Circuit Court for Baltimore County
Case Nos. C-03-JV-22-000294; C-03-JV-22-000295

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1498

September Term, 2024

IN RE: H.H. & B.M

Graeff,
Albright,
Battaglia, Lynne A.,
(Senior Judge, Specially Assigned),

JJ.

Opinion by Albright, J.

Filed: August 11, 2025

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The Circuit Court for Baltimore County, sitting as a juvenile court, concluded that H.H. and B.M. ("the Children") were children in need of assistance ("CINA") after the Department of Social Services investigated a report that six-year-old B.M. walked home from school alone and stayed there unsupervised for several hours. More than two years later, the juvenile court granted custody and guardianship of B.M., and his one-year-old half-brother, H.H., to B.M.'s paternal grandmother ("Grandmother C."), ordered that Mother's visitation with the Children be supervised,[1] and closed the Children's cases.

Here, Mother appeals.[2] She presents two questions for our review,[3] which we have rephrased as follows:

I. Did the court abuse its discretion in awarding custody and guardianship of the Children to the paternal and fictive grandmother and closing the CINA cases?

II. Did the court abuse its discretion in ordering that Mother's visits with the Children be supervised?

We answer "no" to both questions and affirm.

[1] The court ordered unsupervised visitation for B.M.'s father and H.H.'s father. These orders are not challenged on appeal.

[2] Neither B.M.'s father nor H.H.'s father appealed, despite being parties to the proceedings below.

[3] In her appellate brief, Mother presents the following questions:

1. Did the court commit error when it granted custody and guardianship of the children to the paternal grandmother and closed the CINA cases?
2. Where the court ordered unsupervised visitation for the fathers, did the court abuse its discretion when ordering that [Mother's] visits with the children be supervised?

FACTUAL BACKGROUND

Mother is a thirty-five-year-old woman who grew up Baltimore County. She has seven children, two of whom are the subject of this appeal: B.M. (born July 2015) and H.H. (born December 2020).

I. Events Leading to the CINA Adjudication and Disposition

A. April 29, 2022 CINA Petitions & Shelter Care Order[4]

On April 28, 2022, the Baltimore County Department of Social Services (the "Department") responded to a report that six-year-old B.M. was left home alone after school. The report included concerns of food insecurity (alleging that B.M. often asks the school to send home extra food), truancy (alleging that B.M. missed sixty-three percent of the school year), and improper care (alleging that B.M. shows up at school smelling of urine and feces).

A Department social worker interviewed B.M. at his school. B.M. stated that he walks home from school, lets himself in using his house key, and remains alone and unattended until his mother returns from work in the late evening. He reported that, with no one else home to prepare a meal, he did not always eat dinner. B.M. explained that he smells bad because the household's pets use the bathroom in the home.

The social worker then contacted Mother, advising her of the report and the interview with B.M. Mother came to B.M.'s school to meet with the social worker but began shouting profanely upon her arrival and, according to the social worker, smelled

[4] The following facts are based on the sustained factual allegations contained in the Department's CINA petitions, filed on April 29, 2022.

strongly of marijuana. Mother confirmed that B.M. is home alone after school. The social worker said that Mother needed to make a plan for B.M.'s after-school care; Mother became "combative and argumentative" and threatened the social worker. The school resource officer intervened.

Mother refused to disclose the location of one-year-old H.H. Mother's aunt, Ms. W. ("Great-Aunt W."), showed up to the school and advised she would take physical custody of H.H. but also did not disclose H.H.'s location. The next day, the Department confirmed H.H. was with Great-Aunt W. Another of Mother's children was also in Great-Aunt W.'s care at the time.

Mother had a history of involvement and "being non-compliant" with the Department. Since September 2021, the Department had received three reports regarding B.M. and his siblings—with consistent concerns of "inadequate supervision, food insecurit[y], poor hygiene, and poor school attendance." In 2010, Baltimore City's Department of Social Services removed two of Mother's children from her care.

On April 29, 2022, the Department held a Family Team Decision Meeting ("FTDM") to discuss placement resources and options for the Children. B.M.'s father ("Father M.") shared legal custody of B.M.; he reportedly had a good relationship with B.M. but was not able to provide care. Father M. told the social worker that he wanted his mother, Grandmother C., to be B.M.'s caregiver. Grandmother C. had taken care of B.M. from June 2018 until September 2021. Mother repeatedly declined to provide the identity of H.H.'s father to the Department.

The same day, the Department filed CINA petitions and requests for shelter care[5] for B.M. and H.H. Following a shelter care hearing, the juvenile court granted shelter care and placed B.M. and H.H. into the Department's custody pending a CINA adjudication. B.M. was placed with Grandmother C. and H.H. was placed with Great-Aunt W.

B. June 2, 2022 CINA Adjudication Hearing

The juvenile court[6] held the adjudication and disposition hearing for both Children in June. The court sustained DSS's allegations in the CINA petitions, with two minor exceptions,[7] and found the Children to be in need of assistance. The court ordered supervised visitation for Mother and H.H.'s father[8] ("Father S.") and unsupervised visitation for Father M. The court further ordered all three parents to cooperate with the Department and maintain safe housing. Additionally, the court ordered Mother to (1) submit to a mental health evaluation, undergo recommended treatment, and sign related

[5] "'Shelter care' means a temporary placement of a child outside of the home at any time before [a CINA] disposition." Md. Code. Ann., Cts. & Jud. Proc. ("CJP") § 3-801(cc).

[6] A magistrate presided over this hearing. No exceptions were filed.

[7] Specifically, the court (1) found that B.M. had lived with Grandmother C. from June 2018 (not birth, as the petition originally indicated) to August 2021; and (2) that Mother did not have adequate housing for H.H. (where H.H.'s petition originally had not mentioned housing for him).

[8] Following the shelter care hearing, Mother provided the identity of H.H.'s father to the Department.

releases; (2) submit to a substance abuse evaluation, undergo recommended treatment, and sign related releases; and (3) participate in parenting classes and sign related releases.

II. Events After CINA Disposition

A. June 14, 2022 to December 15, 2022: Initial Review Period

Between June 14, 2022 and December 15, 2022, Mother completed the court-ordered parenting class, mental health evaluation, and substance abuse assessment. She tested negative for illicit substances. She was diagnosed with acute PTSD and planned to start therapy.

During this time, Mother's housing and employment were unstable. She had lost her job by failing to report to work on April 28, 2022, when she went to the school to meet with the Department instead. She then lost her housing and her vehicle. She quickly found new employment at a casino, though, and by the December 15, 2022 review hearing, she provided paystubs demonstrating that she was working many regular and overtime hours and had been doing so for about five months.

During the six months after the Children were committed to the Department's care, Mother visited H.H. four times and B.M. once. Mother attributed the lack of visitation with B.M. to a couple of arguments with Grandmother C. and requested unsupervised visitation. During the review period, Mother did not call B.M. directly on his phone or ask after him, and rarely returned his calls.

After the December 15, 2022 review hearing, the court ordered reunification as the permanency plan for both Children. The court also changed Mother's visitation to

unsupervised and ordered her to start therapy—and sign Release of Information forms for her treatment providers.

B. December 15, 2022 to April 13, 2023: Second Review Period

The April 13, 2023 permanency plan review hearing occurred before a magistrate, who recommended that the plan change from reunification to a plan of reunification concurrent with custody and guardianship to a relative or non-relative (for both Children, with Grandmother C.).[9] Although Mother objected to the plan change at the hearing,[10] and requested that the plan remain reunification, she took no exceptions from the magistrate's recommendation, and it was adopted by the juvenile court.

During this review period, H.H.'s placement with Great-Aunt W. had ended due to financial issues with daycare. H.H. was then placed with his half-brother, B.M., in Grandmother C.'s care.

Mother had been living at a hotel but had managed to get her car back. Mother reportedly had not yet started therapy, despite reminders that the court had ordered her to engage in mental health services to address her diagnosis of acute PTSD. She had left her job at the casino to get her Special Police Officer security license and had already been approved and licensed. As of March 30, 2023, Mother was waiting on a start date.

[9] For H.H., the recommendation was for a non-relative placement because Grandmother C is not related to H.H.

[10] Father M. agreed with the Department's recommendation, and Father S. did not attend the hearing.

Mother's visitation with the Children had improved since the first review period. She visited more regularly and got along with Father M. and with Grandmother C. The Department recommended that Mother's visitation remain liberal and unsupervised, a recommendation that the magistrate (and the juvenile court) adopted.

C. April 13, 2023 to September 14, 2023: Third Review Period

In advance of the next permanency plan review hearing, the Department recommended another permanency plan change for both Children, this time to a plan of reunification concurrent with adoption by Grandmother C. The Department also recommended that Mother's visitation remain liberal and unsupervised. Mother requested that the plan revert to reunification.

At the hearing, the Department acknowledged that Mother had "been compliant with a lot of the [D]epartment's requests," but still struggled to make progress in securing safe, hazard-free housing. Mother had failed to pay rent and had been evicted several times. During this review period, Mother had stayed at hotels, motels, and the houses of various friends or relatives. Mother had started a new job as hospital security to continue in her goal of saving up for an apartment, but already faced challenges in getting to work after a car accident left her without reliable transportation.

As for her mental health treatment, Mother had made little progress since her initial intake with Agape Mental Health Services ("Agape"), the provider that had diagnosed her with acute PTSD. According to Agape, Mother briefly resumed therapy

but had not signed the court-ordered release. Additionally, Mother had been scheduled for several sessions that she did not attend.

The Department also noted a decline in Mother's contact with the Children:

> [Mother] continues to struggle immensely with maintaining employment, finances, housing, and her court ordered mental health therapy. She rarely visits [B.] and [H.], and has been very inconsistent with her visits and contact with them throughout the case. She infrequently contacts [Grandmother C.] to ask about [B. and H.]. When she does, she seldom asks about [B.] or requests to visit with [B.]. [Grandmother C.] showed this writer text message conversations going back to May 2023 where [Mother] is only asking to visit with [H.] and asking how [H.] is. When [Grandmother C.] brings this up to [Mother], she becomes very agitated and upset and states that there is no right way to ask about her sons.

As for the Children's permanency plans, the court rejected the Department's recommendation for plans of reunification concurrent with adoption by Grandmother C. and Mother's recommendation for sole plans of reunification. Instead, the court ordered that both Children's plan remain reunification concurrent with custody and guardianship to a relative or non-relative.

D. September 14, 2023 to March 11, 2024: Fourth Review Period

1. Department Requests That Mother's Visitation Be Supervised

During the next review period, the Department reported safety concerns that arose during Mother's visits with the Children. At one visit, Mother "was teaching [eight-year-old B.M.] how to drive" by allowing him to sit on her lap in the driver's seat and steer[11] the vehicle through an empty parking lot; she also drove the vehicle with two-year-old

[11] Mother's counsel clarified that, "at no point in time was [B.M.] ever in control of the vehicle solely[.]"

H.H. on her lap. When the Department reached out to address this incident, Mother did not acknowledge that her actions were inappropriate or unsafe. The Department requested a visitation hearing to advocate that Mother's visitation be changed from unsupervised to supervised. A magistrate took up the Department's request in a hearing on January 11, 2024, and recommended that Mother's visitation be supervised. Mother noted exceptions to this recommendation, requesting a de novo hearing before the juvenile court.

2. March 11, 2024 Hearing

On March 11, 2024, the juvenile court reviewed the permanency plan and, following Mother exceptions, took up the Department's request that Mother's visitation be supervised. In its report and at this hearing, the Department asked the court to award custody and guardianship of the Children to Grandmother C.[12] and to close the CINA cases.

According to the Department, Mother continued to struggle with permanent housing and employment. Mother had been terminated in November 2023 from the security position she took in August 2023; she reportedly informed the Department that she "cursed out her boss" after a meeting regarding her "frequent lateness." Prior to the termination, Mother's shifting job schedule had made it difficult to maintain a consistent weekly visitation schedule with the Children. The Department also noted that apart from Mother's statement at the January 2024 visitation hearing before the magistrate that she

[12] The Department submitted supporting exhibits, including a home study for Grandmother C.

was attending therapy, Mother continued to refuse to provide information or sign releases regarding mental health treatment.

Mother asked the court to keep the cases open and reinstate unsupervised visitation. She argued that the Department's report contained inaccuracies about how and why her employment ended. She proffered that she was employed at a private security agency and would be training to be a certified nursing assistant.

According to Mother, these cases centered around her housing instability, not her alleged mental health issues. Mother was unwilling to sign a release for information about her therapy, explaining that this was based on her previous experiences with the Department where her provider shared more personal information than was necessary. Mother's counsel confirmed Mother was treating with Agape.

In light of Mother's "lapse in judgment" in driving with the Children on her lap, the court ordered Mother to complete a comprehensive parenting fitness evaluation. Upon her completion of that, the Department would have the right to transition Mother's visits to be unsupervised. The court lamented the lack of progress by the parents but acknowledged that "[t]his case is not all that old." Accordingly, the court allowed the parents "one review period to follow through" on their promised progress, including Mother's claim that she would have stable, independent housing by then. Until then, the Children's permanency plans remained unchanged.

III. Events Leading to the Conclusion of CINA Proceedings

A. March 11, 2024 to August 1, 2024: Fifth Review Period

In its report for this review period, the Department requested that the commitment of the Children be rescinded and that custody and guardianship be awarded to Grandmother C. The Department introduced a copy of the home study of Grandmother C. that it had submitted at the prior hearing. The report concluded that Grandmother C. was a suitable caregiver and that her home was an appropriate placement for the Children.

During this review period, Mother continued not to make enough progress. On May 2, 2024, Mother had completed a Psychological Evaluation of Parental Capacity with Dr. Robert Kraft but the evaluation showed continued mental health issues. From Dr. Kraft's evaluation, the Department summarized that

> On May 2, 2024, [Mother] completed a Psychological Evaluation of Parental Capacity with Dr. Robert Kraft. Dr. Kraft's [d]iagnostic impression in the report outlines [Mother's] [u]nspecified trauma and stress related to disorder with panic attacks, adjustment disorder with depressed mood, personal history of sexual abuse as a child and spouse or partner violence, physical, and inadequate housing.
>
> Dr. Kraft described [Mother] []as [a] very intelligent [individual] who has great potential but strongly suggest[s] she takes responsibility for her mental health and deal with her historical[] trauma and she should complete a parent education course approved by the [D]epartment[.]

Dr. Kraft noted that Mother demonstrated "considerable defensiveness" during the evaluation and "appear[ed] motivated to portray herself as being exceptionally free of common shortcomings to which most individuals will admit." From this reticence, according to Dr. Kraft, may follow "a tendency to minimize any negative impact that her actions may have on other people[.]"

In May 2024, Mother's mental health provider also confirmed her mental health issues. Specifically, Mother signed a release of information for Agape, her provider, to verify Mother's treatment. Agape confirmed that Mother's diagnosis was Major Depression Disorder, Recurrent, Severe, and that she had been receiving weekly treatment since May 31, 2022.

Mother continued not to follow through in securing the housing assistance she wanted. On May 15, 2024, Mother had discussed housing with the Department, requesting financial assistance to obtain stable housing. She was already on housing waiting lists for several nearby counties. The Department told Mother that she would need to submit several items, including a "drafted" lease, employment verification, and paystubs demonstrating that she would be able to maintain the housing. As of the Department's July 23, 2024 report, Mother had not yet submitted this documentation. The Department also had no indication from Mother that she had contacted the Emergency Rental Assistance Program that the Department's workers had told her about. At the time of its report, the Department did not know where Mother was residing.

In June 2024, Mother was involved in a CPS investigation in another county. This investigation was opened after Mother did not return another child that she shares with Father S. after a visit. The child was ultimately located with Mother in a hotel room; she had reportedly filed for an emergency protective order against Father S., but had let him know that she would not be returning the child on the agreed-upon day.

B. September 9, 2024 Hearing

On September 9, 2024, the juvenile court took up the Department's requests to award custody and guardianship to Grandmother C. and for case closure.[13] At the hearing, the Department introduced its report of the last review period and the home study for Grandmother C. The court took judicial notice of the fitness-to-parent evaluation. No testimony was offered; the parties proceeded by proffer.

According to the Department, B.M. and H.H. continued to live with Grandmother C., and "[we]re doing well." Further, H.H., then three-and-a-half years old, was "thriving." He had "developed a strong bond with [Grandmother C.], [was] attending daycare, [and was] up to date medically." B.M., then nine years old, "[w]ant[ed] to live [at Grandmother C.'s home] forever." He had started fourth grade, had private tutoring and an IEP, saw a psychiatrist, and was up to date medically.

The Department summarized the case to date and its concerns throughout regarding Mother:

> Mother has five other children that are not in her care. She does continue to struggle with employment and stable housing. She did have a fitness[-]to[-]parent done in May with Dr. Kraft.
>
> And Dr. Kraft found that she was a highly intelligent individual. And she had a lot of drama in the past and that there doesn't seem to be anything besides the trauma in her past that would prevent her from providing care. However, she has not been able to do that as of yet. . . .

[13] The fifth review hearing occurred before a magistrate on August 1, 2024. The magistrate recommended custody and guardianship to Grandmother C. for both H.H. and B.M. and mediation to determine visitation upon closure of the cases. Mother took exceptions to the magistrate's findings and recommendations, and a de novo exceptions hearing was held on September 9, 2024.

> I think significantly in this case is the fact that her housing is still the unknown to the worker.
>
> And it was made clear to the mother that that's a very important part of this as the [C]hildren came into care partially because of that.
>
> Also because of [B.M.] wasn't going to school. He didn't have anyone to give him food. There were a lot of neglect issues.

The Department also noted Mother has visited B.M. three times in the past five months, demonstrating that Mother "is not showing her commitment and her ability to really be a full-time caregiver through visitation."

After briefly reiterating why Father S. and Father M. were not suitable full-time or long-term caregivers, the Department explained why Grandmother C. was:

> The home study of [Grandmother C.'s] residence that was admitted into evidence found that her home was appropriate. She provided stable, consistent, happy, warm environment for the [C]hildren.
>
> She is committed to long-term care. She has demonstrated the ability to be a stable presence for them. They are thriving in her care. They do require a considerable amount of attention. She has given them that stability.
>
> She is a relative. She is entrusted and open to visitation continuing.

The Department then analyzed each factor outlined in the Family Law Article § 5-525(f) to bolster its request to deny the exceptions. The Department underscored its request to close the case, arguing that "the [C]hildren do deserve permanence and due to the length of time that they have been in care."

Mother disagreed with the Department. She asserted that her visitation had been consistent until the court ordered supervised visits at the January 11, 2024 hearing, after which she experienced difficulty and frustration in trying to schedule the visits with the social workers. She claimed that she visited the Children more than the Department

reported, including spending an entire week with them at Grandmother C.'s house in July.

Mother explained the incident in June 2024 regarding another child she shared with Father S. According to Mother, the Department in another county received a report that she had not returned the child to Father S. after a visitation, the police responded, the Department did a welfare check on Mother and the child, and the case was closed without further services.

Mother also emphasized that she had been participating in mental health treatment throughout the case and had complied with the Department's requests. Mother highlighted how "positive" Dr. Kraft's parenting evaluation was, including his "fair to good" prognosis of Mother's ability to parent. Mother also noted that she already complied with Dr. Kraft's recommendations to complete a parenting course, participate in therapy, and provide verification to the Department of her ongoing mental health treatment. She maintained that she did not sign a release of information for her mental health provider due to concerns and previous experiences of the provider giving the Department extraneous and personal information.

Mother acknowledged that she still lacked permanent housing but claimed she "should be receiving permanent housing in November" and has maintained the same job since February. She had not provided her current housing information with the Department "because she is not asking for the [C]hildren to be returned to her in the current housing" and "in light of the fact that she anticipates moving in November."

Though he did not file exceptions, Father S. also opposed closing the cases with custody and guardianship to Grandmother C. Father M. noted his disagreement with a few points made by the Department about him, but "[f]or today's purposes though" remained in agreement with the Department's recommendation to close the case with custody and guardianship to his mother, Grandmother C.

The Children also requested that Mother's exceptions be denied. Counsel pointed out that, while the parenting evaluation evidenced Mother's high intelligence, Mother "still has a great amount of trauma that has not been fully addressed." Counsel also questioned the stability of her housing, as well as the prospect of permanent housing that was brought up in the first instance at this hearing without any documentation. Counsel pointed out that there had been no visitation since the Mother's stay at Grandmother C.'s in July, very little "checking in on her [C]hildren's wellbeing[,]" and "a lack of contribution to the care of these boys." According to the Children's attorney, the Children's best interests would be served in awarding Grandmother C. custody and guardianship and terminate CINA jurisdiction over the Children.

The Department also recommended that Mother have weekly supervised visitation and "twice a year for the father[.]" Father M. noted that he had always had unsupervised visitation and requested his visitation be ordered unsupervised at least once a week. Father S. requested the same, but the Department disagreed and repeated its request for twice a year, which is how frequently Father S. visited H.H. thus far.

C. The Juvenile Court's Ruling

After hearing from all of the parties, the juvenile court announced its ruling on the record. Finding that the Department had made reasonable efforts[14] to finalize the Children's permanency plans, the court awarded custody and guardianship to Grandmother C. The court explained,

> The Court does not believe it is possible for these parents at the present time to care for these [C]hildren.
>
> I think custody and guardianship is appropriate with the caregiver, particularly after there's been this extended length of time. . . .
>
> But now we are at [twenty-seven months since the Children were sheltered] with no appreciable movement, no appreciable stability on behalf of the parents to be able to care for these [C]hildren.

The court then set a minimum visitation schedule. The court ordered Mother's visitation to be at least twice per month, supervised. The court ordered both Father M. and Father S. to continue with unsupervised visitation, at a minimum of four times a year.

Mother timely noted this appeal.

[14] The court found that the Department's reasonable efforts included:

> Case management services provided; placement monitored/maintained; regular visits made; appropriate referrals, services[,] and assistance provided; treatment/service providers contacted; visitation arranged; records reviewed; meetings held/attended; attempts made to achieve educational stability, if applicable; drug testing referrals made; service reminders and discussions held regularly; FTDMs held; home study completed; service providers contacted/consulted; following up on referrals provided to parents.

DISCUSSION

I. Standard of Review

In CINA cases, we review judgments of the juvenile court using "three interrelated standards." *In re T.K.*, 480 Md. 122, 143 (2022). "We review the court's factual findings for clear error; we review matters of law de novo; and we review ultimate conclusions of law and fact, when based on sound legal principles and factual findings that are not clearly erroneous, under an abuse of discretion standard." *In re I.Q.*, 264 Md. App. 265, 298 (2025) (cleaned up). "An abuse of discretion may . . . be found where the ruling under consideration is clearly against the logic and effect of facts and inferences before the court, or when the ruling is volatile of fact and logic." *In re Yve S.*, 373 Md. 551, 583 (2003) (cleaned up). Orders relating to visitation also are reviewed for abuse of discretion. *Barrett v. Ayres*, 186 Md. App. 1, 10 (2009).

II. The Court Did Not Abuse Its Discretion in Awarding Custody and Guardianship of the Children to Grandmother C. and Closing the CINA Cases.

A. Parties' Contentions

Mother argues that the juvenile court erred in granting custody and guardianship to Grandmother C. and closing the Children's cases. According to Mother, "the evidence showed that [Mother] only lacked housing and that it was in the best interest of the [C]hildren to be reunified with their mother." Mother contends that the court improperly focused on the length of time the Children had been in the Department's care. Mother takes issue with the court's comments at the hearing, specifically when the court stated:

> This is what is supposed to happen in this type of case. You know, kin and fictive kin of these [C]hildren have been found and located that are willing to step up and care for these minor [C]hildren.
>
> And seemed to be at the present time, from all reports, doing a good job. The [C]hildren are comfortable and most, you know, among other important things is the [C]hildren are together and the caregiver has been comfortable with giving access to the parents.

Mother is adamant that this is *not* "supposed to happen" because the court should have prioritized the reunification of the Children with their parents. Mother argues that she complied with all of the Department's requests and the court-ordered tasks, other than procuring stable housing, and that that failure alone cannot be the basis for losing custody of her Children "permanently."

The Department counters that the court acted within its broad discretion and in the Children's best interests when it effectuated the permanency plan of custody and guardianship to Grandmother C. The Department notes that the Children's permanency plans included custody and guardianship as a concurrent goal (along with reunification with a parent) since April of 2023—nearly a year and a half before the Children's cases were closed. According to the Department, the Children's best interests "take[] precedence over the fundamental right of a parent to raise his or her child[,]" and the court here complied with the requirements of the CINA statute and the needs of the Children.

The Department also disagrees with Mother's characterization of her own progress during the proceedings. In the Department's view, "the evidence was not limited to the concern that she only lacked housing." Instead, the Department believes Mother did not

make progress toward reunification, instead showing "lack of commitment, an inability to be a full-time caregiver, and an apparent lack of consideration of the impact of such extremely inconsistent contact on her [C]hildren." The Department emphasizes the intentionally temporary nature of the CINA process in arguing the juvenile court did not abuse its discretion in finalizing the permanency plan here.

Father M. also disagrees with Mother.[15] He asks that we affirm the juvenile court, arguing that the court properly considered the statutory factors enumerated in FL § 5-525(f) in achieving the permanency plan of custody and guardianship to Grandmother C. Father M. agrees with the Department that the court's determination was made with full consideration to the best interests of his minor child, B.M.

B. Analysis

We start by reviewing the legal framework that governs CINA cases and identifying the arguments that Mother does not make. If a child declared CINA has "enter[ed] an "out-of-home placement[16][,]" the Department must develop a permanency plan for the child, "giv[ing] primary consideration to the best interests of the child[.]" Md. Code Ann., Fam. Law ("FL") § 5-525(f)(1); *see also* CJP § 3-823(e)(2). The permanency plan should "set the tone for the parties and the court by providing the goal

[15] Father M. only responds to the first issue raised by Mother; his brief does not address the question Mother presents regarding visitation.

[16] The legislature defines "out-of-home placement" as the "placement of a child into foster care, kinship care, group care, or residential treatment care." FL § 5-501(i).

toward which they are committed to work." *In re M.Z.*, 490 Md. 140, 145–46 (2025) (cleaned up). The court reviews the Department's plan, considers the factors specified in FL § 5-525(f)(1),[17] and establishes a permanency plan that is "consistent with the best interests of the child[.]" CJP § 3-823(e).

"The default permanency plan is reunification with the child's parent or guardian." *In re I.Q.*, 264 Md. App. 265, 307 (2025). The statutory framework clearly constructs a hierarchy of placement options for the child, listing in descending order of priority:

> 1. Reunification with the parent or guardian;
> 2. Placement with a relative for:
>
> A. Adoption; or
>
> B. Custody and guardianship under § 3-819.2 of this subtitle;
>
> 3. Adoption by a nonrelative;
> 4. Custody and guardianship by a nonrelative under § 3-819.2 of this subtitle; or

[17] These factors are:

> (i) the child's ability to be safe and healthy in the home of the child's parent;
>
> (ii) the child's attachment and emotional ties to the child's natural parents and siblings;
>
> (iii) the child's emotional attachment to the child's current caregiver and the caregiver's family;
>
> (iv) the length of time the child has resided with the current caregiver;
>
> (v) the potential emotional, developmental, and educational harm to the child if moved from the child's current placement; and
>
> (vi) the potential harm to the child by remaining in State custody for an excessive period of time.

FL § 5-525(f)(1).

> 5. For a child at least 16 years old, another planned permanent living arrangement that:
>
> > A. Addresses the individualized needs of the child, including the child's educational plan, emotional stability, physical placement, and socialization needs; and
> >
> > B. Includes goals that promote the continuity of relations with individuals who will fill a lasting and significant role in the child's life[.]

CJP § 3-823(e)(1)(i); *see also* FL § 5-525(f)(2).

Thereafter, the court reviews and determines the child's permanency plan at least every six months. CJP § 3-823(h)(1); *see also* CJP § 3-816.2(a)(1), (c). At these permanency plan review hearings, the court must:

> (i) Determine the continuing necessity for and appropriateness of the commitment;
>
> (ii) Determine and document in its order whether reasonable efforts have been made to finalize the permanency plan that is in effect;
>
> (iii) Determine the appropriateness of and the extent of compliance with the case plan for the child;
>
> (iv) Determine the extent of progress that has been made toward alleviating or mitigating the causes necessitating commitment;
>
> (v) Project a reasonable date by which a child in placement may be returned home, placed in a preadoptive home, or placed under a legal guardianship;
>
> (vi) Evaluate the safety of the child and take necessary measures to protect the child;
>
> (vii) Change the permanency plan if a change in the permanency plan would be in the child's best interest; and
>
> (viii) For a child with a developmental disability, direct the provision of services to obtain ongoing care, if any, needed after the court's jurisdiction ends.

CJP § 3-823(h)(2). "[I]n situations where reunification may not be possible, the court may set a concurrent permanency plan and take concrete steps to implement both primary

and secondary permanency plans, for example, by providing time-limited family reunification services while also exploring relatives as resources." *In re Z.F.*, ___ Md. App. ___, 2025 WL 1805471, at *2 (filed July 1, 2025) (cleaned up).

"Every reasonable effort shall be made to effectuate a permanent placement for the child within 24 months after the date of initial placement." CJP § 3-823(h)(5). Indeed,

> it is in the child's best interest to spend as little time as possible in the Department's custody before finding a permanent home. Permanency for children means having constant, loving parents, knowing that their homes will always be their home; that their brothers and sisters will always be near; and that their neighborhoods and schools are familiar places. It is this emotional commitment and a sense of permanency that are absolutely necessary to ensure a child's healthy psychological and physical development.

In re Z.F., 2025 WL 1805471, at *24 (cleaned up). With § 3-823(h)(5)'s twenty-four-month guideline, the General Assembly has "clearly established [a] policy and procedural push toward permanency[.]" *In re M.*, 251 Md. App. 86, 117 (2021).

When a permanency plan includes a concurrent goal of custody and guardianship, as the Children's plans here did, "the juvenile court may achieve the child's permanency plan by awarding 'custody and guardianship to a relative or non[-]relative[.]'" *In re Z.F.*, 2025 WL 1805471, at *3 (quoting CJP § 3-819.2(b), (c)). This permanent placement does not terminate parental rights but does terminate the CINA proceeding (absent good cause). *Id.* (citing CJP § 3-819.2(c)). In granting custody and guardianship, the court considers:

> (i) Any assurance by the local department that it will provide funds for necessary support and maintenance for the child;
>
> (ii) All factors necessary to determine the best interests of the child; and

> (iii) A report by a local department or a licensed child placement agency, completed in compliance with regulations adopted by the Department of Human Services, on the suitability of the individual to be the guardian of the child.

CJP § 3-819.2(f)(1).

Here, Mother does not challenge the propriety of the concurrent permanency plan in place in these cases since April 2023.[18] Nor does Mother dispute that when the juvenile court took up the Department's request for closure, the Children had been out of their home for twenty-seven months, i.e., three months more than the twenty-four-month guideline set by CJP § 3-823(h)(5). Nor does Mother suggest that the Department failed to make reasonable efforts to "effectuate a permanent placement" for the Children, as required by CJP § 3-823(h)(5). *See In re M.*, 251 Md. App. at 125 (noting that a father had "enjoyed the benefits of a reunification plan throughout these CINA proceedings" and agreed on appeal that such assistance "amounted to reasonable efforts" the Department is required to provide). Neither does Mother claim that the Department failed to conduct a home study of Grandmother C. or that Grandmother C. is not a suitable placement for the Children. Importantly, at the September 2024 review hearing, Mother did not ask that the Children be immediately reunified with her.

[18] Mother could have immediately challenged, as an interlocutory order subject to appeal, the court's modification of a permanency plan from one of reunification alone to a concurrent plan for both reunification and custody and guardianship. *See In re D.M.*, 250 Md. App. 541, 559 (2021) (concluding that a father could immediately appeal a permanency plan change from one for reunification to a concurrent permanency plan for placement with a grandmother for custody and guardianship). She did not.

Instead, Mother argues that the court improperly focused on the length of the time the Children had been in care, rather than the best interests of the Children.[19] Mother claims that "[t]he [C]hildren were comfortable in [their caregiver's] home" and that "[t]here was no evidence that their permanency was at risk." We disagree with Mother's arguments.

"A critical factor in determining what is in the best interest of a child is the desire for permanency in the child's life." *In re Adoption of Jayden G.*, 433 Md. 50, 82 (2013). In fact, "[t]he overriding theme of both the federal and state legislation is that a child should have permanency in his or her life." *In re Adoption/Guardianship No. 10941*, 335

[19] CJP § 819.2(f)(1) requires a court to consider "[a]ll factors necessary to determine the best interests of the child" before granting custody and guardianship to a non-parent. We have held that such factors include:

> (1) the length of time the child has been away from the biological parent;
>
> (2) the age of the child when care was assumed by the third-party;
>
> (3) the possible emotional effect on the child of a change of custody;
>
> (4) the period of time which elapsed before the parent sought to reclaim the child;
>
> (5) the nature and strength of the ties between the child and the third-party custodian;
>
> (6) the intensity and genuineness of the parent's desire to have the child; and
>
> (7) the stability and certainty as to the child's future in the custody of the parent.

In re M., 251 Md. App. at 121–22 (citing *Burak v. Burak*, 455 Md. 564, 659–60 (1977)). Mother does not argue that the court failed to analyze the Children's best interests under this framework, only that the court, in making its decision, gave too much weight to the length of time the Children's cases were open and too little weight to the priority of parental reunification.

Md. 99, 106 (1994). Here, when the juvenile court closed the Children's cases by granting custody and guardianship to Grandmother C., the Children had already been in care beyond the twenty-four-month guideline set by CJP § 3-823(h)(5), the juvenile court having allowed Mother twenty-seven months to make and demonstrate progress. Nonetheless, by September 2024, Mother "continue[d] to exhibit an inability to provide minimal acceptable shelter, sustenance, and support for [her Children]." Even after twenty-seven months of out-of-home placements for the Children, Mother had made insufficient progress toward being able to reunify with them. Specifically, Mother had yet to demonstrate an understanding of how her past lapses in judgment had been harmful or inappropriate for the Children, had not found long-term housing that would be safe for her Children, had not visited with them in a consistent or substantial way, and remained reticent about acknowledging or treating her mental health issues. Under these circumstances, we see no abuse of discretion in the juvenile court's focus on achieving a permanent placement for the Children.

Mother next argues that the court's decision ignored the "priority of reunification." Again, we disagree. To be sure, reunification is a priority when the Department recommends, and the juvenile court establishes, a permanency plan. *See, e.g.,* CJP § 3-823(e)(1)(i) & FL § 5-525(f)(2). But that priority gives way when, particularly under a concurrent plan, a parent "ha[s] yet to make enough progress that reunification [is] foreseeable and that prolonging the lack of permanency would be detrimental to [the child]." *See, e.g., In re M.*, 251 Md. App. at 125. In *In re M.*, three-year-old M. was

declared CINA due to neglect and removed from her parents' custody. *Id.* at 95–96. M.'s father had "a history of incarceration and unstable housing, with periods of homelessness and unemployment" and had "little contact" with M. during her first three years. *Id.* at 93, 95. After six years of "[o]bstacles and setbacks to reunification includ[ing] [M.'s f]ather's multiple incarcerations, living situations, and failure to care for M. during unsupervised visitations in a safe manner[,]" the juvenile court ordered custody and guardianship to M.'s longtime caregiver, supervised visitation with her father, and closed the case. *Id.* at 93–94. Although M.'s father "contend[ed] that the juvenile court abused its discretion in failing to implement the statutory priority favoring parent reunification over custody and guardianship to a relative[,]" we concluded the juvenile court acted within its discretion in closing the case in a manner that did not reunify the child with her father. *Id.* at 124–25.

Here, as in *In re M.*, Mother's "parental priority and preferences were outweighed" by the evidence that reunification is not the Children's best interests. *See id.* at 126. Just like the father in *In re M.*, Mother "enjoyed the benefits of a reunification plan throughout these CINA proceedings" and she "received services from the Department," which she does not dispute amounted to reasonable efforts to implement that reunification plan. *See id.* at 125. Despite these services and reasonable efforts, Mother failed to demonstrate progress in treating her mental health, rectifying the Department's concerns with her parenting, or securing stable, safe housing for the Children. Under these circumstances, we perceive no abuse of discretion in the juvenile

court's decision to close the Children's cases in a manner that did not reunify them with Mother.

Mother next argues that she had made enough progress at the time of the hearing to forestall CINA closure, so the court should have kept the cases open longer. Again, we disagree. The court found that Mother had not shown enough progress since the start of the case and that Mother had not achieved the necessary stability to continue to work toward reunification with her Children. The evidence supports the court's findings. At the start of the CINA proceedings, Mother struggled to maintain housing and employment such that she could provide reliable care to her Children, and at the close of the cases, Mother had no stable housing, had just started a new job, and provided no information on how the Children would be cared for during her work hours. Throughout the case, her work schedule continued to make it difficult for her to regularly and consistently visit the Children. In the parenting evaluation, Dr. Kraft noted that Mother continued to struggle with her past trauma and had difficulty acknowledging her own faults or mistakes. The fact that the Court weighed the evidence differently than Mother does not amount to an abuse of discretion by the court.

III. The Court Did Not Abuse Its Discretion in Ordering Mother's Visits with the Children to Be Supervised.

A. Parties' Contentions

Mother next argues that the court abused its discretion in ordering that her visits be supervised. Mother cites *In re Justin D.*, 357 Md. 431, 447 (2000), for the premise that a court cannot "delegate judicial authority to determine such visitation between parents and

their children to a nonjudicial agency or person." Mother claims—without any citation to the record—that "[t]he court acknowledged at the hearing on March 11, 2024, that [Mother's] visits could transition to unsupervised visits upon completion of her parenting and psychological evaluation with Dr. Kraft." Mother reasons that, because she did complete that evaluation and received "positive feedback" from Dr. Kraft, the court erred in ordering supervised visitation after hearing "no new information that would impact [the issue of supervision]" at the final hearing.

According to Mother, a court abuses its discretion when it applies "some predetermined position," as the court did here. Mother points to an exchange between counsel and the court, in which the court mixed up the fathers' previously ordered visitation, and counsel for the Children noted that there had been no change in circumstances to justify modification of either father's visitation. From this exchange regarding the Children's fathers, Mother suggests that the court also heard "no evidence that would preclude [Mother] from unsupervised visits." Mother argues that, if the court relied on prior orders to decide the fathers' visitation, it should have relied on the March 2024 hearing transcript "where the court was open to the restoration of [Mother's] unsupervised visits." To not do so, per Mother, was in error.[20]

[20] Mother does not argue that the court erred in ordering unsupervised visitation for the Children's fathers.

The Department emphasizes that Mother's visitation was supervised prior to the March 2024 hearing and that the court did not abuse its discretion in ordering that the visitation *remain* supervised. The Department argues:

> [Mother's] visitation with both [C]hildren began as supervised. After a December 2022 review hearing, the court ordered unsupervised visits for up to three hours per visit. After a hearing on visitation held in January of 2024, [Mother] took exceptions to the magistrate's decision to change her visitation back to supervised. After the exceptions hearing on visitation in March 2024, the juvenile court denied her exceptions. [Mother] subsequently did not appeal this change in her visitation; thus, the only visitation issue on appeal is whether the court properly exercised its discretion in its determination to *continue* her already supervised visitation.

(Record citations omitted.) The Department argues that the court was acting according to its duty to ensure Mother did not endanger B.M. and H.H. The Department cites to multiple incidents in the record where Mother's actions "continued to threaten [the Children's] health and welfare." In light of that, according to the Department, the court did not abuse its discretion in requiring that Mother's visitation be supervised.

B. Analysis

In child protection proceedings, decisions regarding visitation generally fall "within the sound discretion of the trial court[.]" *In re Billy W.*, 387 Md. 405, 447 (2005). The court must find that there is "no likelihood of further child abuse or neglect" by the party seeking visitation in order to allow unsupervised visitation. FL § 9-101(b). Otherwise, "the court may approve a supervised visitation arrangement that assures the safety and the physiological, psychological, and emotional well-being of the child." *Id.* The burden to show that there is no likelihood of further abuse or neglect is "on the

parent previously having been found to have abused or neglected his or her child to adduce evidence and persuade the court to make the requisite finding under § 9-101(b)." *In re Yve S.*, 373 Md. 551, 587 (2003).

In determining visitation, the court must set forth the "minimal amount of visitation that is appropriate and that DSS must provide, as well as any basic conditions that it believes, as a minimum, should be imposed." *In re Justin D.*, 357 Md. at 450.[21] The court may not delegate this authority to a nonjudicial party or agency, such as a therapist or the Department, but it may allow the Department, "with the concurrence of

[21] In *In re Justin D.*, the Maryland Supreme Court distinguished visitation decisions in CINA proceedings from visitation decisions in divorce proceedings. 357 Md. at 447–50. Acknowledging that in divorce proceedings, there is typically "no real concern about the child's safety" and the parties may modify or depart from the ordered visitation schedule without court involvement. *Id.* at 447–48. That is not so in a CINA case:

> Although it has its own statutory mission, DSS acts, in many respects, as the court's agent in attempting to remedy the problems that led to the CINA finding and removal of the child in the first instance. Unlike in the normal divorce setting, the court has a clear and continuous supervisory role to play. It is usually dealing with a more volatile situation—a child at risk, a troubled child with special needs—that requires much closer monitoring than does a routine custody dispute between two parents. DSS (or the other chosen guardian or custodian) is held to a greater and more direct level of accountability to the court, and it needs to be given sufficient authority and flexibility to carry out its function.
>
> Even in this setting, however, the court may not delegate its responsibility to determine the minimal level of appropriate contact between the child and his or her parent or other guardian, and, except to respond to a true and immediate emergency, it may not permit DSS to curtail, or make more onerous, the visitation allowed in the court order.

Id. at 449.

the parent, to determine whether *additional* visitation or *less* restrictive conditions on visitation are in order." *Id.* at 449–50.

To the extent that Mother argues that the juvenile court improperly delegated its authority to a nonjudicial party or agency, we see no such delegation. The juvenile court ordered that Mother have supervised visits at a minimum of twice per month "to be arranged between the parties by mutual agreement." Even though Grandmother C. was not a party to these CINA cases (and the Children's cases were being closed, meaning that the Department would no longer be a party), we presume the juvenile court was referring to Grandmother C. as one of the parties when it ordered "by mutual agreement of the parties." But, given that the juvenile court ordered a minimum amount of supervised visitation for Mother, we do not read "the mutual agreement" provision to mean that Grandmother C. could unilaterally deprive Mother of all visitation. Accordingly, we see no abuse of discretion in this aspect of the juvenile court's order.

To the extent that Mother argues that the juvenile court erred or abused its discretion by failing to revert to the visitation arrangement it ordered for Mother in March 2024, the record shows otherwise. In March 2024, following her decision to allow B.M. to drive in the parking lot, Mother was granted supervised visitation after the court denied Mother's exceptions. Mother did not appeal that decision and does not challenge the factual basis for it now. Although the Department was given leeway "to transition the visits to unsupervised . . . [after the court received more assurance] that there's not going to be another lapse in judgment before the visits transition to unsupervised[,]" that

transition did not happen before the cases were closed. Nor did the court receive additional assurance regarding Mother's judgment. In fact, after the March 2024 hearing, Mother failed to return one of her children promptly to Father S. after a visit, with other children in her care at the time.

Under these circumstances, we see no abuse of discretion in the juvenile court's continuing to limit Mother's visitation to supervised visitation. Unless the court specifically found that there was "no likelihood of further child abuse or neglect" by Mother, the court was bound to deny visitation rights or approve a supervised visitation arrangement that "assures the safety and the physiological, psychological, and emotional well-being of the child." *See* FL § 9-101(b). Because Mother did not challenge the underlying facts that prompted the supervision restriction, we see no abuse or discretion in the juvenile court's decision to leave it in place.

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