

Circuit Court for Prince George's County,
Sitting as a Juvenile Court,
Petition No. CINA-18-0106

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1936

September Term, 2019

IN RE: L.W.

Berger,
Gould,
Sharer, J. Frederick
(Senior Judge, Specially Assigned)

JJ.

Opinion by Gould, J.

Filed: May 22, 2020

*This is an unreported opinion and therefore may not be cited either as precedent or as persuasive authority in any paper, brief, motion, or other document filed in this Court or any other Maryland court. Md. Rule 1-104.

Appellants, L.W. and her mother, Ms. M., appeal from the decision of the Circuit Court for Prince George’s County, sitting as a juvenile court, ordering the termination of its jurisdiction over L.W. at the recommendation of Appellee Prince George’s County Department of Social Services (the “Department”). We have reviewed the entire record and conclude that the court made factual findings supported by the evidence in the record, applied the correct legal standards, and did not abuse its discretion in its ultimate conclusions. We therefore affirm.

FACTUAL AND PROCEDURAL BACKGROUND

On May 23, 2018, the Department removed L.W., then 16 years old, from the care of her mother amid allegations that her mother was using drugs and leaving L.W. to care for her two-year-old sister from early in the morning until late at night, sometimes without food, and sometimes for days. L.W. also alleged that she was engaging in self-harm and was burning herself to relieve stress.

The next day, the court held a shelter care hearing, pending adjudication. The Department requested shelter care for L.W. Ms. M. and L.W.’s father took no position on the Department’s request. The court granted the request and ordered L.W. to be placed in the temporary care and custody of the Department. The court also ordered that visitation between L.W. and her mother be liberal and supervised and that the Department make referrals to provide medical, dental, vision, educational, and therapeutic services for L.W.

In August 2018, the court held an uncontested continued adjudication and disposition hearing. The court found L.W. to be a child in need of assistance (“CINA”)¹ and ordered that she remain in a therapeutic foster home. The court also ordered individual and family therapy for L.W. and Ms. M. and a substance abuse assessment for Ms. M. Subsequently, for over one year, as required by statute, the Department submitted periodic reports to the court, and the court held permanency planning hearings.²

In October 2018, a permanency planning/review hearing was held.³ At that time, the court’s findings included that:

¹ Section 3-801(f) of the Courts and Judicial Proceedings Article (“CJP”) of the Maryland Code Annotated (1974, 2013 Repl. Vol.), defines a CINA as:

. . . a child who requires court intervention because:

- (1) The child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and
- (2) The child’s parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child’s needs.

² A juvenile court is required to conduct a permanency planning review hearing “at least every 6 months until commitment is rescinded or a voluntary placement is terminated.” CJP § 3-823(h)(1)(i). At least ten days prior to the hearing, the Department is required to provide a copy of the permanency planning to the juvenile court. *Id.* § 3-823(d).

³ CJP § 3-816.2(a)(2) provides:

At a review hearing under this section, the court shall:

- (i) Evaluate the safety of the child;
- (ii) Determine the continuing necessity for and appropriateness of any out-of-home placement;

- The Department made reasonable efforts to stabilize the situation and provides services for L.W. and communication with Ms. M.
- The recommended permanency plan of the Department and Ms. M. was reunification.
- L.W. contended that the source of her stress was her parents and she wanted to be declared independent.
- The Department made several attempts to set up a substance abuse assessment for Ms. M.
- L.W. was unhappy with the current foster care placement.
- L.W. had left her foster care placement repeatedly without permission to return to her mother's home and other homes.
- Ms. M. did not always notify the Department when L.W. came to her house.
- The Department was looking for alternative placement for L.W.
- L.W. completed summer school and was expected to graduate in 2020 with credit recovery/summer school.
- Ms. M. refused to attend parenting classes or appointments with the Department to have a substance abuse assessment.
- L.W. burned herself in July.

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- (iii) Determine the appropriateness of and 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 the court's jurisdiction; and
 - (v) Project a reasonable date by which the child may be returned to and safely maintained in the home or placed for adoption or under a legal guardianship.

- The Department and Ms. M. wanted L.W. to have a psychological evaluation.
- L.W. was diagnosed with major depressive disorder.
- L.W. was receiving individual and family therapy and had attended 10 out of the 15 scheduled sessions.
- Ms. M. complained that her rights as a limited guardian were being infringed upon and she was not being told what was going on with her daughter.
- Ms. M. was not participating in substance abuse treatment but was participating in therapy and her therapy was going to include parenting skills and training.

The court ordered:

- That the permanency plan be reunification by April 2019.
- That L.W. remain a CINA.
- Family therapy and individual therapy for L.W. and Ms. M.
- A substance abuse assessment for Ms. M.
- Ms. M. and the Department to set up a service agreement.
- A psychological evaluation of L.W.
- That a new therapeutic foster home placement be explored that would allow L.W. to attend the same school and receive the same educational supports.

A subsequent permanency planning/review hearing was held in March 2019. L.W. stated that neither she nor her mother felt that she needed individual therapy but that would be open to family therapy. At that time, the court's findings included that:

- The Department had made reasonable efforts to achieve the permanency plan and was agreeable to a trial home visit with Ms. M.
- The Department had met with Ms. M. on several occasions to discuss setting up therapeutic sessions.
- The Department was monitoring individual therapy with Ms. M.
- On October 22, 2018, L.W. had been moved from a foster therapeutic foster home to a therapeutic group home, due to “lack of appropriate supervision” and L.W. had frequent unsupervised visits with Ms. M.
- L.W. left the group home without permission and returned to Ms. M.’s home on November 5, 2018 and was officially placed on AWOL status.
- L.W. stated that she left the group home because she had been in physical altercations and did not feel safe there.
- L.W. refused to leave Ms. M.’s home.
- The Department explored and advocated for educational services for L.W. before she was AWOL.
- The Department monitored L.W.’s educational matriculation, individual therapy, medical, dental, and vision appointments before she was AWOL.
- The Department attempted to provide additional services to L.W. to return her to the therapeutic foster home and to prevent any disruption to services.
- The Department recommended that she stay in the care and custody of the Department but remain physically in Ms. M.’s home on an in-home trial basis and continued to provide services, primarily therapy, assistance with educational services, and dental services.
- Things seem to be going well for L.W.
- L.W. stated that she falsified the allegations against Ms. M so that she could get care from the State.

- L.W. had not attended therapy or seen a doctor since she left the group home.
- Ms. M. had refused to engage in parenting classes, substance abuse treatment, or other services.
- In January 2019, Ms. M. informed the Department that there was no need for therapy sessions for L.W. while she was living with Ms. M.
- The Department stated that it was seeking the removal of L.W. from Ms. M.’s home if L.W. and Ms. M. refused to participate in court-ordered services.

The court ordered that:

- L.W. continue to be a CINA.
- The permanency plan be reunification with Ms. M.
- L.W. remain with Ms. M. on a trial home visit.
- The Department must continue to provide services to L.W. and monitor her progress.
- Ms. M. and L.W. must participate in family therapy.
- Ms. M. to enter into a service agreement with the Department.

Prior to the next hearing, L.W. completed an intake session for individual and family therapy and a diagnostic assessment at the RIMS Center for Enrichment and Development (“RIMS”). The RIMS report reflected that:

- L.W. was diagnosed with an unspecified adjustment disorder but that she denied any problems and insisted she was in therapy only because her mother wanted her to participate in it.

- L.W. reported that she burns herself but did not know why, that she used to smoke marijuana, and that she did not know why she was at RIMS.
- L.W. appeared to “shut down at times.”
- L.W. wanted to participate in family therapy but did not want to participate in individual therapy and felt isolated.
- Ms. M. stated that in November 2018, L.W. had been very quiet and isolated when she was in her care and that L.W. pleaded with her to leave the group home.
- Ms. M. stated that L.W.’s older sister had convinced her to make false accusations against Ms. M. and that she believed that L.W. used drugs and alcohol and was engaged in sexual activity while in the group home.
- Ms. M. contended that L.W. had been discharged from therapy for refusing to speak with the therapists.

The RIMS therapist recommended that L.W. be referred to a psychiatrist for individual therapy and that Ms. M. be referred for individual and family therapy.

In June 2019, the next permanency planning/review hearing was held L.W. reported that she was living with her mother and that things were okay. The court’s findings included that:

- The Department’s efforts on behalf of L.W. were reasonable.
- The Department continued to monitor L.W.’s placement and services.
- Ms. M. was attending therapy at RIMS.
- L.W. was scheduled for individual therapy at RIMS as well as family therapy.

- Ms. M. refused parenting classes and a substance abuse assessment.
- Ms. M. wanted family therapy with L.W.
- Progress was made towards the goal of reunification, but Ms. M. had not engaged in any services and L.W. was no longer in therapy.

The court ordered that:

- L.W. remain a CINA.
- The permanency plan be reunification with Ms. M. by November 2019.
- L.W. be placed back with Ms. M. under an order of protective supervision.
- The Department assist Ms. M. in ensuring that L.W. received all necessary services.
- The Department investigate whether it paid for missing school books for which a fee was owed.
- Ms. M. was to attend family therapy with L.W.
- Ms. M. and the Department were to enter into a service agreement.

A permanency planning/review hearing was held in September. At that time, the Department asked the court to find that it had made reasonable efforts to “maintain placement in the home” and prevent an out-of-home placement. The Department also recommended implementing the plan of reunification and closing the case because: (1) it did not believe that any further services were required; (2) there were no child safety or welfare issues remaining; (3) the services that the Department provided were in place;

(4) there was no need for the court’s oversight; and (5) there was no reason to continue the case.

L.W. objected to discontinuance of the case. She stated that she wanted continued support from the Department, there were two missing school books that the Department had not yet paid for, she needed a follow-up dental and vision appointments, and she wanted the Department’s assistance in getting her into a cosmetology class.

Ms. M. also objected, stating that she, L.W., and the Department were working well together. Although she acknowledged that attendance at therapy had dropped off due to other family commitments, she wanted to “be assured that all the issues that brought this case in [were] appropriately addressed.” She also stated that she thought the Department would help with a referral to a college readiness class for L.W, and that she had submitted a medical bill to the Department for \$1,200 for L.W. that, she asserted, should be reimbursed by the Department.

The Department responded that it does not leave a case open solely to accept funding requests. The Department stated that it had only learned two days ago about the unpaid medical bill but would likely pay it nevertheless, and that it had just heard for the first time that no payment had been made for the missing school books. The Department maintained that the reason the case was brought had been “ameliorated” and that there was no basis for leaving the case open.

At the hearing and/or in its Review Findings and Closure Order, the court made a number of findings, including that:

- The Department recommended placement with Ms. M. and case closure.
- L.W. and Ms. M. recommended placement with Ms. M. under an order of protective supervision.
- Reasonable efforts were made by the Department.
- The existing plan was for reunification with Ms. M. with reunification to be achieved by November 2019.
- L.W. attended summer school and night school and was on track to graduate in 2020.
- The Department paid for L.W.'s driver's education classes.
- L.W. had her learner's permit and was taking driver's education classes.
- Ms. M. and L.W. still required therapy and they were working with RIMS, but Ms. M.'s attendance dropped off.
- Ms. M. refused parenting classes and a substance abuse assessment.
- Ms. M. wanted to include other family members in the therapy.
- Ms. M. was working to schedule L.W.'s medical and dental appointments.
- For ten months prior to the hearing, L.W. had been living with Ms. M. without incident, the last three months of which were under an order of protective supervision.
- The order for protective supervision was no longer necessary.

- No welfare issue was raised that would necessitate continued involvement of the Department.

The court also explained its reasoning:

So this is a review hearing, which means that the—I'm not really looking at whether or not the Department made reasonable effort[s] because it's—the Department's just there as a safety net to provide directions or, you know, to figure out sort of any last-minute things to make sure that the placement back home is going okay, that there aren't any safety issues for the child in the home.

And [L.W.] has been back home, I believe since maybe October, November of last year. . . . There are no safety issues that have been raised. She's indicated that she's comfortable there. The only thing that's been raised is that therapy may have dropped off because Mom has been busy or, you know, had some things going on, and that there are some unpaid books from school and a medical bill from 2017.

So I just don't think that that's a reason to keep the case open. We normally look at protective supervision for, like, three, six months, every once in a while in a real serious case . . . but [L.W.] is, you know, 17 going on 18 years old, she's perfectly able to self report. She's not a little, tiny child.

There aren't any, you know, there's been the allegations that half the stuff in this case was made up anyone just to get her into care, I think is what I remember from—that her sister put her up to it, and all this other stuff. So I just don't see a child welfare reason to keep the case open at this point. They can look at the book things and decide if it's something that the Department was responsible for, and certainly the medical bill they need to address.

. . . But I just don't see a reason to keep the case open longer. There aren't any safety issues and child welfare issues that need to be addressed.

So, therefore, I find that the plan was reunification with the mother, it's actually been achieved, and [L.W.] has been placed back with her for quite some time under an order of protective supervision. The Department has monitored that. It tried to provide support and services and oversight.

[L.W.] is doing very well now. She has . . . caught up educationally. She's going to graduate next spring. She's got her learner's permit. She's in driver's education. Mom has a therapeutic provider if she wants to get things stepped back up again that she had before. I think she had [RIMS], if I remember correctly. So there really is no compelling reason to keep the case open.

So [L.W.] will be placed—is already placed back in the care and custody of the—of her mother. I’m going to end the protective supervision that was awarded to the Department of Social Services, terminate the interest of the Department and the court in [L.W.]’s case, and this case will be closed statistically.

This timely appeal followed.

DISCUSSION

Appellants⁴ present one question for our review: Did the court err when it terminated jurisdiction over L.W.? For the reasons that follow, we answer this question in the negative and affirm.

STANDARD OF REVIEW

In reviewing a decision of a juvenile court, appellate courts apply three different levels of review:

When the appellate court scrutinizes factual findings, the clearly erroneous standard applies. Secondly, if it appears that the juvenile 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 juvenile court founded upon sound legal principles and based upon factual findings that are not clearly erroneous, the juvenile court's decision should be disturbed only if there has been a clear abuse of discretion.

In re Shirley B., 419 Md. 1, 18 (2011) (cleaned up). In determining whether the court abused its discretion, “the decision under consideration has to be well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable.” Id. at 19 (quotation omitted).

⁴ L.W. and Ms. M. each filed a brief and appendix.

ANALYSIS

“[T]he juvenile court possesses exclusive original jurisdiction over CINA petitions.” In re Ryan W., 434 Md. 577, 602 (2013); CJP § 3-804(a)(2). “The context, which justifies the direct and continuing supervision of the court, is that, as part of the CINA finding, the court has determined that court intervention is required to protect the child’s health, safety, and well-being.” Frase v. Barnhart, 379 Md. 100, 120 (2003); see also CJP § 3-802(c)(2) (“The court shall exercise the authority described in paragraph (1) of this subsection to protect and advance a child’s best interests.”).

The court’s jurisdiction continues “until the child reaches the age of 21 years, unless the court terminates the case.” CJP § 3-804(b). Implicit in the court’s power to terminate the case is that it must determine, in the exercise of its sound discretion, if continuing its jurisdiction is required to advance the purposes of the CINA statute.⁵ As the Court of Appeals stated:

⁵ The purposes of the CINA statute is set forth in CJP § 3-802(a):

- (1) To provide for the care, protection, safety, and mental and physical development of any child coming within the provisions of this subtitle;
- (2) To provide for a program of services and treatment consistent with the child’s best interests and the promotion of the public interest;
- (3) To conserve and strengthen the child’s family ties and to separate a child from the child’s parents only when necessary for the child’s welfare;
- (4) To hold parents of children found to be in need of assistance responsible for remedying the circumstances that required the court’s intervention;
- (5) Except as otherwise provided by law, to hold the local department responsible for providing services to assist the parents with remedying the circumstances that required the court’s intervention;

The broad policy of the CINA Subtitle is to ensure that juvenile courts (and local departments of social services) exercise authority to protect and advance a child's best interests when court intervention is required. The State of Maryland has a *parens patriae* “interest in caring for those, such as minors, who cannot care for themselves” and “the child's welfare is a consideration that is of transcendent importance when the child might . . . be in jeopardy.” In furtherance of this interest, we have “recognized that in cases where abuse or neglect is evidenced, particularly in a CINA case, the court's role is necessarily more pro-active.” The juvenile court, “acting under the State's *parens patriae* authority, is in the unique position to marshal the applicable facts, assess the situation, and determine the correct means of fulfilling a child's best interests.”

In re Najasha B., 409 Md. 20, 33–34 (2009) (internal citations omitted). Put simply, once the purpose of the statute has been fulfilled, the entire basis for the court’s exercise of jurisdiction no longer exists, in which case, the court is authorized to dismiss the case. Here, the court reached that very conclusion, and had ample basis to do so.

The 18 months that L.W. was under the juvenile court’s jurisdiction saw significant changes in Ms. M.’s ability to care for L.W. as well as progress in L.W.’s development. In May 2018, when L.W. alleged her mother was neglecting her and using drugs, she was adjudicated as a CINA and placed in a therapeutic foster home. The juvenile court found that she “require[d] court intervention” because she was neglected and declared her CINA because Ms. M. was not providing “proper care and attention to [her] and [her] needs.” See

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- (6) If necessary to remove a child from the child’s home, to secure for the child custody, care, and discipline as nearly as possible equivalent to that which the child’s parents should have given;
 - (7) To achieve a timely, permanent placement for the child consistent with the child’s best interests; and
 - (8) To provide judicial procedures for carrying out the provisions of this subtitle.

CJP § 3-801(f). Over the ensuing months until the court closed the case, the Department provided all of the support that it and the court deemed necessary to achieve the permanency plan of returning L.W. to Ms. M.’s home.

When L.W.’s last permanency planning/review hearing was held one and one-half years after L.W. was first adjudicated a CINA, her situation had completely changed. She had been living with Ms. M. for nearly one year without incident, she was doing well in school and was on track to graduate, and she was evaluating programs for the future. No party—not the Department, not L.W., and not Ms. M.—raised any concern about L.W.’s health, safety, or well-being should L.W. remain in Ms. M.’s home. They did not contend that L.W. continued to meet the definitional requirements of a CINA or that she could not be “safely maintained” in Ms. M.’s home. They instead told the court that they wanted further support from the Department.

L.W. and Ms. M. argue that: (1) the facts presented to the court demonstrate that there is a need for continued intervention; (2) “there is a risk that the circumstances which brought the family to the court’s attention may resume without direct court supervision and departmental support”; and (3) L.W. and Ms. M. have a continuing need for therapy.

These arguments rest largely on cherry-picked aspects of the evaluations and events that occurred between August 2018 and June 2019 that, if considered in isolation, reflect negatively on their progress. But the court was compelled to, and in fact did, consider all of the facts and circumstances, both the good and the bad, for the entire time period. Ultimately, the decision comes down to a judgment call.

The juvenile court determined that there were no “safety issues and child welfare issues that need to be addressed,” and the process was established for L.W. and Ms. M. to receive therapy. On that basis, it terminated its jurisdiction over L.W. and closed the case. Because the court’s findings and determinations were all firmly grounded in the evidence before it, we perceive no abuse of discretion.

**JUDGMENT OF THE CIRCUIT COURT
FOR PRINCE GEORGE’S COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANTS.**