

Circuit Court for Baltimore County
Case No. C-03-JV-24-000048

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1447

September Term, 2025

IN RE: M.M.

Friedman,
Zic,
Kenney, James A. III
(Senior Judge, Specially Assigned),

JJ.

Opinion by Zic, J.

Filed: March 10, 2026

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

This appeal arises from a termination of parental rights (“TPR”) petition filed by the Baltimore County Department of Social Services (“Department”) in the Circuit Court for Baltimore County, sitting as a juvenile court. Following a four-day contested TPR hearing, the court found that exceptional circumstances existed and terminated Mother’s parental rights. Mother now appeals and presents two questions for our review, which we have rephrased and recast as follows: Whether the juvenile court abused its discretion in terminating Mother’s parental rights.¹ For the following reasons, we affirm.

BACKGROUND

M.M. was born in October 2016. Twice in August 2019, when M.M. was two years old, law enforcement found him wandering alone near a busy road, barefoot, barely clothed, and dirty. Mother was experiencing homelessness at the time. The second time officers found M.M., the Department took him into emergency shelter care and filed a child in need of assistance (“CINA”) petition.

¹ Mother phrased the questions as follows:

1. Did insufficient evidence support the court’s TPR decision, and consequently, did the court legally err and abuse its discretion when concluding that exceptional circumstances made TPR in M.M.’s best interests?
2. Did the court err as a matter of law when finding that exceptional circumstances justified TPR, especially because of the strong bond between fit Mother and M. and considering safe maternal relatives, with whom M. frequently visited overnight, were ready, willing, and able to care for him?

At the adjudicatory hearing on October 7, 2019, the juvenile court sustained the CINA petition allegations, found M.M. to be a CINA, and committed him to the care and custody of the Department. M.M. was initially placed in a treatment foster home and was subsequently moved to his currently foster family, the F. family,² in July 2020.

Following M.M.'s removal, the Department provided Mother with numerous reunification services, including: referrals for mental health treatment and a substance abuse evaluation; transportation; visitation with M.M.; and advocated on Mother's behalf to the Baltimore County Office of Housing for the purpose of obtaining a Family Unification Program housing voucher for Mother. By April 2021, Mother had obtained stable housing and was participating in mental health treatment. In September 2021, M.M. was placed in a trial home visit with Mother.

The Department arranged services to support the trial home visit. For example, the Department coordinated door-to-door transportation to ensure that M.M. could reliably get to school, provided private car services to assist Mother, and continued to make medical referrals for both M.M. and Mother. Despite these services, M.M. missed numerous days of school and medical appointments and was ultimately discharged from therapy for non-attendance. Mother was also discharged from her own therapy in April 2022 for lack of attendance. M.M.'s caseworker testified that, when the Department offered to refer Mother elsewhere, Mother told the Department that she "had somebody

² We have anonymized the surname of M.M.'s foster family with a single initial.

in mind that she was [going to] follow up with.” As of September 2022, however, Mother had not notified the Department that she was again in therapy.

In November 2022, the Department convened a family decision-making meeting to set clear expectations with Mother about school attendance and medical compliance. Within a few weeks, M.M. again missed multiple medical appointments and consecutive days of school. On December 5, 2022, the Department terminated the trial home visit and removed M.M. from Mother’s care for the second time, this time based on M.M.’s missed doctor’s appointments and school absences. M.M. was again placed with the F. family. Upon his return to their care, M.M.’s caseworker testified that M.M. “smiled and jumped up and down” and “was very joyful” to see the F. family.

Shortly after M.M.’s return to the F. family, the foster parents discovered unexplained marks on M.M. The Department began an abuse investigation. Based on this investigation, the State charged Mother with multiple criminal charges, including second-degree child abuse. In October 2023, Mother agreed to have the charges placed on the stet³ docket on the condition that she have no unsupervised contact with M.M. for three years, until October 2026.

In February 2023, M.M.’s maternal grandmother (“MGM”) and maternal aunt (“MA”) asked to be jointly considered as a placement resource for M.M. The

³ For background purposes, we note that “[a] stet in Maryland is a method of placing an indictment or criminal information in a state of suspended animation into which new vitality may be breathed through either prosecutorial or defense resuscitation.” *State v. Weaver*, 52 Md. App. 728, 729 (1982).

Department began the process to evaluate the family members as a placement resource, including conducting a home assessment and reviewing financial paperwork. Ultimately, the Department declined to place M.M. with MGM and MA due to concerns about their ability to financially care for him, protect him from Mother in light of the pending criminal charges, administer M.M.'s medication, and otherwise meet his individual needs.

In November 2023, the juvenile court changed M.M.'s permanency plan to a concurrent plan of adoption or guardianship by a non-relative. Two months later, the Department filed a petition to terminate Mother's parental rights.⁴

The TPR Hearing and Decision

The juvenile court held a contested TPR hearing beginning on August 19, 2025. At the start of the hearing, the court met with and interviewed M.M. The Department called Mother as a hostile witness and called M.M.'s caseworker and Ms. F. (M.M.'s foster mother) as witnesses. Mother's trial attorney called MGM, MA, Ms. Mitchell (the Department's adoptions supervisor), Ms. Turner (Mother's psychiatric rehabilitation program worker), and a second maternal aunt of M.M. Mother also testified on her own behalf.

Following a four-day hearing, the juvenile court rendered a verbal decision, in which it made detailed findings of fact as to each of the statutory factors set forth in

⁴ M.M.'s biological father, who is not a party to this appeal, did not contest the TPR petition and did not participate in the TPR hearing.

Maryland Code (1984, 2019 Repl. Vol.), Family Law (“FL”) Article § 5-323(d). The court first “prefaced all [of its] fact finding” by acknowledging that Mother and M.M. loved each other and had a strong bond. Turning to the FL § 5-323(d) factors, the court found that the Department had offered Mother timely and appropriate services, that M.M. had a strong bond with the F. family and was adjusting well to his placement, and that due primarily to Mother’s stet conditions, additional services would not likely bring about M.M.’s return to Mother within eighteen months from the date of placement.

Citing to *In re Alonza D., Jr.*, 412 Md. 442 (2010), the juvenile court recognized that “bonding alone and time alone will never be a factor -- or standing as itself, a reason to terminate parental rights.” The court found, as factors in its analysis, that M.M. had achieved permanence with the F. family, that continuing the parental relationship would leave M.M. in “limbo” for at least another fourteen months from the hearing date, and that there was no ascertainable time when Mother would be able to reunite with M.M. It explained:

I truly recognize, applaud, and cannot undermine or diminish, or do anything other than appreciate greatly every effort that [Mother] has made. But yet, I do not have any period of time in which she was able to parent M.[M.] without there being at least issues, at minimum issues, and certainly neglect of a serious kind. We have the neglect of 2019. We have the failures . . . of school attendance[] and also health and dental on the trial home visit.

We have the extant [stet] provision that [Mother] is to have no unsupervised contact through at least October [] 2026, which is about 14 months from now. We can’t even get the ball rolling in the unsupervised contact for 14 months. . . . I cannot add additional services . . . within the period of 18 months from the [c]ourt’s determination. I think that goes

hand in hand with the aspect of permanence. . . . And permanence will never take precedence over any other factor, but it also cannot be ignored in balancing the best interests of the child.

Ultimately, the juvenile court found that exceptional circumstances existed, ordered the termination of Mother’s parental rights in M.M.’s best interest, and granted the Department’s TPR petition. Mother noted a timely appeal. We supplement as necessary with additional facts in the discussion.

STANDARD OF REVIEW

Our review of a juvenile court’s termination of parental rights involves three interrelated standards:

When the appellate court scrutinizes factual findings, the clearly erroneous standard of Rule 8-131(c) applies. Second, if it appears that the court erred as to matters of law, further proceedings in the trial court will ordinarily be required unless the error is determined to be harmless. Finally, when the appellate court views the ultimate conclusion of the court founded upon sound legal principles and based upon factual findings that are not clearly erroneous, the court’s decision should be disturbed only if there has been a clear abuse of discretion.

In re Ta’Niya C., 417 Md. 90, 100 (2010) (cleaned up) (quoting *In re Victor A.*, 386 Md. 288, 297 (2005) (quoting *In re Yve S.*, 373 Md. 551, 586 (2003) (citation omitted)). The clearly erroneous standard requires that a trial court’s factual findings be upheld so long as “any competent material evidence exists in support of the [] court’s factual findings.” *In re Ryan W.*, 434 Md. 577, 593-94 (2013). “Legal conclusions of unfitness and exceptional circumstances are reviewed without deference.” *In re C.E.*, 464 Md. 26, 47 (2019). Nonetheless, “[w]e review the [juvenile] court’s . . . ultimate decision to

terminate [] parental rights for abuse of discretion.” *In re K’Amora K.*, 218 Md. App. 287, 301 (2014); *see In re Ta’Niya C.*, 417 Md. 90, 100 (2010) (describing the three interrelated standards of review).

A trial court’s decision can be reversed for abuse of discretion only if the decision is “well removed from any center mark imagined by the reviewing court and beyond the fringe of what the court deems minimally acceptable.” *In re Yve S.*, 373 Md. 551, 583-84 (2003) (quotation omitted). “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 wrong.’” *In re C.A. & D.A.*, 234 Md. App. 30, 46 (2017) (quotation omitted).

DISCUSSION

I. THE JUVENILE COURT DID NOT ABUSE ITS DISCRETION IN TERMINATING MOTHER’S PARENTAL RIGHTS.

A. The Parties’ Arguments

As we understand her brief, Mother contends that the juvenile court’s finding of exceptional circumstances was supported by insufficient evidence, and consequently, that the court ultimately abused its discretion in terminating her parental rights. Mother specifically argues that the court clearly erred in “finding that [the Department] made adequate efforts to reunify Mother and [M.M.] *after* [M.M.’s] December 2022 removal” because the Department did not offer Mother any service agreements after 2019 or “adequately work[] with [Mother’s] family to explore relative placement.” Mother also contends that the court erred in finding that the Department offered reasonable services

during the home trial period because it did not provide services addressing her Crohn’s disease diagnosis.

Mother further argues that “the court [] erred when concluding Mother had not sufficiently adjusted her circumstances to keep her parental relationship intact[,]” asserting that she obtained stable housing and had progressed in her mental health treatment. Finally, Mother asserts that the court improperly “treated the stet as approximating an admission” of neglect of M.M. and focused on M.M.’s bond with the F. family rather than on his bond with Mother.⁵

Relevant to Mother’s argument concerning reunification services, the Department and M.M., through counsel, respond that the court properly determined that the

⁵ Mother additionally contends that “the court erred by failing to expressly address [the Department’s] inadequate consideration of available relatives for [M.M.]’s temporary or permanent placement from December 2022 onward.” This argument misconstrues the focus of a TPR hearing, which is the continuation of the parental relationship and not the custody of the child. FL § 5-323(b). As explained by the Supreme Court of Maryland:

The juvenile court’s inquiry is different [in a TPR case] from that of a custody case. The relevant question in a TPR proceeding is whether the parent is unfit to continue the *parental relationship* or whether there are exceptional circumstances that make the continued *parental relationship* detrimental to the child’s best interest. This is different from the custody analysis in which the court is looking at whether the *custodial arrangement* is in the best interest of the child.

In re C.E., 464 Md. 26, 49-50 (2019) (internal citations omitted). Moreover, none of the statutory factors in FL § 5-323(d) require a juvenile court to consider placement with relatives as an alternative to termination. That “[a]dditional criteria *may* come into play in the exceptional circumstances analysis” does not mean juvenile courts *must* consider kinship placement as an alternative to TPR. *In re H.W.*, 460 Md. 201, 220 (2018) (emphasis added).

Department provided timely and appropriate reunification services. Both note that, between the termination of the home trial visit in December 2022 and modification of M.M.’s permanency plan in November 2023, the Department continued to provide Mother with unsupervised visitation, scheduled a fitness-to-parent evaluation, offered Mother transportation to appointments, attended an individualized education program meeting with Mother, explored kinship placement with MA, and attempted to confirm Mother’s participation in mental health treatment.

The Department and M.M. further argue that the stet condition, which prohibits unsupervised contact between Mother and M.M. until October 2026, created an insurmountable barrier to reunification within any ascertainable timeline, and that the juvenile court properly considered M.M.’s bonds with both Mother and the F. family in reaching its decision to terminate Mother’s parental rights.

B. Legal Framework

“[P]arents have a fundamental, Constitutionally-based right to raise their children free from undue and unwarranted interference on the part of the State[.]” *In re Rashawn H.*, 402 Md. 477, 495 (2007); accord *Santosky v. Kramer*, 455 U.S. 745, 753 (1982) (“The fundamental liberty interest of natural parents in the care, custody, and management of their child does not evaporate simply because they have not been model parents or have lost temporary custody of their child to the State.”). Thus, there is a “substantive presumption . . . that it is in the best interest of children to remain in the care and custody of their parents.” *In re Rashawn H.*, 402 Md. at 495. Termination of

parental rights is “an alternative of last resort, and is not to be taken lightly.” *In re Amber R.*, 417 Md. 701, 715 (2011).

A juvenile court may terminate parental rights if it “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[.]” FL § 5-323(b); *see In re C.E.*, 464 Md. at 49-50 (explaining that the parental relationship, not custody, is the focus of TPR). “Unfitness or exceptional circumstances do not, by themselves, mandate a decision to terminate parental rights. Rather, they demonstrate that the presumption favoring the parent has been overcome.” *In re H.W.*, 460 Md. 201, 218 (2018) (internal citation omitted). “The decision to terminate parental rights must **always** revolve around the best interests of the child.” *Id.* at 218-19; *see In re Ta’Niya C.*, 417 Md. at 110 (holding that a juvenile court must consider together the concepts of unfitness, exceptional circumstances, and the child’s best interests); *see also In re Rashawn H.*, 402 Md. at 501 (same). “But the best interests of the child do not permit the juvenile court to ignore the reality of a child’s life.” *In re Ashley S.*, 431 Md. 678, 719 (2013).

In conducting its analysis, the juvenile court must expressly consider the statutory factors in FL § 5-323(d). *In re C.E.*, 464 Md. at 50. These factors include: the services that the local department offered to assist in reunification of the child with the parent; the results of the parent’s effort to adjust his or her behavior; the existence and severity of aggravating circumstances; and the child’s emotional ties, feelings, and adjustment to

community and placement and the child’s general well-being. *See generally* FL § 5-323(d)(1)–(4) (listing factors).

C. Analysis

Here, the record provides ample support for the juvenile court’s finding that the Department provided reasonable and appropriate reunification services pursuant to FL § 5-323(d)(1). Following M.M.’s initial removal in 2019, the Department provided Mother with mental health referrals, substance abuse evaluation, transportation, and visitation services, and advocated for Mother to receive a housing voucher. These efforts were successful; Mother obtained stable housing and was compliant with treatment by April 2021, leading to M.M.’s home trial visit beginning in September 2021.

The court further found that, during the home trial, the Department provided medical referrals for both M.M. and Mother and arranged private car services for medical appointments. When Mother informed the Department that she was experiencing physical health issues (later diagnosed as Crohn’s disease), M.M.’s caseworker also worked with M.M.’s “school to have an accommodation on his 504 plan so that . . . the school would have to provide door-to-door transportation so that [Mother] would not have to[] . . . walk [M.M.] a block[.]”

As to Mother’s efforts to adjust her circumstances, *see* FL § 5-323(d)(2), the juvenile court found that Mother’s pattern of inconsistent engagement with services, namely, M.M.’s school absences and missed medical appointments during the trial home visit—both of which persisted after a meeting with the Department in November 2022—demonstrated an inability to provide the consistent care M.M. required. Our

understanding of the record reveals that the court did not use the stet provision to imply that Mother admitted to neglecting M.M.; rather, the court found that the stet provision, to which Mother voluntarily agreed, limited her ability to maintain regular contact with M.M. *See* FL § 5-323(d)(2)(i)(1) (requiring juvenile courts to consider, in a TPR proceeding, “the extent to which the parent has maintained regular contact with[] the child”). Although the court found that Mother neglected M.M., it based this finding on M.M.’s missed school and medical appointments—not on the stet provision. *See* FL § 5-323(d)(3)(i) (requiring juvenile courts to consider, in a TPR proceeding, “whether[] the parent has abused or neglected the child or a minor and the seriousness of the abuse or neglect”).

Moreover, the juvenile court’s findings regarding M.M.’s bonds with Mother and the F. family, pursuant to FL § 5-323(d)(4), were not disproportionately focused on M.M.’s bond with the F. family. The court acknowledged that M.M. and Mother loved each other and had a strong connection, and likewise, recognized that M.M. had lived with the F. family for the majority of his life, had developed strong bonds with them, was thriving in their care, was receiving the consistent support that his unique needs required, and had achieved permanence in their care. The court was not required to ignore M.M.’s reality with the F. family in assessing FL § 5-323(d)(4). *See In re Ashley S.*, 431 Md. at 719. Nor did its analysis rely solely on M.M.’s bond with the F. family or the length of his placement; instead, the court considered the evidence supporting M.M.’s emotional ties to *both* Mother and the F. family.

Perceiving no legal error in the juvenile court’s exceptional circumstances finding, we also conclude that the juvenile court’s ultimate decision to terminate Mother’s parental rights was not an abuse of discretion. Our review of the record reveals that the best interest of M.M. was “of primary importance” in the court’s decision. *See In re C.A. & D.A.*, 234 Md. App. at 46 (quotation omitted). The court made detailed findings as to each statutory factor, meticulously discussed the evidence in its verbal decision, and exercised its discretion in a manner that was neither “well removed from any center mark” nor “beyond the fringe of what [this] [C]ourt deems minimally acceptable.” *In re Yve S.*, 373 Md. at 583-84 (quotation omitted).

CONCLUSION

We hold that the juvenile court’s finding of exceptional circumstances was supported by sufficient evidence, and, discerning no abuse of discretion, we affirm.

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE COUNTY AFFIRMED;
COSTS TO BE PAID BY APPELLANT.**