. "was not removed because of any danger." The court found that her "assertion that she understands how her mental health has been the issue is not credible."

The juvenile court was not clearly erroneous in its finding that Mother lacked "insight into the role her mental health history has played in the lives of her children." The court's finding that Mother lacked insight into her mental health issues was not based solely on the past instances of changes to her medication and therapy regimen before her more recent period of stability in her treatment. Rather, the court's finding was based on the entirety of the evidence, including Mother's trial testimony.

The specific mental health issues for which Mother had been hospitalized in the past were by no means the sole basis for the court's determination that Mother was unfit to remain in a parental relationship with G.N. The court's more immediate concern was the deterioration in functioning that Mother experienced after her series of mental health crises and treatments. The court credited Dr. Bender's conclusions that Mother experienced "a marked deterioration in her functioning from 2016 to the present" and that Mother "is vulnerable to becoming overwhelmed in the face of increasing environmental demands, creating impairment in her problem-solving skills, especially in shifting circumstances." The court was "persuaded that Dr. Bender's opinions are credible and persuasive tools in evaluating Mother's capabilities as they relate to parenting."

In addition, the court relied on testimony from social workers and parenting educators who believed that Mother, despite years of oversight and instruction, failed to make progress towards being able to care for a child safely. The court recounted the

testimony from Ms. Coudenhove and Ms. LaRosa, who opined that Mother had a continuing need for support and instruction.[8] As the court explained, social workers and parenting educators observed that Mother "has been slow to respond to unforeseen risks, such as a child bolting for the door or a sharp knife left near the children[,]" and "does not seem to shift instruction regarding risk from one environment to another[.]" The court acknowledged that, since 2018, Mother had "made appreciable progress in managing the basics of housing, employment, transportation, and finances." "On the critical piece of parenting," the court said, "this has not been the case."

In sum, the court's findings were reasonable and well supported by the evidence. The court did not, as Mother claims, "find that Mother's well-managed mental illness amounted to parental unfitness." Nor did the court "improperly rel[y] on Mother's past in the face of her progress." Rather, the court assessed the entirety of Mother's progress and found that, in the aftermath of her mental illnesses and treatment, Mother failed to make the progress necessary to make it safe for her to care for G.N. without supervision. The court did not err or abuse its discretion in determining, by clear and convincing evidence, that Mother was unfit to remain in a parental relationship with G.N. and that terminating Mother's parental rights was in G.N.'s best interests.

[8] Mother asserts, without citation to the record, that Ms. Coudenhove "believed that Mother would be able to parent independently." In its opinion, the court explained that at trial Ms. Coudenhove ultimately endorsed her prior reports, in which she cautioned against unsupervised visitation. A review of the transcript confirms that the court's account of Ms. Coudenhove's testimony is accurate.

II. Reasonableness of Reunification Efforts

Mother also contends that the juvenile court erred in its evaluation of the Department's efforts to reunify G.N. with Mother. Mother argues that the juvenile court should have found that the Department failed to make reasonable reunification efforts and ordered the Department to identify and deliver additional services.

Local departments of social services have an obligation to make "[r]easonable efforts . . . to preserve and reunify families . . . to make it possible for a child to safely return to the child's home." FL § 5-525(e)(1)(ii). "In determining the reasonable efforts to be made and in making" those efforts, "the child's safety and health" is "the primary concern." FL § 5-525(e)(2). The term "'[r]easonable efforts' means efforts that are reasonably likely to achieve the objective[]" of preventing a child's out-of-home placement. Md. Code (1974, 2020 Repl. Vol.), § 3-801(w) of the Courts and Judicial Proceedings Article. This definition is "'amorphous[,]' without any 'bright line rule to apply to the 'reasonable efforts' determination[, meaning that] each case must be decided based on its unique circumstances.'" *In re Shirley B.*, 419 Md. 1, 25 (2011) (alterations in original) (quoting *In re Shirley B.*, 191 Md. App. 678, 710-11 (2010), *aff'd*, 419 Md. 1 (2011)). This Court reviews a juvenile court's finding that a local department of social services made the requisite reasonable efforts under the clearly erroneous standard. *In re Shirley B.*, 419 Md. at 18.

When a juvenile court rules on a petition for guardianship, the factors that the court must consider include: "(i) all services offered to the parent before the child's placement, whether offered by a local department, another agency, or a professional; (ii)

the extent, nature, and timeliness of services offered by a local department to facilitate reunion of the child and parent; and (iii) the extent to which a local department and parent have fulfilled their obligations under a social services agreement, if any[.]" FL § 5-323(d)(1). In addition, the court must consider "whether additional services would be likely to bring about a lasting parental adjustment so that the child could be returned to the parent within an ascertainable time not to exceed 18 months from the date of placement unless the juvenile court makes a specific finding that it is in the child's best interests to extend the time for a specified period[.]" FL § 5-323(d)(2)(iv).

The Court of Appeals has concluded that "[i]mplicit in th[e] requirement" that the court consider the services provided to a parent is a requirement "that a reasonable level of those services, designed to address both the root causes and the effect of the problem, must be offered[.]" *In re Adoption/Guardianship of Rashawn H.*, 402 Md. 477, 500 (2006). Reunification efforts may include "educational services, vocational training, assistance in finding suitable housing and employment, teaching basic parental and daily living skills, therapy to deal with illnesses, disorders, addictions, and other disabilities suffered by the parent or the child, counseling designed to restore or strengthen bonding between parent and child, as relevant." *Id.*

A local department's efforts "need not be perfect" to qualify as reasonable. *In re Adoption/Guardianship of H.W.*, 460 Md. 201, 234 (2018) (citing *In re James G.*, 178 Md. App. 543, 601 (2018)). The Court of Appeals has explained:

> There are some limits . . . to what the State is required to do. The State is not oblig[ated] to find employment for the parent, to find and pay for permanent and suitable housing for the family, to bring the parent out of

> poverty, or to cure or ameliorate any disability that prevents the parent from being able to care for the child. It must provide reasonable assistance in helping the parent to achieve those goals, but its duty to protect the health and safety of the children is not lessened and cannot be cast aside if the parent, despite that assistance, remains unable or unwilling to provide appropriate care.

In re Adoption/Guardianship of Rashawn H., 402 Md. at 500-01.

This appeal is not the first instance in which Mother has challenged the adequacy of the Department's efforts. In January 2020, after a permanency planning review hearing, the juvenile court changed the permanency plans for both J.T. and G.N. to adoption by a non-relative. At that time, the juvenile court made an express finding that the Department had made reasonable efforts to achieve the prior permanency plan of reunification. The juvenile court supported its finding with an itemized list of efforts by the Department, which included transporting G.N. back and forth between her foster home and the visitation house, supervising visits between Mother and G.N., providing Mother with a French-speaking parent educator, and monitoring Mother's housing and medical needs.

In her appeal from the order changing G.N.'s permanency plan, Mother disputed the juvenile court's finding that the Department had made reasonable efforts to achieve reunification. *In re: J.T. & G.N*, No. 2372, Sept. Term 2019, 2020 WL 5499051, at *12 (Md. Ct. Spec. App. Sept. 11, 2020) (unreported). This Court recounted the list of Department actions identified by the juvenile court and commented that the "considerable efforts by the Department detailed in these lists required considerable use of Department staff, a limited resource." *Id.* at *15. On its review of the record, the Court said that

"[t]he Department made efforts to provide Mother with the parenting skills and techniques she lacked, and even still, she could not follow through with the instruction." *Id.* The Court concluded that "the Department did its best to get Mother to be a part of and take advantage of" the services available. *Id.*

At the termination-of-parental-rights trial, Mother presented evidence about the obstacles to her visitation with G.N. when G.N.'s case was managed by the local department in Baltimore City even though Mother was living in Montgomery County. One of her witnesses was Kevin Greene, a case work specialist with the Baltimore City Department of Social Services. Mr. Greene testified that, when he was assigned to G.N.'s case in 2018 and early 2019, he was responsible for transporting G.N. from Baltimore City to Montgomery County for supervised visits.

Mr. Greene said that, in his experience, the local department usually provides visitation at least once a week when a child's permanency plan is reunification. Mr. Greene explained that, because of "the amount of cases that [he] had and responsibilities such as court [appearances] [and] visitations that were in the Baltimore region," "there just wasn't enough time" for him to facilitate weekly visits between Mother and G.N. Mr. Greene recalled that these visits occurred about twice per month, but sometimes less frequently. Mr. Greene mentioned that the P. family voluntarily arranged regular video calls between Mother and G.N.

In its written opinion, the juvenile court stated that "[v]isitation was a challenge given the distance between the mother and child." The court said: "Travel time was over 2 hours per visit with a very young child on the one hand, and a parent who had no

vehicle on the other." "On balance," the court concluded "that even though visitation was not optimal, it was reasonable given the realities of [Baltimore City Department of Social Services] caseloads, the distance issue, and the intervention of the foster parents to facilitate contact between [G.N.] and her mother."

In her appellate brief, Mother asserts that the Baltimore City Department of Social Services "did not make reasonable efforts regarding Mother's parenting time with G.N. in the early stages of the case." In her assessment, "the department's efforts to prioritize meaningful, frequent, in-person visits fell short." Mother further notes that she was deprived of in-person visits "when the COVID-19 pandemic forced the [Montgomery County Department of Health and Human Services] to hold visits virtually for four months" in the first half of 2020.

Although these circumstances are obviously less than optimal, we see no clear error in the juvenile court's findings regarding the efforts by the local departments to facilitate visitation. The Court of Appeals has recognized that "a juvenile court must be cognizant of the availability of services when determining whether the Department's efforts have been reasonable." *In re Shirley B.*, 419 Md. at 27. "'[R]eunification efforts must be judged within the context of the resources available to the agency, with the agency receiving the benefit of the doubt when resources are limited.'" *Id.* (quoting Kathleen S. Bean, *Reasonable Efforts: What State Courts Think*, 36 U. TOL. L. REV. 321, 365 (2005)). The juvenile court was not clearly erroneous in concluding that the efforts to facilitate visitation between Mother and G.N. were reasonable, when considered in light of resource limitations and public health constraints.

Mother further asserts that "Ms. Murakami's involvement in the case was especially harmful to Mother's reunification efforts." Mother takes issue with Ms. Murakami's "testi[mony] that she did not believe that there were any services that could assist Mother with remediating the department's concerns." Mother criticizes Ms. Murakami's "reunification philosophy," which, according to Mother, placed undue emphasis on the potential "harm that might come to the child if she were removed from her foster care placement." The portions of the record that Mother cites fail to show that Ms. Murakami did anything less than make reasonable efforts to achieve the goal of reunification. The juvenile court, as the finder of fact, was entitled to give Ms. Murakami's testimony the weight that it deemed appropriate.

Ms. Murakami's opinions were not only supported by specific examples of safety concerns, verified by others, but those opinions were shared by other witnesses. Ms. LaRosa, a parenting educator who worked with Mother, independently concluded that Mother's progress was insufficient and that additional efforts were unlikely to make it safe for G.N. to return to Mother's care. Even Ms. Coudenhove, whose testimony Mother attempts to characterize as favorable to her, opined that Mother failed to make adequate progress towards being able to care for a child safely. As the court noted, the observations of social workers and parenting educators about Mother's lack of progress were consistent with Dr. Bender's opinion that Mother experienced a deterioration in cognitive functioning, which impaired her ability to solve problems. In light of this evidence, the juvenile court was not clearly erroneous in concluding that, after years of supervision and parenting education, additional services would be unlikely to bring about

a lasting adjustment so that G.N. could be returned to Mother's care within an ascertainable time.

Mother faults the Department for failing to provide additional services. Mother asserts that, once the Department learned in 2019 that Mother's cognitive limitations prevented her from being able to safely care for G.N., the Department "should have identified and recommended services for Mother to address this newly formed concern." Mother observes that reunification services must be tailored to address the deficiencies that preclude reunification. *See In re Adoption/Guardianship Nos. J9610436 & J9711031*, 368 Md. 666, 682-84 (2002) (reversing termination of parental rights where local department did not provide specialized reunification services that were available to address needs of parent alleged to have cognitive limitations).

In the present case, however, the record includes no indication that any additional services are available to address the specific challenges that Mother faces. As the court wrote in its opinion, the medical evidence indicates that Mother's cognitive deterioration is likely the result of her mental illnesses, electroconvulsive therapy, or her medications, in some combination. This deterioration seems to have affected Mother's ability to apply the teachings of her parent educators to new circumstances. Dr. Bender explained at trial that, unfortunately, no medication is available to increase a person's level of cognitive functioning. Mother alludes to the mere possibility of additional services, but we see no indication that any additional measures might be available to address the issues identified by the Department within a timeframe that is consistent with G.N.'s welfare.

Overall, we perceive see no error in the juvenile court's assessment of the reunification services provided to Mother.

III. Reduction in Visitation After Termination of Parental Rights

Finally, Mother contends that the juvenile court abused its discretion when, after ordering the termination of her parental rights, the court reduced the frequency of her visitation with G.N.

Throughout 2020, Mother had supervised visitation with G.N. once per month, for a minimum of two hours. The trial on the petition for guardianship began on December 4, 2020, and ended on December 11, 2020. On January 11, 2021, the juvenile court entered its final order granting the petition for guardianship and terminating Mother's parental rights as to G.N.

Three weeks later, the court issued a separate order closing G.N.'s child-in-need-of-assistance case. In that same order, the court ordered that Mother have supervised visitation once every two months, for the period from February 2021 through April 2021, and then once every three months for the period from July 2021 through October 2021.

Mother contends that the juvenile court erred by ordering a reduction in visitation without holding an additional hearing to determine whether the reduction was in G.N.'s best interest. Mother cites no authority for the proposition that a court must hold an additional hearing before it may reduce visitation after ordering a termination of parental rights. Mother nevertheless asserts that the ultimate issue addressed at trial, whether continuing the parental relationship was in G.N.'s best interests, is different from the question of whether Mother's visits with G.N. should continue during the pendency of

her appeal.

In response, the Department argues that Mother no longer had any right to visitation once the court granted the guardianship petition. The Department notes that an order for guardianship of a child "terminates a parent's duties, obligations, and rights toward" the child. FL § 5-325(a)(1). The Department observes that, upon granting guardianship of a child, the court must issue a separate order terminating the child-in-need-of-assistance case (FL § 5-324(b)(1)(i)) and the court, "consistent with the child's best interests[,] . . . may allow visitation for the child with a specific individual[.]" FL § 5-324(b)(1)(ii)(5). The Department argues that, after the court terminated Mother's parental rights, the decision to allow any further visitation was "wholly discretionary."

Counsel for G.N. argues that the juvenile court did not need to hold an additional hearing before ordering an incremental reduction in Mother's visitation after the termination of her parental rights. Counsel for G.N. points out that the court had already found, after a full evidentiary hearing, that Mother was unfit to remain in a parental relationship with G.N.

We agree that the juvenile court was not required to hold an additional hearing to evaluate whether reducing visitation was in G.N.'s best interests. During the previous month, the juvenile court had already received evidence, over six days of trial, concerning Mother's relationship with G.N. The court heard extensive testimony from Mother, social workers, and parenting educators about Mother's interactions with G.N. during supervised visits.

Afterwards, the court made specific findings about each of the considerations

enumerated in FL § 5-323. The court considered, among other things, the results of Mother's efforts to adjust her "circumstances, condition, or conduct to make it in the child's best interests for the child to be returned to her home[.]" FL § 5-353(d)(2). The court concluded that, despite Mother's efforts over three years, she had made minimal progress toward being able to care for G.N. independently and that it was unlikely that additional services would bring about a lasting adjustment in an ascertainable time period. The court also considered G.N.'s emotional ties with and feelings towards Mother and her caregivers, G.N.'s adjustment to her circumstances, G.N.'s feelings about severance, and the likely effect of terminating parental rights on G.N.'s well-being. FL § 5-323(d). The court found that G.N. "does not have a grounded emotional bond" with Mother, but that G.N. had a "strong attachment and strong emotional ties" with the members of her household: Mr. P., Ms. P., J.T., and K. The court also found that G.N. had adjusted well in her placement with the P. family, and that G.N. had been "resistant" to Mother's attempts to engage her and "appear[ed] to acquiesce in the scheduled contact with [Mother], but never to welcome or embrace it."

The evidence that the juvenile court received at the trial in December 2020, as well as the findings that the court announced in January 11, 2021, were more than sufficient to justify the reduction in visitation that the court ordered on January 29, 2021. The assessment of whether terminating Mother's parental relationship was in G.N.'s best interests was comprehensive enough for the court to make an informed evaluation, shortly thereafter, of the appropriate level of visitation. The court had no reason to conclude that any of the relevant circumstances had changed in the seven-week period

after the merits trial, in which Mother had, at most, two additional supervised visits with G.N. We see no error or abuse of discretion in the decision to reduce the frequency of Mother's supervised visitation with G.N.

FATHER'S APPEAL

I. Objection During Cross-Examination of Department Witness

Father contends that the juvenile court erred in overruling an objection made during testimony by one of the Department's witnesses, Emily Brewster McCarthy, a community service aide.

Ms. McCarthy testified that, beginning in the spring of 2019, she helped supervise Mother's visits with J.T. and G.N. Ms. McCarthy also transported the children between their foster homes to the visitation house. Initially, Mother had separate visits with each of her two daughters. Once J.T. began living with the P. family in June 2019, Mother had combined visits with both children.

Ms. McCarthy recalled that, unless Mother received prompting from a parenting educator, Mother showed a "lack of attentiveness" towards G.N. during the combined visits. Ms. McCarthy said that Mother usually would focus most of her attention for J.T. and have little interaction with G.N. for long periods of time. Ms. McCarthy said that G.N. would "do her own thing . . . when being left alone by [Mother] or by [J.T.]" Ms. McCarthy said that "things ha[d] evened out a little" as the girls had gotten older, but that Mother still tended to "gravitate towards [J.T.]" during visits, while G.N. would "still go[] off on her own."

Counsel for the Department asked Ms. McCarthy: "Could you compare and

contrast what you typically see in terms of [Mother's] ability to divide her attention between the girls and the foster family's ability to do that?" Mother's counsel objected, arguing that the question was "too broad" and "seem[ed] to call for a degree of expert opinion" from a lay witness. The court overruled Mother's objection, ruling that Ms. McCarthy could give an answer based on her observations.

Counsel for the Department then restated the question in this form: "So what is the difference, if there's any difference that you see between the way [Mother] is able to divide her attention between the girls and the way the foster family is able to divide [their] attention between the girls?" At that point, Father's counsel made a general objection. The court overruled Father's objection.

Ms. McCarthy gave a lengthy answer, in which she stated that Mother "focused on one child at a time and [the child's] needs at a time." Ms. McCarthy said that the "only time" that she would observe "combined interaction" between Mother and both girls "would be during lunchtime or snack time." Ms. McCarthy said that, in those instances, "it would take a lot of prompting and a lot of direction to make sure that the girls stayed in place in their seats[.]" "[A]s far as the foster family," Ms. McCarthy said that the foster parents "would have activities going on for both [J.T.] and [G.N.]" as well as for K., the older child adopted by the P. family. Ms. McCarthy said that there was "a lot more of a routine" for the children in the P. household.

On appeal, Father contends that the juvenile court erred in permitting Ms. McCarthy to answer the question asked by counsel for the Department. Father argues that "direct comparisons between natural and foster parents are improper," because the

ultimate issue in a termination-of-parental-rights case is "not whether the foster parents are capable of providing a 'better' home." Therefore, according to Father, any "evidence directly comparing the performance of biological and prospective adoptive parents is irrelevant and prejudicial."

In support of his argument, Father cites *In re Yve. S.*, 373 Md. 551 (2003), a case in which the Court of Appeals held that a juvenile court abused its discretion in changing a child's permanency plan from reunification with a parent to long-term foster care. Father quotes the following language:

> [T]he fact that the child may be "doing very well," or may have made progress in the environment of foster care, or even "blossomed there," or may feel that she needs to take on the burden of caring for the parent, are . . . largely not telling on the main issue. "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 natural parent competent to care for them in favor of a stranger."

Id. at 594 (quoting *In re Barry E.*, 107 Md. App. 206, 220 (1995)).

Father also cites *In re Jayden G.*, 433 Md. 50 (2013), in which the Court of Appeals affirmed a juvenile court's termination of parental rights. The Court stated: "Comparing the [biological parent] to [the child's] foster parents ([the child's] potential adoptive parents), as if they were on equal footing, . . . would not have been proper." *Id.* at 102. The Court explained: "Such an approach would fail to account for the 'presumption that the child's best interests are served by maintaining parental rights[.]'" *Id.* (quoting *In re Yve S.*, 373 Md. at 571). The Court went on to hold that the juvenile court in that case properly considered the child's emotional ties to the child's foster

family as part of the analysis required by statute. *In re Jayden G.*, 433 Md. at 102-03.

Father's arguments are misdirected. The cases that Father cites do not concern the admissibility of evidence. Neither *In re Yve S.* nor *In re Jayden G.* stands for the proposition that all testimony comparing aspects of a child's relationship with biological parents and the child's prospective adoptive parents is improper. Rather, the excerpts cited by Father concern the court's ultimate determination of the child's best interests.

To determine whether terminating a parent's rights is in a child's best interests, the juvenile court must give primary consideration to the health and safety of the child and to the factors listed in FL § 5-323(d). Among other things, the court must consider:

> (i) the child's emotional ties with and feelings toward the child's parents, the child's siblings, and others who may affect the child's best interests significantly;
>
> (ii) the child's adjustment to:
> 1. community;
> 2. home;
> 3. placement; and
> 4. school;
>
> (iii) the child's feelings about severance of the parent-child relationship; and
>
> (iv) the likely impact of terminating parental rights on the child's well-being.

FL § 5-323(d)(4).

The court's consideration of the factors listed in FL § 5-323(d)(4) may involve evidence about the child's patterns of interactions with a biological parent and with child's foster parents. There is no prohibition on the court receiving this type of evidence in the form of comparison made by a witness who has observed the child in both settings.

In G.N.'s case, it was proper for the court to consider testimony from Ms. McCarthy indicating that Mother was often less attentive to G.N. than to J.T., that this lack of attentiveness appeared to hinder G.N.'s development of an emotional bond with Mother during visits, and that G.N. did not experience the same inattentiveness when cared for by her foster parents.

The court considered Ms. McCarthy's testimony along with testimony from other witnesses concerning G.N.'s interactions with Mother and her foster family. In the court's words, G.N. was "well-integrated" with her foster family, while Mother's "attempts to engage" G.N. during visits had "been inconsistent and overshadowed by Mother's focus on [J.T.]." The court ultimately concluded that G.N. has strong emotional attachments to her foster parents and to J.T., but that G.N. did "not have a grounded emotional bond with [Mother]."

In this case, it would have been improper for the court to ignore the presumption that the continuation of G.N.'s relationship with her biological parents was in G.N.'s best interests. Likewise, it would have been improper for the court to order a termination of parental rights unless it found clear and convincing evidence of parental unfitness or exceptional circumstances. Here, however, the court expressly recognized the presumption in favor of continuing the parental relationship. The court found, by clear and convincing evidence, that both parents were unfit to remain in a parental relationship with G.N. and that there are exceptional circumstances that would make the continuation of the parental relationship with Father detrimental to G.N.'s best interests. We see no indication that the court somehow used an incorrect standard when assessing G.N.'s best

interests.

Nor do we see any indication that the court made any "direct comparison" between biological parents and foster parents. Contrary to Father's suggestion, the court did not order a termination of parental rights simply by deciding that Mr. and Ms. P. were "superior to [G.N.'s] biological parents" in some or many aspects of parenting. With respect to Mother, the court found that Mother was unable to safely care for G.N. after years of working toward that goal. With respect to Father, the court concluded that Father's "abandonment of his responsibilities over the course of [G.N.]'s young life render[ed] him fundamentally unfit" and made "the circumstances of his parental relationship with [G.N.] . . . exceptional." The court fully recognized the presumption in favor of preserving the parental relationship but concluded, upon consideration of the relevant factors, that this presumption had been overcome.

II. Objection During Father's Testimony

Father contends that the juvenile court erred in overruling an objection made during his testimony to a question posed by counsel for the Department.

At trial, the Department called Mr. P. and Ms. P., who had been G.N.'s foster parents since G.N. was two weeks old. During his testimony, Mr. P. stated that he received no information about G.N.'s biological father until 2020. Mr. P. was aware that G.N. met Father for the first time in October 2020, when G.N. was three years old.

Counsel for Mother asked Mr. P., "how would you feel about . . . efforts for [G.N.] to develop a bond with her . . . biological father?" In response, Mr. P. said, "it would be hard . . . but as foster parents . . ., courts tell us [what] to do." He added: "[I]t will be

very hard, but . . . if it was so ordered, that's what we would do."

Father later mentioned, when he was cross-examined by the Department, that he was "upset" by Mr. P.'s testimony expressing "doubt" about the prospect of Father developing a relationship with G.N. The following exchange ensued:

> [DEPARTMENT COUNSEL:] Well, Mr. [M.], do you think it's reasonable for Mr. P. who has been raising [G.N.] for all her life to have doubts about a father who appears two months ago?
>
> [FATHER'S COUNSEL:] Objection.
>
> THE COURT: Overruled.
>
> THE INTERPRETER: The interpreter already interpreted for Mr. [M.] that the objection was overruled and I am waiting for an answer.
>
> [FATHER'S COUNSEL:] Your Honor, there were two bases for the objection. Can I just put them on the record? I don't know why you denied it. So the first is a mischaracterization of the evidence. Mr. [M.] didn't just appear two months ago. Second, it calls for speculation. She's asking for him to get into the head of Mr. P. So I'll just put those on . . . record. Thank you.
>
> THE COURT: Overruled.
>
> * * *
>
> [DEPARTMENT COUNSEL:] Mr. [M.], is it reasonable for Mr. P., who has raised [G.N.] for all of her life to have doubts about you when you just met [G.N.] for the first time two months ago?
>
> [FATHER:] [G.N.] is not done growing yet so I'd like to say that but I said -- do not get upset with me but look deeply into Mr. P's answers during direct examination. That's what he said in front of everybody. Right? Why are you not focusing on his answers[?] You need to look at what is said yesterday when he testified. You cannot answer this question as someone –I mean if it was reasonable or not and me who is [G.N.'s] biological father for me to call (unintelligible). I mean it's not me. It's him. You cannot ask me this question. You have to ask him so you have to understand what the meaning, the hidden meaning, behind his answers.

On appeal, Father contends that the juvenile court erred in permitting counsel for the Department to ask whether Mr. P.'s position was unreasonable. Father argues that the court's ruling violated the principle that "a witness is not permitted to offer an opinion concerning the credibility of a different witness[.]"

This argument fails for at least two reasons. First, the argument is unpreserved. Second, even if the argument were properly preserved, it lacks merit.

When counsel for the Department asked Father whether it was "reasonable for Mr. P. . . . to have doubts about a father who appears two months ago[,]" counsel for Father objected on two distinct grounds. Father's counsel argued that the question mischaracterized the evidence by stating that Father "appear[ed] two months ago" and that the question required Father to speculate about Mr. P.'s thought processes. Father's counsel did not argue that the question required him to give an opinion about the credibility of another witness.

Generally, the grounds for an objection to the admission of evidence need not be stated unless the court directs a party provide the grounds for an objection. *See* Md. Rule 2-517. Accordingly, if a party raises a general objection and the court overrules the objection, the party may raise any potential ground for the objection on appeal. *See Anderson v. Litzenberg*, 115 Md. App. 549, 569 (1997). "On the other hand," if a party "either voluntarily or at the trial judge's request" provides "specific grounds for an objection, the [party] may raise on appeal only those grounds actually presented to the trial judge." *Id.* "All other grounds for the objection, including those appearing for the

first time in a party's appellate brief, are deemed waived." *Id.*

Because Father's counsel offered specific grounds for the objection, Father may not raise additional grounds for his objection on appeal. In any event, even if Father had raised a general objection (or a specific objection on the ground that he now raises on appeal), we would see no error in the court's decision to overrule the objection.

Father purports to rely on *Hunter v. State*, 397 Md. 580 (2007). At a jury trial in that case, detectives testified that the defendant had confessed to a burglary, but the defendant proclaimed his innocence and denied confessing. *Id.* at 584. The trial court permitted the prosecutor to repeatedly ask the defendant, during cross-examination, whether the detectives were lying when they testified about the confession. *Id.* at 585-86. The Court of Appeals explained: "it is the well established law of this State that issues of credibility and the appropriate weight to give to a witness's testimony are for the jury and it is impermissible, as a matter of law, for a witness to give an opinion on the credibility of another witness." *Id.* at 589. The Court held that the trial court "erred in allowing the State to ask [the defendant] 'were-they-lying' questions." *Id.* at 596.

The Court explained:

> [The defendant] was asked five questions that put him in a position of characterizing the testimony of two other witnesses. He was asked five "were-they-lying" questions. These questions were impermissible as a matter of law because they encroached on the province of the jury by asking [the defendant] to judge the credibility of the detectives and weigh their testimony, i.e., he was asked: "And the detective was lying?" The questions also asked [the defendant] to stand in place of the jury by resolving contested facts. Moreover, the questions were overly argumentative. They created the risk that the jury might conclude that, in order to acquit [the defendant], it would have to find that the police officers lied. The questions were further unfair because it is possible that neither

> the petitioner nor the police officers deliberately misrepresented the truth. These questions forced [the defendant] to choose between answering in a way that would allow the jury to draw the inference that he was lying or taking the risk of alienating the jury by accusing the police officers of lying. Therefore, the trial court erred in allowing the State to ask [the defendant] "were-they-lying" questions. When prosecutors ask "were-they-lying" questions, especially when they ask them of a defendant, they, almost always, will risk reversal.

Hunter v. State, 397 Md. at 595-96.

In the present appeal, Father argues that he "was placed in precisely the same awkward position as the defendant in *Hunter* when he was forced to either agree with the testimony of the State's witnesses, or annoy the jury by labelling those witnesses liars." This attempted analogy does not withstand scrutiny.

The question posed to Father did not ask him to judge the credibility of another witness. The question here merely asked Father whether he thought it was "reasonable" for Mr. P. "to have doubts" about Father, given Father's absence during the first three years of G.N.'s life. Father was not asked whether Mr. P. was lying in his testimony about any factual issue in the case. The question did not encroach on the court's role as the finder of fact and the ultimate judge of credibility of witnesses. The question, therefore, did not violate the principle applied in *Hunter v. State*, 397 Md. at 595-96.

III. Objection During Mother's Testimony

Father contends that the juvenile court erred by failing to sustain an objection that his counsel made during Mother's testimony.

As previously mentioned, Mother and Father gave conflicting testimony about the end of their relationship in late December 2016, after Father demanded that Mother leave

his home. A few days later, Mother was psychiatrically hospitalized and learned that she was pregnant with Father's child. Mother testified that, in January 2017, after she left the hospital, she visited Father's house. Mother recalled:

> [MOTHER:] I took the bus and I went there, and he opened the door, he told me that he opened the door because he thought I was coming to get my things out of his house. So, I told him, listen, I'm pregnant, so you need to do something about it. He's like he's not the father and I should get out. I cry, I bow knee, he said he doesn't want to listen, that I should get out. . . . And I was explaining to him that they did the test on me, that I'm pregnant, and he said he's not the father and he doesn't want to hear anything about it.
>
> * * *
>
> [DEPARTMENT COUNSEL:] Why did you wait to tell either Baltimore or Montgomery County DSS about [Father's] identity?
>
> [MOTHER:] I didn't wait because after I told him he was the father and he denied and told me to leave him alone and I attempt to contact him maybe two or three times by phone, I texted him, he didn't reply, so I said I shall not force to have any contact with him no more, that he doesn't want to take responsibility, so I let it go. . . . I can't recall how many times I called because he doesn't pick up my call, but I tried several times.

Later in her testimony, Department counsel asked Mother to describe her understanding of the reasons why G.N. had not been returned to her care. Counsel presented Mother with a transcript from a permanency planning review hearing one year earlier. At that hearing, Mother had been asked: "Your mental health has not, in your mind, prevented you from taking care of the children at any time since [J.T.] was born?" In response to that question, Mother had said "no." At the termination-of-parental-rights trial, Mother said that she "made a mistake by answering no" and that she was "confused" by the wording of the question. Mother said that she "always kn[ew]" that

"the mental health issue" was "the main reason why [her] children [were] not with [her]." Mother also said that "housing" was one of the obstacles to having her children returned to her. This line of questioning continued:

> [DEPARTMENT COUNSEL:] And what are the other reasons?
>
> [MOTHER:] The main reason is mental health and the other reason was stress level.
>
> [DEPARTMENT COUNSEL:] Was what?
>
> [MOTHER:] The stress.
>
> [DEPARTMENT COUNSEL:] The stress level.
>
> [MOTHER:] And also being deceiving by the father of [G.N.] and --
>
> [COUNSEL FOR FATHER:] Objection.
>
> THE COURT: Overruled.

Counsel for the Department did not inquire further about what Mother meant when she suggested that Father had been "deceiving." Mother went on to say that, when G.N. was removed from her care, she "was anxious about the situation [she] was going through with [G.N.]'s father."

On appeal, Father contends that the trial court erred in overruling his objection to Mother's testimony. Father argues that this testimony ran afoul of the principle "that issues of credibility and the appropriate weight to give to a witness's testimony are for the [fact-finder] and it is impermissible, as a matter of law, for a witness to give an opinion on the credibility of another witness." *Hunter v. State*, 397 Md. 580, 589 (2007). Assuming, for the sake of argument, that the juvenile court should have sustained the

objection, we see no indication that Mother's remark could have had affected the court's ultimate decision.

As Father acknowledges, the juvenile court "found [Father's] testimony non-credible" on the "critical question" of whether he was "attempting to fend off the responsibility for raising [G.N.]." In its opinion, the court explained in considerable detail the reasons why it found that his testimony lacked credibility.

The court stated that Mother's testimony recounting her relationship with Father "basically reiterated" her "prior statements" that she made to a social worker in 2017, to Ms. Murakami in March 2019, and to Dr. Bender in September 2019. The court said: "She gave consistent explanations as to basic facts to various people beginning in early 2017, explanations that were recorded by hospital personnel, social workers, and Dr. Bender."

On the other hand, the court described Father's testimony as "wide-ranging, inconsistent, and ultimately not credible." The court explained that, when the Department sent Father a letter in March 2019, Father responded by phone saying, "'What's wrong with the baby?'" On the next day, however, Father denied ever knowing Mother. The court declined to credit Father's testimony that he did not recognize Mother's name in March 2019, in light of Mother's testimony that she always used the same first name and his own admission that he recognized Mother's first name when he was served with the guardianship petition. The court declined to credit Father's testimony that he did not receive letters asking him to take paternity tests or that he did not hang up on phone calls from Department social workers. The court also noted that

Father later objected to the termination of his parental rights before his paternity had even been established.

More generally, the court observed that, throughout Father's testimony, "[h]is answers were often vague or not responsive to the questions." For instance, the court said that Father "testified at length about the household he lived in, describing in some confusion as to who and how many people he lived with." The court said that Father's testimony "was almost unintelligible at times." "Considered in its entirety," the court said that his testimony "undercuts his credibility as to all issues." "Based on the entirety of the evidence," the court concluded that Father knew that G.N. was his child and "that he was, in fact, running from" his parental duties.

In sum, the court rejected Father's assertions that he was unaware that he was G.N.'s father because the court found that those claims were internally inconsistent, implausible, and in substantial conflict with other evidence in the record. The court also rejected his assertions because the court perceived that, throughout his testimony, he did not appear to be a reliable witness. The opinion includes no indication that the court assigned any weight to Mother's comment that she believed that Father was "deceiving" in some way.

We conclude, therefore, that there is no probability that the alleged error in failing to sustain Father's objection to Mother's comment affected the court's decision to terminate Father's parental rights. Because the alleged error is harmless, it is not a basis for reversing the juvenile court's decision. *See In re Adoption/Guardianship of T.A., Jr.*, 234 Md. App. 1, 29-30 (2017) (affirming termination of parental rights where the

juvenile court's opinion showed no indication that the erroneously admitted evidence affected the decision to terminate parental rights).

IV. Finding of Unfitness and Exceptional Circumstances

Finally, Father contends that the evidence at trial was legally insufficient to establish either parental unfitness on his part or exceptional circumstances justifying the termination of his parental rights as to G.N.

In his appellate brief, Father offers a selective account of the factors used to assess whether terminating Father's parental rights was in G.N.'s best interests. According to Father, the evidence at trial established that he was "a hard-working, law-abiding permanent resident of the United States who had successfully raised two children from a prior relationship." Father argues: "Even if confusion over the identity of a mother who had used multiple names caused him to come forward later than one might have wished, termination was not justified." Father's argument fails to confront the court's true basis for its findings of unfitness and exceptional circumstances.

As explained previously, the court credited Mother's testimony that she told Father that she was pregnant with his child in January 2017 and that, in response, he denied that he was the child's father and told her to leave. The court found that Father "knew that [Mother] was pregnant" and he "chose to deny and then ignore that fact." The court found that Father "made his initial choice to abandon his unborn child[,] knowing that [Mother] had mental health issues and that she had a child in the foster care system." The court rejected Father's testimony that he was unaware of G.N.'s existence when he responded to a letter from the Department in March 2019, asking "'What's

wrong with the baby?'" The court also rejected Father's testimony that he declined paternity testing because he did not recognize Mother's name. The court found that Father "continued to evade his responsibilities by ignoring the Department's attempts to establish whether he was [G.N.'s] father," until he eventually objected to the termination of his parental rights (even though his paternity had not yet been established by DNA testing).

The juvenile court's finding that Father intentionally ignored his parental responsibilities to G.N. during the first three years of her life is by no means clearly erroneous. *See In re Adoption/Guardianship of L.B.*, 229 Md. App. 566, 591-92 (2016) (concluding that the juvenile court was not clearly erroneous in rejecting parent's "self-serving" testimony). The court did not err or abuse its discretion in concluding that "[Father's] abandonment of his responsibilities over the course of [G.N.'s] young life" rendered him unfit to remain in a parental relationship with G.N. and amounted to exceptional circumstances making it in G.N.'s best interests to terminate the parental relationship with Father. *See In re Adoption/Guardianship of Jasmine D.*, 217 Md. App. 718, 737 (2014); *In re Adoption of K'Amora K.*, 218 Md. App. 287, 310 (2014).

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