

Circuit Court for Baltimore County  
Case No. C-03-JV-22-000756

UNREPORTED\*  
IN THE APPELLATE COURT  
OF MARYLAND

No. 1412

September Term, 2023

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In Re: M.Z.

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Wells, C.J.,  
Tang,  
Ausby, Kendra, Y.,  
(Specially Assigned),

JJ.

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Opinion by Wells, C.J.

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Filed: February 28, 2024

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

This appeal arises from the Circuit Court for Baltimore County terminating its jurisdiction and closing the Child in Need of Assistance ("CINA") case involving one appellee, M.Z. The other appellee, the Department of Social Services for Baltimore County ("The Department"), filed the initial CINA petition in October 2022, alleging the then-fifteen-year-old M.Z., was a child in need of assistance because, among other things, she attempted suicide, ran away from home multiple times, engaged in inappropriate conduct with older men, and abused drugs and alcohol.

The circuit court granted the petition, and M.Z. was placed in a ninety-day mental-health and substance-abuse assessment program. On February 1, 2023, M.Z. began living with her mother, appellant here ("Mother"), again. Then, in April 2023, the court held a CINA review hearing. The Department requested the court terminate jurisdiction over M.Z. Mother opposed because she wanted M.Z., now sixteen years old, to receive a higher level of care due to her ongoing, allegedly dangerous behavior. The presiding magistrate allowed jurisdiction to continue, so the Department filed exceptions to the magistrates' recommendations. The court granted the Department's exceptions, and on August 25, 2023, terminated its jurisdiction over M.Z.

Mother timely filed this appeal and asks us to resolve one question:

1. Did the trial court commit error when it terminated jurisdiction over M.Z.?

We need not analyze whether the court erred in terminating jurisdiction over M.Z. because we hold the appeal should be dismissed. Therefore, we affirm.

## **FACTUAL AND PROCEDURAL BACKGROUND**

M.Z. has lived with Mother her entire life. She has no connection to her father, as he has never been involved and lives in Guatemala. M.Z. and Mother have had an apparently tumultuous relationship, which the Department first became aware of in November 2019.

### **Mother and M.Z.’s Initial Involvement With the Department**

In November 2019, Mother obtained family preservation services<sup>1</sup> from the Department, which concluded in June 2021. Those services, the Department explains, “[e]nhance the parents’ ability to create a safe, stable, and nurturing home environment that promotes healthy child development” through coordinated services that “[p]revent[] out-of-home placement of children.” COMAR -7.02.01.01(B)(1)-(2). These services were voluntary and may be terminated if the parent declines the service.

The Department reopened the family’s case and reengaged with family preservation services in January 2022, after learning M.Z., fourteen at the time, was in a relationship with an eighteen-year-old man. Upon reengagement, M.Z. filed a police report and participated in an assessment to determine if she was a human trafficking victim. In March 2022, after having M.Z. complete a substance abuse assessment, due to ongoing alcohol and marijuana use, the Department referred M.Z. to services for substance abuse. Shortly after this assessment, on March 13, M.Z. ran away from home and returned intoxicated.

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<sup>1</sup> The parties refer to the services as “family preservation services,” but the Department’s regulations in COMAR 07.02.01.01 refer to the services as “In-Home Family Services.”

Sometime between March and April 2022, M.Z. was admitted to the Kennedy Krieger Institute, which provides “interdisciplinary clinical care” to “children and adolescents who are having difficulty with mood, behavior, or relationships at home, with family, at school, and with peers.” However, on April 14, 2022, M.Z. was discharged from Kennedy Krieger for non-compliance. A week later, on April 22, M.Z. was admitted to the hospital after she attempted suicide. After which, the Department referred the family to participate in functional family therapy and engage with the Maryland Coalition of Families.

### **M.Z.’s Ongoing Behavior**

In June 2022, Mother reported that M.Z. ran away, but she soon was able to locate her. Then, a few days later, Mother reported to the Department that M.Z. attacked her at home and then abruptly left. The following day, Mother reported that M.Z. attempted to jump off a bridge, but Mother persuaded her to come down. In response to these events, on June 14, 2022, the Department referred M.Z. for mental health services.

In August 2022, M.Z. again ran away, and Mother found her sometime later intoxicated and covered in urine and feces. After finding her, Mother had M.Z. admitted to a hospital, but M.Z. left without telling anyone. The police later apprehended her and returned her to Mother. On September 6, 2022, Mother informed the Department that M.Z. ran away again and was found the following day, intoxicated and unconscious with an older man kissing her. After this incident, M.Z. was taken to the hospital and completed another

human trafficking assessment. Shortly after, M.Z. ran away again, but the police returned her to Mother. During this time, M.Z. was no longer attending school.

In October 2022, the Department held another Family Team Decision Meeting where Mother expressed her concern and inability to manage M.Z.’s behavior. On October 24, 2022, the Department filed a CINA petition based on M.Z.’s behaviors.

### **Initial CINA Hearing**

The Circuit Court for Baltimore County held a shelter care hearing on October 24, 2022, during which the Department detailed M.Z.’s behavioral history, including her substance abuse issues, suicidal ideations, failure to attend school, and interactions with older men. The Department requested shelter care and shared guardianship with Mother so that M.Z. could have her mental health and substance use concerns assessed. Mother agreed with this plan, only stipulating she did not want M.Z. permanently removed from her care. The court granted the petition and allowed Mother liberal, supervised contact with M.Z. Mother planned to visit M.Z. two-three times per week.

On November 18, 2022, the court held the adjudication and disposition hearings. The magistrate sustained all of the proposed findings in the Department’s petition and found M.Z. to be a CINA.

### **M.Z.’s Treatment and Progress**

During her stay at Children’s Home, M.Z. continued receiving mental health services to help her develop “healthy relationship boundaries” and address the possibility she was a human trafficking victim. M.Z., ultimately, was diagnosed with Post Traumatic

Stress Disorder, an unspecified mood disorder, and a disruptive mood dysregulation disorder. The Department asserted M.Z. was making friends and doing well, but M.Z.’s counsel disagreed, stating she was having issues and being harassed by other girls.

Mother remained in contact with M.Z., speaking to her daily and visiting frequently. Mother consistently communicated to the Department that “she wants her daughter to come home . . . after being successfully discharged.” M.Z. complied with all Children Home’s rules, and by December 2022, she was approved to graduate from the diagnostic center. Upon graduation, M.Z. moved to a regular group home, which was less restrictive.

On February 1, 2022, M.Z. was cleared to return home to Mother’s care, on a “trial home visit.” M.Z. struggled with her return home. Although she re-enrolled in school, ninth grade, she did so without any special education plans or extra help that she may have needed. M.Z. often skipped classes and failed to complete assignments. M.Z. enrolled in mental health services within the community, but according to one of the Department’s reports, her participation was “sporadic” and “inconsistent.” M.Z. was also enrolled in a service for possible human trafficking victims, but with that too, her attendance was fitful. M.Z. also balked at Mother’s rules, often staying out past curfew.

Several times between February and April, Mother spoke with the Department about pursuing out-of-home placements for M.Z. The Department-assigned social worker, Tiana Lee, met with the family several times to discuss possible out-of-home placements. However, both M.Z. and Mother told the Lee they wished to stay together.

As a result, on April 10, 2023, the Department held an exit-from-care Family Team Decision Meeting, where it recounted the services it provided the family since 2019. These services included Functional Family Therapy, both individual and family mental health referrals, psychiatric rehabilitation program services, transportation to medical and mental health appointments, educational advocacy, and the ninety-day diagnostic placement at Children’s Home. The Department concluded it provided the family the necessary services. The Department further emphasized that Mother could care for M.Z. and that she knew how to obtain further services if she needed them.

### **CINA Review Hearings**

On April 17, 2022, a juvenile court magistrate reviewed M.Z.’s CINA status. The Department requested the court terminate CINA jurisdiction because it provided the necessary services for a successful unification, and Mother demonstrated she could adequately care for M.Z. at home and knew how to obtain further services if necessary. In opposition, Mother, through counsel, proffered that M.Z. was still assaulting her, using substances, and having inappropriate contact with older men. M.Z. expressed that she wanted to stay with Mother and not reenter another residential program. The magistrate expressed concern that another CINA petition would be required with the family, so he recommended that the proceedings continue. A second review hearing was then scheduled for July 21, 2023.

At the July 21 hearing, Mother asserted M.Z.’s inappropriate behavior continued. Specifically, Mother’s counsel recounted that on one occasion M.Z. said she wanted to die,

and then swallowed some of Mother’s prescription medications. Paramedics came to the home and treated M.Z., determining she only ingested a small amount of the pills and was not in danger of harm. The Department noted that at some point it learned that the mental health services M.Z. was supposed to receive did not occur because M.Z. refused to participate.

Throughout the hearing, Mother asked the court to continue its CINA jurisdiction and place M.Z. in another ninety-day residential treatment program. The Department told the court about a home visit DSS workers conducted five days after M.Z. swallowed a small amount of Mother’s medication. The Department echoed the conclusion the paramedics apparently drew that M.Z. did not qualify for another ninety-day residential program because her mental health status did not support an emergency petition to a residential program. The Department acknowledged M.Z.’s behavioral challenges: not following Mother’s rules, not participating or cooperating with therapy, being discharged from certain services, and acting out. But the Department also observed that Mother “is a major support and advocate for her daughter” and “provided adequate care” for the five months since M.Z. returned home. The Department further noted Mother was familiar with the community services she could draw on, if necessary. At the conclusion of the hearing, the magistrate recommended the court’s continued CINA jurisdiction over M.Z.

### **The Department’s Exceptions and the Juvenile Court’s Termination of Jurisdiction**

In response to the magistrate’s recommendation, the Department filed exceptions, seeking de novo review by the juvenile court. On August 21, 2023, the juvenile court conducted an exceptions hearing, admitted the Department’s court report, and heard arguments. Mother argued M.Z. needed inpatient and higher levels of care, while conceding that M.Z. would need to obtain a certificate of need to enter a ninety-day residential program or treatment center. Mother noted that because M.Z. refused to participate in out-patient services, she could obtain a certificate of need through an emergency petition under Maryland Code Health General § 10-622, which states any “interested person” may file “a petition for emergency evaluation of an individual . . . under this section only if the petitioner has reason to believe that the individual . . . presents a danger to the life or safety of the individual or others.” Md. Code. Health Gen. § 10-622(a)(2), (b)(1)(iii).

M.Z., through counsel, was adamant about remaining in Mother’s home and explained that there was nothing more the Department could do if the case remained open. The Department supported M.Z.’s desire to remain at home, adding that M.Z. had been with Mother for the past six months, and she had been properly caring for M.Z. The Department said it was sympathetic to Mother’s concerns but reiterated that there was no longer a reason to maintain CINA jurisdiction over M.Z. having provided her with the necessary services. The Department specifically stated:

we have a child who if we change this placement, she’s not going to stay where we change. We have a child who’s not being neglected by her mother. We have a child who has been in the home with her mother for, I believe at this point it’s more than six months. And it’s not perfect but the child’s needs

are all being met. When things don't go well, the mother – it's not like the mother has thrown up her hands and said I'm done. The mother, when things don't go well, as the Court said, with a teenager, the mother is tending to the child's needs and doing the things that need to be done . . . . I will also note that the mother also knows that she can pick up the phone and call the Department of Social Services at any point.

Mother's counsel responded, and argued that the community-based services the Department referenced are not enough, stating:

It has been very clear, Your Honor, that [M.Z.] has refused all outpatient options regarding therapy or outpatient community services like mental health evaluations and that's why I continue to reiterate the request. And it's one thing to have a mother wait for something such as an actual suicide attempt to happen and the Department still fail this family. But now they're saying that they need more and that nothing can be done.

Moreover, in response to the Department stating there was nothing more they could, Mother emphasized that since M.Z.'s discharge from the original ninety-day program, neither the Department nor the community-based services provided "adequate responses or adequate assistance."

As part of this discussion, the Department mentioned the shortage of space within the ninety-day program. Specifically stating: "in all likelihood because of placement shortages, I'm going to guess where she's going to end up is in a hotel room with one-on-one aide until an appropriate placement can be found. And that's the logistics of where we are at." Mother argued it was unfair for the Department to ask to terminate for this reason, and clarified providing temporary accommodations until a full placement was available would be fine. Then, Mother requested, as a last resort, the juvenile court directly place M.Z. in a ninety-day program.

The juvenile court decided to terminate jurisdiction over M.Z. The judge provided the following explanation:

I am going to terminate this case . . . . what we're doing is putting the full responsibility on the mother which it is her child and to the best of my understanding from what has been presented to me is the mother is not proven to be an inappropriate parent. CINA cases are typically situations in which we have a parent issue.

That has not been the case here. Certainly I understand the idea about the emergency petition. A mother can do that as well. We have a child who's refusing to leave the home. . . [The Department's Attorney has] done this for a long time. And he has made the representation that this is not an ideal situation, if I got his representation correct, that it's not an ideal situation but there's little if anything that the Department can do at this point in time.

And we're also looking at a child here that's 16 years and 2 months old. And I share his concern about the 90 day issue. It's not as if we would drive her to the 90 day place this afternoon if the Department were to take her out of the mother's home, it would not be unusual that she would be housed in a motel or a hotel some place. I think at this juncture there's little if anything that the Department can do and termination is the appropriate result here and That's what I'm going to do.

Mother then timely filed this appeal.

### **DISCUSSION**

We begin with the Department's contention that Mother cannot appeal the juvenile court's decision because it was favorable to her. The Department argues Mother has an unfettered right to raise her child without State intervention, and retaining that full right is a favorable outcome that cannot be appealed. Notably, the court can only interfere with that fundamental right when the child's best interest takes precedence over the parent's liberty interest. *In re Mark M.*, 365 Md. 687, 705 (2001).

Mother disagrees, arguing the principle the Department relies upon does not prevent her from challenging the juvenile court’s decision. She contends that the relief she sought, continued court jurisdiction over her family so she could obtain the services necessary to ensure M.Z.’s ongoing health, safety, general welfare, and long-term stability in her home, was in M.Z.’s best interest.

Our Supreme Court determined that “generally, a party cannot appeal from a judgment or order which is favorable to him, since he is not thereby aggrieved.” *Rush v. State*, 403 Md. 68, 95 (2008) (quoting *Adm’r Motor Vehicle Admin. V. Vogt*, 267 Md. 660, 664 (1973); see also *Bd. of Trustees of Balt. Cnty. Cmty. Colleges v. RTKL Assocs., Inc.*, 80 Md. App. 45, 51 (1989); *Paolino v. McCormick & Co.*, 314 Md. 575, 579 (1989) (holding a party may not appeal or cross-appeal from a judgment favorable to the party). However, this principle, as the Supreme Court explained, “does not prevent a party from challenging an aspect of a lower court judgment or order that results in the party receiving less than the full relief it sought below, even though the judgment or order is otherwise in accord with the relief the party requested.” *Thompson v. State*, 395 Md. 240, 249 (2006).

“The parent’s interest at a CINA proceeding is the unfettered right to raise his or her child.” *In re Blessen H.*, 163 Md. App. 1, 19 (2005), *aff’d*, 392 Md. 684 (2006). A CINA proceeding balances “the fundamental right of parents to raise their children with the State’s obligation and prerogative to protect a child who requires court intervention for protection.” *In re T.K.*, 480 Md. 122, 132 (2022). The CINA statutes, Md. Code Ann., Cts.

& Jud. Proc. Art. §§ 3-801 to 3-830 (2020 Repl. Vol. & Supp. 2022), authorize the State to interfere with a parent’s fundamental right in certain circumstances because “the best interests of the child may take precedence over the parent’s liberty interest.” *In re Yve S.*, 373 Md. 551, 570 (2003) (quoting *In re Mark M.*, 365 Md. at 706) (cleaned up); *see also Frase v. Barnhart*, 379 Md. 100, 120 (2003) (“[A]s part of the CINA finding, the court has determined that court intervention is required to protect the child’s healthy, safety, and well-being.”).

Here, the court originally interfered with Mother’s fundamental right and granted partial guardianship to the Department because M.Z. displayed dangerous, self-destructive behavior: abusing drugs and alcohol, having relationships with older men, and exhibiting suicidal ideation. Mother knew about this behavior and could not control M.Z. which is how Mother voluntarily approved the CINA designation.

By August 21, 2023, M.Z. had made significant progress in her mental health. The Department had determined that it could no longer offer her services. The court agreed and determined the behavior that caused M.Z. to be declared a CINA no longer existed. Further, Mother was willing to safely maintain M.Z. in her home. M.Z. explicitly expressed her desire to remain with Mother. Consequently, the court ended its jurisdiction over M.Z, rescinded M.Z.’s commitment to the Department, and closed the CINA case. Mother’s unfettered right to raise M.Z has been restored. We hold Mother’s rights were not aggrieved in a way that entitle her to appeal. Accordingly, we shall dismiss the appeal.

**APPEAL DISMISSED. APPELLANT  
TO PAY THE COSTS.**

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