Circuit Court for Baltimore City
Case No. T16075015-16

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1340

September Term, 2017

IN RE: ADOPTION/GUARDIANSHIP OF A.C. AND A.C.

Wright,
Kehoe,
Battaglia, Lynne A.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Kehoe, J.

Filed: February 21, 2018

The Circuit Court for Baltimore City, sitting as a juvenile court, terminated the parental rights of G.B., the biological father of fraternal twins A.C. and A.C. The juvenile court ruled that G.B. was an unfit parent and there were exceptional circumstances making a continuation of the father's parental relationship contrary to the twin's best interest. G.B. appeals, asking:

1. Whether the circuit court erred when it applied the custody factors in *Ross v. Hoffman*, 280 Md. 172 (1977) in determining that there existed exceptional circumstances warranting the termination of appellant's parental rights?

2. Whether the circuit court erred when it found appellant an unfit parent?

As we will explain, the juvenile court did indeed err when it relied on the *Ross v. Hoffman* factors to decide whether there were exceptional circumstances warranting termination of appellant's parental rights. Nonetheless, the juvenile court's conclusion that appellant was an unfit parent is an independent, and legally sufficient, predicate for the court's decision to terminate parental rights. We will affirm the circuit court's judgment.

FACTS AND LEGAL PROCEEDINGS

On September 2, 2014, twins, one girl and one boy, were born prematurely to M.H. ("Mother"). Each twin weighed less than a pound, and both were exposed to opiates and cocaine, and had extensive medical problems.[1] Mother named two men as potential

[1] The children were born with heart, lung, eye, and feeding issues and were diagnosed with fetal alcohol syndrome. Both children were diagnosed and prescribed medication

(Footnote continued. . . .)

fathers: her then boyfriend and appellant, who was incarcerated on a drug conviction at the Eastern Correctional Institute in Westover, Maryland.

The twins were placed in the hospital's neonatal intensive care unit and then transferred to a pediatric hospital. On November 13, 2014, the Baltimore City Department of Social Services (the "Department") request for shelter care was granted because M.H. was unable to provide care for the twins due to her significant but untreated mental illnesses, drug problems, and domestic violence inflicted on her by a domestic partner (not appellant). The twins were subsequently discharged from the pediatric hospital and placed in a therapeutic foster home.[2] Shortly thereafter, appellant's paternity was confirmed by genetic testing.

On March 25, 2015, a child in need of assistance ("CINA")[3] hearing was held. Appellant was present, having been transported from prison, and represented by counsel. The court found the twins to be CINAs and continued their placement in therapeutic

(Footnote continued. . . .)

for chronic lung disease, asthma, gastroesophageal reflux disease ("GERD"), and feeding disorders. A.C., the boy, was born with a hole in his heart. Both children were born with retinopathy of prematurity (abnormal development of eye vessels) and A.C., the female, required eye surgery to preserve what vision she had left.

[2] "Treatment foster care" means "a 24-hour substitute care program, operated by a licensed child placement agency or local department of social services, for children with a serious emotional, behavioral, medical, or psychological condition." Code of Maryland Regulations ("COMAR") 07.02.21.03(B)(17).

[3] *See* Md. Code Ann., Courts & Judicial Proceedings Article ("CJP") § 3-801(f), (g).

foster care. On April 10, 2015, the children's case worker, Ms. Meekins, spoke to appellant by phone from prison about his children's future and he expressed an interest in visiting with them.

A review hearing was held on May 19, 2015. Again, appellant was present, having been transported from prison, and represented by counsel. The juvenile court continued the twins' placement in therapeutic foster care. Additionally, the court ordered a home study of the maternal grandparents' (the "Grandparents") house in West Virginia pursuant to the Interstate Compact on the Placement of Children ("ICPC").[4]

Appellant was released from prison in June 2015. Appellant signed two service agreements with the Department to facilitate his reunification with the twins, one on July 28, and the other on November 23, 2015.[5] The agreements, which had a six-month achievement date, required appellant to: 1) visit the children weekly; 2) maintain contact with probation and parole; 3) obtain stable residence for himself and the children; 4) participate in and complete a parenting program; 5) provide documentation of completing a parenting program; 6) attend the children's medical appointments; and 7) cooperate with the Department by keeping appointments and following through on the service

[4] *See* Md. Code Ann., Family Law Article ("FL") §§ 5-601 through 5-611 (setting forth the process of approval before any out of state placement of a child). Five of Mother's children reside with her father and stepmother in West Virginia.

[5] The first service agreement was drafted in May in recognition that appellant would be released from prison soon and available to work towards reunification. Although appellant was discharged from prison in June 2015, he missed multiple visits with the twins so he did not sign the agreement until the end of July.

agreement. The agreement also required appellant to maintain regular contact with the Department and the children, to attend court hearings, support the children financially where applicable, and participate in medical care and educational planning.

The second agreement explained the importance of each requirement. For example, the second agreement stated that appellant was to attend a parenting program to "enhance" his "knowledge and understanding of the various stages of development of early childhood"; provide documentation of completing a parenting program to demonstrate his interest in the children being placed in his care; attend his children's medical appointments for the purpose of becoming familiar with their health needs; and keep appointments with the Department and following through on the service agreement to demonstrate "his interest in assuming responsibility" for his children.

On August 24, 2015, Ms. Meekins sent appellant a letter to the address appellant had given.[6] She informed him that he had requested and agreed to several one-hour visits with his children on July 16, July 21, July 28, and August 6, and that he had only shown up for the visit on July 28. She advised him that, because the office was not informed that he was canceling the visits, his children were transported to the office and had waited for him. She asked him to meet with her on a stated date/time to discuss his intentions as to the children's future, and she included her telephone number and her supervisor's name

[6] It was later learned that the address appellant gave for communication was his employment address not his home address.

and telephone number to arrange another date if the suggested date did not work for him. Appellant never responded.

A permanency plan review hearing was held on September 8, 2015. Appellant's attorney was present but appellant was not. The juvenile court adopted the magistrate's recommendation that the permanency plan continue to be reunification with parent.

On November 4, 2015, Ms. Meekins sent appellant another letter advising that they had spoken two days earlier, and that she was confirming a visit scheduled for November 10. She reiterated that after a half-hour his children would be transported back to foster care if he had not arrived. Again, she gave her telephone number and the name and number of her supervisor. Appellant did not show up for the November 10 visitation. However, appellant did attend the November 23 visitation, at which time he signed the second service agreement. At that time, he was given and signed a piece of paper with the name and contact information for a parenting program. Appellant attended a visitation on December 15, but he did not show up for the visitation scheduled for December 21, 2015.

In March 2016, Ms. Meekins retired and Ms. Williams became the children's case worker. On May 4, 2016, the twins were placed with their maternal grandparents in West Virginia. A review hearing was held on July 8, 2016. Appellant's attorney was present but appellant was not. The Department requested, and the magistrate recommended, that the children's permanency plan be changed from reunification with parent to placement

with a relative for adoption or custody/guardianship. On July 18, 2016, the juvenile court adopted the master's recommendation. Appellant did not challenge that decision.

Sometime after the change in permanency plan and during the summer of 2016, appellant called Ms. Williams. There had been no contact between the Department and appellant since his visitation on December 15, 2015. Appellant told her that he wanted to visit his children and inquired about their permanency plan. She advised him that the children were with their maternal grandparents in West Virginia, that he was now entitled to monthly but not weekly visits with them, and that the children's permanency plan was changed to placement with a relative for adoption or custody/guardianship.[7] Appellant stated that he was not aware of the change in the permanency plan. In December 2016, Ms. Williams received a call from appellant. Appellant stated that he had some Christmas gifts for the children, and he wanted to arrange a time to drop off the gifts at her office. A day and time was arranged, but appellant failed to show up. Since that time, Ms. Williams has had no further contact with appellant.

A review hearing was held on January 10, 2017. Appellant's attorney was present but, once again, appellant was not. Because the parties were unable to reach an agreement regarding the termination of appellant's parental rights, the matter was set for a contested termination of parental rights ("TPR") hearing on March 3, 2017, which was then apparently rescheduled for the end of July. In the meantime, the court held a review

[7] When a permanency plan changes from reunification to another plan, parents are not entitled to weekly visitations. *See* COMAR 07.02.11.05(C)(7)(a).

hearing on July 7, at which time appellant's attorney was again present but appellant was not. The recommendation was to continue the children's placement pending the upcoming contested TPR hearing.

The contested TPR hearing was held on July 28 and 31, 2017. Ms. Williams, the children's step-grandmother with whom they resided, and appellant testified at the hearing. Following the hearing, the court issued a thorough, 12-page written decision terminating appellant's parental rights on two grounds: he was unfit to parent, and exceptional circumstances existed, making it detrimental to the children's best interest to continue the parental relationship. Appellant filed a timely appeal.

DISCUSSION

Before we address appellant's questions, we shall first set forth the applicable standard of review and the law on termination of parental rights.

Standard of Review

We utilize three different but interrelated standards when reviewing a juvenile court's decision to terminate parental rights. We review a juvenile court's factual findings under the clearly erroneous standard. *In re Adoption/Guardianship of Ta'Niya C.*, 417 Md. 90, 100 (2010) (quotation marks omitted) (citing *In re Yve S.*, 373 Md. 551, 586 (2003)). We review a juvenile court's legal conclusions under the *de novo* standard. *In re Adoption/ Guardianship of C.A. and D.A.*, 234 Md. App. 30, 45 (2017) (citing *Yve S.*, 373 Md. at 586). We review the juvenile court's ultimate conclusions under an abuse of discretion standard. *In re Yve S.*, 373 Md. at 583. An abuse of discretion has been defined as

"where no reasonable person would take the view adopted by the [trial] court," or when the court acts "without reference to any guiding rules or principles." *Id*. at 583 (citation and quotations omitted).

Termination of Parental Rights

"When the State petitions to terminate parental rights without a parent's consent, the court's paramount consideration is the best interests of the child." *In re Adoption/Guardianship of H.W.*, 234 Md. App. 237, 247 (2017), *cert. granted*, 456 Md. 522 (2017) (citations omitted). Because parents have a constitutional protected interest in raising their children without undue State interference, "Maryland law presumes that it is in the best interest of children to remain in the care and custody of their parents." *Id*. at 247-48 (citation omitted). This right is not absolute, because the State has a "fundamental right and responsibility … to protect children, who cannot protect themselves, from abuse and neglect." *Id*. at 248 (quotation marks and citation omitted).

Md. Code Ann., Family Law Article ("FL) § 5-323 governs termination of parental rights and gives a juvenile court the right to terminate a parent's rights when either of two circumstances exist (emphasis added):

> If, after consideration of factors as required in this section, a 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 a child's best interests, the juvenile court may grant guardianship of the child without consent otherwise required under this subtitle and over the child's objection.

FL § 5-323(b). Therefore, the parental presumption "may be rebutted upon a showing either that the parent is unfit **or** that exceptional circumstances exist which would make continued [parental relationship] detrimental to the best interest of the child." *In re Adoption/Guardianship of Ta'Niya C.*, 417 Md. at 103 (quotation marks and citation omitted) (emphasis added).

The statute then lists factors that a juvenile court must consider to determine whether a parent is unfit or exceptional circumstances exist. Specifically, subsection (d) of the statute provides:

> [I]n ruling on a petition for guardianship of a child, a juvenile court shall 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, including:
>
> (1) (i) all services offered to the parent before the child's placement . . .;
>
> (ii) the extent, nature, and timeliness of services offered . . .; and
>
> (iii) the extent to which a local department and parent have fulfilled their obligations under a social services agreement, if any;
>
> (2) the results of the parent's effort to adjust the parent's circumstances, condition, or conduct to make it in the child's best interests for the child to be returned to the parent's home, including:
>
> (i) the extent to which the parent has maintained regular contact with:
>
> 1. the child;
>
> 2. the local department to which the child is committed; and
>
> 3. if feasible, the child's caregiver;
>
> (ii) the parent's contribution to a reasonable part of the child's care and support, if the parent is financially able to do so;

(iii) the existence of a parental disability that makes the parent consistently unable to care for the child's immediate and ongoing physical or psychological needs for long periods of time; and

(iv) 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;

(3) whether:

(i) the parent has abused or neglected the child . . . and the seriousness of the abuse or neglect;

(ii) 1. A. on admission to a hospital for the child's delivery, the mother tested positive for a drug as evidenced by a positive toxicology test; or

B. upon the birth of the child, the child tested positive for a drug as evidenced by a positive toxicology test; and

2. the mother refused the level of drug treatment recommended by a qualified addictions specialist, as defined in § 5-1201 of this title, or by a physician or psychologist, as defined in the Health Occupations Article;

(iii) the parent subjected the child to:

1. chronic abuse;

2. chronic and life-threatening neglect;

3. sexual abuse; or

4. torture;

(iv) the parent has been convicted, in any state or any court of the United States, of:

1. a crime of violence against:

A. a minor offspring of the parent;

B. the child; or

C. another parent of the child; or

2. aiding or abetting, conspiring, or soliciting to commit a crime described in item 1 of this item; and

(v) the parent has involuntarily lost parental rights to a sibling of the child; and

(4) (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).

In addition to the above statutory factors, a juvenile court "may consider [other] parental characteristics [such] as age, stability, and the capacity and interest of a parent to provide for the emotional, social, moral, material, and educational needs of the child." *In re Adoption/Guardianship of H.W.*, 234 Md. App. at 248-49 (quotation marks and citations omitted).

We now turn to the questions appellant raises on appeal.

I.

Appellant argues that the juvenile court erred when it applied the custody factors set out in *Ross v. Hoffman*, 280 Md. 172 (1977), to determine that exceptional circumstances existed warranting the termination of his parental rights. Appellant cites our recent decision in *In Re Adoption/Guardianship of H.W.*, 234 Md. App. 237, which he argues compels reversal. The Department responds that *H.W.* is distinguishable. The Department alternatively argues that even if the juvenile court erred in considering the custody factors set out in *Ross* in determining that exceptional circumstances existed, we should nonetheless affirm the juvenile court's termination of appellant's parental rights because the juvenile court independently found appellant unfit.

Appellant is correct that the lower court erred in considering the *Ross v. Hoffman* custody factors in deciding whether there were exceptional circumstances warranting termination of appellant's parental rights. Nonetheless, we must affirm because the juvenile court first and independently found appellant unfit. We explain.

In *In re Adoption/Guardianship of H.W.*, we reversed an order by a juvenile court terminating the parental rights of H.W. because the juvenile court "erred in considering factors related **to custody** in finding exceptional circumstances that make the continuation of the father's parental relationship detrimental to H.W.'s best interests." 234 Md. App. at 241 (emphasis added). We reasoned:

> Although a court may use factors outside of those prescribed in FL § 5-323(d) when determining whether the termination of parental rights is proper, . . . the [juvenile] court in this case relied on the factors in *Ross v. Hoffman*, a third-party custody dispute. In a section entitled "Factors for determining whether

exceptional circumstances exist[,]" the court listed nine factors, four of which explicitly refer to custody:

> 3. Possible emotional effect on child if custody changed to biological parent….
>
> 4. Possible emotional effect on child if custody is given to caretaker….
>
> 8. Stability and certainty as to child's future in the custody of the parent….
>
> 9. Stability and certainty as to child's future in custody of the caretaker[.]

By using factors related only to custody to aid in its decision to terminate Father's parental rights, the court examined this case through the wrong lens. Given the important differences between the exceptional circumstances inquiry in TPR proceedings and the exceptional circumstances inquiry in custody matters, we cannot say that it was harmless error for the court to focus in part on custody in reaching its decision to terminate Father's parental rights.

We agree with the Department that some of the *Ross v. Hoffman* factors are completely consistent with the statutory factors in § 5-323(d) and, hence, are relevant to whether a continued parental relationship would be detrimental to the best interest of the child. The length of time the child has been away from the biological parent, the age of the child when care was assumed by the third party, the period of time that elapsed before the parent sought to reclaim the child, and the nature and strength of the ties between the child and the third-party custodian all bear on "the child's emotional ties with and feelings toward the child's parents, the child's siblings, and others," such as the foster parents, "who may affect the child's best interests significantly." FL § 5-323(d)(4)(i). Those factors may also bear on the child's adjustment to community, home, placement, and school (*id.* § 5-323(d)(4)(ii)) and on "the likely impact of terminating parental rights on the child's well-being." *Id.* § 5-323(d)(4)(iv). In a case like this, in which the child has never met his biological father and does not even know of the father's existence, they may also bear on "the child's feelings about severance of the parent-child relationship[.]" *Id.* § 5-323(d)(4)(iii). **But the *Ross v. Hoffman* factors that expressly pertain to custody-the possible emotional effect on the child of a change of custody and the stability and certainty as to the child's future in the custody of the parent-do not belong in a TPR analysis.**

Id. at 250-51 (emphasis added; some brackets and ellipses added).

Here, the juvenile court used the same four *Ross* custody factors as the juvenile court in *H.W.* to determine that exceptional circumstances existed to warrant termination of appellant's parental rights. Accordingly, the juvenile court reached its determination as to exceptional circumstances "through the wrong lens." *Id*. at 251.

The Department argues that *H.W.* does not compel reversal because in *H.W.* it was not clear whether the juvenile court understood the basic distinction between TPR and custody cases, whereas in this matter the juvenile court was aware of the distinction and understood the legal presumptions in custody cases favor a continuation of parental rights.

We decline to narrow the holding in *H.W.* as suggested by the Department. Because the juvenile court used the same four *Ross* custody factors as was used in *H.W.*, the juvenile court committed reversible error in finding that exceptional circumstances existed. However, we must still consider appellant's second argument that the juvenile court erred in finding him unfit. *Cf. In re Adoption/Guardianship of Jasmine D.*, 217 Md. App. 718, 736 (2014) ("Because in the instant case the juvenile court determined that [the parent] was unfit, [the parent]'s arguments regarding exceptional circumstances are beside the point.").

II.

Appellant argues that the juvenile court erred in finding him unfit. Appellant does not take issue with the juvenile court's findings of fact that he failed to complete the terms of his two service agreements by not completing a parenting class, failed to verify

his housing and employment, failed to attend his children's medical appointments, and visited his children only three times since 2015. Nonetheless, he argues that the court erred in finding him unfit and terminating his parental rights because the "court failed to explain how these failures rendered [him] unfit to remain in a legal relationship with the children." Appellant's argument is not persuasive.

In concluding that appellant was an unfit parent, the juvenile court analyzed each of the statutory factors listed in FL § 5-323(d). The court first addressed "the extent, nature, and timeliness" of the social services offered and the extent to which the Department and appellant fulfilled their obligations under the social service agreements to facilitate a reunion. *See* FL §5-323(d)(1). The juvenile court found that no services were offered to appellant at the children's birth because his identity was not known. As to the two service agreements between the Department and appellant, the juvenile court concluded that the Department fulfilled their obligations under the service agreements to the extent they could but that appellant did not fulfill his obligations. Specifically, the court found the following as to the service agreements:

As to housing, appellant testified that he currently resides with his fiancé's mother in a two bedroom home. He testified that if the children lived with him, his fiancé's mother would have one bedroom, the children the other, and he and his fiancé would sleep on the pull-out couch in the living room. The court found that it could not determine whether the father or the Department fulfilled their obligations as to housing because appellant did not provide any documentation of stable housing.

As to employment, appellant testified that when he was released from prison he spent most of his time at the work address he gave as his residential address, and that he currently worked two jobs. Appellant again provided no documentation of employment.

The court found that appellant did not attend any of the children's medical appointments, and although there was no evidence that the Department informed appellant about the children's medical appointments, the court found that appellant did not make himself available to be notified of those appointments.

Appellant missed most of the scheduled visitations to which he agreed. He visited his children only once in July, once in November, and once in December of 2015. He has not visited with them since. He testified that the distance from his work to the Department where visitation occurred was too far, and that he worked 90 hours a week in January 2016. After the children began residing in West Virginia, appellant testified that he did not ask for visits, although the social worker testified she offered him monthly visits, because he did not drive. The court found that the father failed to take advantage of the visitations offered by the Department and that his excuse of a busy work schedule showed "his lack of commitment to his children or toward reunification."

Although the Department gave appellant the name and contact information for a parenting program, appellant did not attend. He testified that he unilaterally decided that he did not need a parenting class because he had helped raise a previous girlfriend's children until the age of six. Although appellant's attorney suggested that the parenting

class would not have benefited appellant because the class may not have addressed the specific needs of medically fragile children, the juvenile court disagreed, concluding:

> The [children] were born medically fragile and when father was identified and released from incarceration, the children were very young with a host of medical issues. The court believes that it would have been in the best interest of the children for father to train in basic parenting skills to assure that the needs of the children would be met.

The court also considered the factors listed in FL §5-323(d)(2) regarding appellant's efforts to adjust his "circumstances, condition, or conduct" to make it in the children's best interest to be returned to him. The court found that appellant had made no attempts to adjust his circumstances, condition, or conduct. As to the extent of appellant's commitment to maintaining regular contact with the children, the court found that appellant had visited the children only three times since they had been in care, and that the Department was able to provide visitation with the children in West Virginia but that father testified that he was unable to make visitations because of his work schedule and his living in Maryland. The court noted that appellant attended only two court hearings, in March and May 2015, both of which he was brought to from the prison by writ. Although appellant testified that he was present at all the court hearings but did not enter the court room because he was told each time that the hearing was postponed, the court found his testimony not credible. Additionally, the court found that appellant was employed and was financially able to provide reasonable financial support for the children's care but failed to do so, noting that appellant had holiday gifts for the children in December 2016 and arrangements were made for him to drop them off to be delivered

but he failed to appear; he worked 90 hours a week in January 2016; and he presently worked two jobs. Additionally, appellant presented no evidence that he had a disability that made him unable to provide consistent care for the children. Accordingly, the court found that appellant has "done little to nothing toward reunification with the children and the [c]ourt does not believe that father will do anything different" with additional services.

The court found no evidence that the factors in FL § 5-323(d)(3), relating to parental abuse and neglect, applied.

The court reviewed the factors in FL § 5-323(d)(4) regarding the children's emotional ties with appellant, siblings, and others. As to the children's emotional ties to appellant, the court found that, because the children were not yet three years old it was unknown whether they had emotional ties to appellant, but the court noted that appellant had only visited the children three times in their lifetime and it was unlikely that they had any memory of appellant as their father. The court also found that the children were thriving in their grandparents' home where they were being raised with their other siblings, and the grandparents had adequate space, financial means, and support from other relatives who lived nearby.[8] The court concluded that given the limited amount of

[8] The evidence showed that representatives of the department made five visits, on a quarterly basis, to maternal grandparents' home after the twins were placed there. Ms. Williams testified that she had no concerns when she visited the home, and that the children appeared to love their grandparents and their siblings. She explained that the

(Footnote continued. . . .)

time spent between the children and appellant, the likely impact of terminating the parental rights on the children's well-being was of "little to no effect."

Appellant argues that his failure to provide documentation as to his employment and housing did not render him unfit because there was no evidence that he was not employed nor that his current living situation was inappropriate. He also argues that evidence that he did not attend the parenting class did not render him unfit because there was no evidence that the children presently needed special parenting skills because they no longer see any medical specialists[9] and the grandparents were not required to undergo any medical training before the children came into their care.

(Footnote continued. . . .)

twins were talking, walking, and eating, which was a tremendous improvement from when they were first placed in the grandparents' care.

The grandmother testified that she and her husband live on four acres in her husband's childhood home. The house has six bedrooms, a large yard, and three huge porches. Five of the children's half-siblings and two additional grandchildren live in the home along with the twins. The grandmother characterized her and her husband's relationship with the twins and the twins' relationship with their siblings as "very good." The children refer to their grandparents as "Nanny" and "Pappy," with the boy wanting to be outside by his grandfather's side during the day and the girl liking to stay close to her grandmother. The grandparents are home during the day and have a great deal of family support from their adult children who live nearby.

[9] Appellant's characterization of the twins' *status quo* is not entirely accurate. It is correct that grandmother testified that the children no longer see specialists other than their pediatrician, but she also testified that the girl twin sees an eye specialist in Morgantown, West Virginia. Additionally, the grandmother testified that the girl twin had pneumonia in November 2016, which required intensive "breathing treatments" with the use of

(Footnote continued. . . .)

By appellant's actions and inactions, he has failed to have any relationship with his children. Appellant only visited his children three times in their lives, failed to make any of their medical appointments, contributed nothing financially to their care, and attended only two court hearings, which he was brought to by the Department of Corrections. Appellant failed to offer any reasonable explanation as to why he was not involved in, nor took any responsibility for, the children's lives since he was released from prison in June 2015. Appellant attempted to cast blame on the fact that he worked 90 hours a week in January 2016 and the distance between his home and work and the children's location first in Maryland and then in West Virginia was too great.

In summary, the court clearly articulated and applied the evidence and testimony presented as to each of the FL § 5-323(d) factors. While some of the statutory factors did not weigh heavily against him, appellant's explanations for his long-standing failure to involve himself in his children's lives are unpersuasive. We find no abuse of discretion in the court's ultimate conclusions that appellant was an unfit parent and that termination of

(Footnote continued. . . .)

Albuterol and Pulmicort every four hours, and since that time she receives intermittent breathing treatments. In addition, Ms. Williams testified that the children continue to need specialized medical care and that they saw the following specialists: an audiologist, an ophthalmologist, a pulmonologist for their asthma and chronic lung disease, and a gastroenterologist for their gastroesophageal disorder. Additionally, they receive speech and occupational therapy through a program in West Virginia, and one of the twins still receives occupational therapy.

This testimony suggests that, while the children may no longer see medical specialists to the degree they did when they were younger, there is no basis to conclude that the children will never again require specialized care.

his parental rights was in the twin's best interests. *Cf. In re Adoption/Guardianship of Amber R.*, 417 Md. 701, 715-20 (2011) (affirming termination of parental rights where some factors weighed in favor of the parent and some were inapplicable but termination was in the children's best interest in light of all the applicable factors).

THE JUDGMENT OF THE CIRCUIT COURT FOR BALTIMORE CITY, SITTING AS A JUVENILE COURT, IS AFFIRMED.

COSTS TO BE PAID BY APPELLANT.