

Circuit Court for Prince George's County  
Case No. CINA-22-0014

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND\*

No. 1993

September Term, 2022

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IN RE: C.W.

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Graeff,  
Berger,  
Eyler, James R.  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Graeff, J.

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Filed: July 31, 2023

\*At the November 8, 2022 general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

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

After a permanency planning hearing in January 2023, the Circuit Court for Prince George’s County, sitting as a juvenile court, found that C.W. was no longer a child in need of assistance (“CINA”),<sup>1</sup> and she could safely be returned to her biological mother, C.M. (“Mother”), appellant. On January 10, 2023, the court issued an order terminating jurisdiction over C.W. and closing the CINA proceeding. Mother noted a timely appeal of the court’s order.

On appeal, Mother presents the following question for this Court’s review, which we have rephrased slightly, as follows:

Did the juvenile court abuse its discretion when it terminated jurisdiction over C.W., considering the Department had not yet provided all court-ordered services to the family necessary to ensure C.W.’s ongoing health, safety, and general welfare?

The Prince George’s County Department of Social Services (the “Department”), appellee, included in its brief a motion to dismiss the appeal, arguing that, because the circuit court’s order was a favorable ruling for Mother, she has no right to appeal. For the reasons set forth below, we shall grant the Department’s motion and dismiss the appeal.

### **FACTUAL AND PROCEDURAL BACKGROUND**

C.W. was born in June 2005. On January 24, 2022, when C.W. was 16 years old, the Department filed in the Circuit Court for Prince George’s County a CINA petition (the

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<sup>1</sup> A “child in need of assistance,” or “CINA,” is “a child who requires court intervention” because the child “has been abused, has been neglected, has a developmental disability, or has a mental disorder,” and 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.” Md. Code Ann., Cts. & Jud. Proc. Art. (“CJ”) § 3-801(f) (2020 Repl. Vol.).

“Petition”) alleging that C.W. was a CINA because her parents were “unable to provide the child [C.W.] with proper care and attention.” The Petition alleged that the Department had received a report that C.W. was staying at the home of her adult sister, I.M., because Mother had kicked C.W. out of her home. C.W. reported that she left the home because Mother was being “aggressive,” she used drugs, and she was neglecting C.W. The Department met with C.W., who said that she did not want to return home.

That same day, January 24, 2022, a magistrate held a shelter care hearing. Mother did not agree with all the allegations in the Petition, but she did not object to continued shelter care if that was what C.W. wanted.

The magistrate ordered shelter care and placed C.W. in the temporary custody of the Department, pending adjudication proceedings.<sup>2</sup> The magistrate recommended that, pending adjudication proceedings, C.W. and Mother have liberal supervised visitation.

On December 13, 2022, the court adopted the magistrate’s recommendations and granted the Department a temporary limited guardianship for purposes of: (1) “routine therapeutic, medical, dental, and vision decision-making” on behalf of C.W. “if Mother is unavailable;” (2) “educational decision-making” on C.W.’s behalf; and (3) obtaining a birth certificate and Social Security card for C.W.

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<sup>2</sup> Pursuant to CJ § 3-807(d)(3), magistrates may order shelter care “pending court review of the magistrate’s findings, conclusions, and recommendations.” As to all other matters, magistrates are “authorized to hear any cases and matters under this Title assigned by the court.” Md. Rule 11-103(a)(1). A magistrate’s “proposals and recommendations” on such other matters, however, “do not constitute orders or final action of the court.” CJ § 3-807(d)(1).

On February 22, 2022, a magistrate began the adjudication hearing. The magistrate heard argument regarding continued shelter care. C.W. sought continued shelter care, and Mother also did not object to continued shelter care. The magistrate found that continued shelter care was necessary, and pending continued adjudication proceedings, C.W. needed to remain in the temporary custody of the Department.

On March 7, 2022, the court adopted the magistrate's findings and recommendations. It ordered continued shelter care and placed C.W. in the temporary custody of the Department, pending continued adjudication proceedings.

On April 12, 2022, C.W. and Mother filed a joint motion requesting that the court place C.W. in Mother's home and rescind the shelter care order. The motion alleged that C.W. had been in a variety of placements and was being placed in a group home. Since the shelter care hearing in January 2022, C.W. and Mother had phone contact and conversations, which allowed them to work on their relationship, and C.W. wanted to live with Mother. Mother agreed with C.W. and wanted "to have her daughter come home in an expeditious manner." The Department disagreed and objected to placing C.W. in Mother's custody.

On May 2, 2022, the court held a hearing on the joint motion. At that point, Mother and C.W. withdrew the request that the court place C.W. in Mother's home. They did request, however, unsupervised visitation between C.W. and Mother.

On May 11, 2022, the court issued an order continuing shelter care and placing C.W. in the temporary custody of the Department, pending continued adjudication proceedings.

It provided that C.W. was “allowed liberal, unsupervised, day visits with her Mother, as arranged by [the Department] or its designee.”

On June 22, 2022, the court resumed the adjudication hearing. The court, “pursuant to the parties’ agreement,” sustained the allegations in the Petition. The court then began the disposition hearing. The Department submitted its February 11, 2022 report, which noted, among other things, that the Department interviewed C.W. and family, explored the family’s extensive history with Child Protective Services (“CPS”), and tried to work with Mother for a home health assessment and return home, but it was not successful due to Mother’s lack of cooperation. The report also stated that Mother and the family had a “long and complex” history with CPS, with 15 closed investigations of Mother and four closed service cases. The report set forth the Department’s recommendations, which were that:

1. C.W. “remain in the care and custody of [the Department] and be determined a [CINA].”
2. Mother be ordered “to complete a substance abuse assessment and to follow any and all treatment determined necessary.”
3. Mother be ordered “to participate in individual counseling and follow any and all recommendations by the service with completion.”
4. C.W. be ordered “to obtain a mental health evaluation and follow any and all recommendations by the service with completion.”
5. C.W. be ordered “to participate in individual counseling to address childhood trauma and follow any and all recommendations by the service with completion.”
6. Both C.W. and Mother be ordered “to participate in family counseling and follow any and all recommendations by the service with completion.”

After hearing argument from counsel, the court adopted all of the Department's recommendations (except for the second recommendation, i.e., that Mother complete a substance abuse assessment). It found that C.W. was a CINA.

On July 13, 2022, the court held a permanency planning hearing. The Department recommended a permanency plan of reunification with Mother. With respect to the Department's efforts to maintain C.W. in an appropriate temporary placement, counsel for the Department stated that "[C.W.] has been very challenging, and . . . difficult to place. She's typically noncompliant." At that time, C.W. was placed at a hotel in Lanham, Maryland. Counsel for C.W. requested that the court order: (1) a "resource with extracurricular activities," because C.W. was interested in esthetician training and the Junior Reserve Officers' Training Corps (JROTC); (2) assistance "obtaining [C.W.'s] learner's permit and driver's education," because C.W. was 17 years old; and (3) continued individual therapy services. Counsel argued that, "even if the plan is reunification, we still want to make sure that . . . they're working on those pieces and living a life, even while they're in care, as though they were under a parent." Counsel asserted that it was "not uncommon, even with reunification" as a goal, to help with a learner's permit, driver's education, or therapeutic needs.

The Department did not object to providing assistance regarding C.W.'s learner's permit and driver's education. C.W. was studying for her permit, and when she was ready to take the test, the Department would "get that going."

Counsel for Mother requested that the court adopt the Department's recommended permanency plan of reunification because Mother was "hoping that that [would] be possible in the future." Counsel did not request any additional services for Mother at that time.

On August 8, 2022, the court issued an order finding that C.W. continued to be a CINA and adopting a permanency plan of reunification with Mother, which was projected to be achieved by December 2022. The court also ordered, among other things, that the Department obtain C.W.'s birth certificate, provide a copy to the court, and "[a]ssist with learner's permit and driver's education for [C.W.]"

On January 3, 2023, the court held another permanency planning hearing. The Department's report, dated November 23, 2022, which was admitted into evidence, stated that C.W. had several placement changes. On September 1, 2022, C.W. was removed from the hotel in Lanham, and she continued to refuse placement efforts. She stayed at friends' houses, and then was placed in a treatment foster home, but she left that placement.

At the time of the report, C.W. was living with Mother and "doing fine in [Mother's] home." The Department recommended that the court close the case, noting:

[C.W.] continues to reside with her mother and is not engaged in any court ordered services. She has repeatedly rebuffed the Department's efforts to identify a suitable foster placement for her and has not participated in therapeutic services. Additionally, [Mother] has made it clear that she does not intend to cooperate with the Department, nor engage in any court ordered services. It appears that [Mother] is able to meet all of [C.W.'s] needs and there is no need for the Department to continue to be involved with this family.

The Department requested that the court close the CINA proceeding.

C.W.'s counsel noted that C.W. was going to turn 18 years old in June 2023 and was "very interested in independent living." Counsel stated that, although there had been "a number of things that [C.W.] has stated throughout the case" that she wanted, including assistance with getting her birth certificate and attending driving school, "it has not worked out." Counsel also stated that, "if [C.W.] were to remain in care she would like a different social worker." In this regard, counsel stated that C.W. "does not get along with the social worker and she doesn't feel that the social worker does the things that she's supposed to, and that has caused stalling of [C.W.'s] case."

Counsel for C.W. deferred to the court regarding the Department's request to close the case. Counsel stated that, although C.W. wanted assistance from the Department,

she and the [D]epartment have very different views regarding what she has needed throughout the case and what that looks like, especially when it comes to placement . . . . She doesn't want to go to a foster home. . . . She wants to go to independent living and she would like help with that.

But the Department is expecting that everything that [C.W.] does must be on their terms, and she's not willing to go into a situation that she's [un]comfortable with. So, while she would like the assistance of the Department, until she turns 18, if the Department is not willing to meet her halfway, she doesn't feel like the situation is going to work for her.

When asked to clarify C.W.'s position on closing the case, counsel stated: "[C.W.] would like to defer to the [c]ourt . . . regarding whether the case should be closed or not. She feels like she does need these services, however, she also does not want the Department to be dictating everything that she is doing." The court stated in this regard that C.W. was seeking a "have your cake and eat it too type thing."

Mother's counsel argued that, although Mother "feels that there is unfinished business," she was "not necessarily seeing eye to eye with the Department." Counsel stated in this regard that there were some services that were promised to C.W., but they had not been provided, including assistance with driving school, getting braces, and returning her birth certificate and Social Security card to her. Mother "still would like to see these things fulfilled before the case actually closes." Mother also requested "assistance with a bed for [C.W.], and particularly if she's going to stay at the family home."

The following colloquy then ensued between the court and Mother's counsel:

THE COURT: So you want the case closed, too, but you want some things done before it's closed?

[MOTHER'S COUNSEL]: Yes, Your Honor.

THE COURT: Because once I close it, you can't order those things.

[MOTHER'S COUNSEL]: Right. Exactly.

C.W.'s counsel asserted that C.W. "does turn 18 in June, so that would seem like an appropriate time."

Mother addressed the court, stating: "[T]he Department has been after me." She asserted that, "after all of these allegations" and things she has "been accused of," the Department has "not been able to give . . . proof to show that . . . she did this to this child or this has happened to this child." She also asserted that the Department, "instead of mending families," has "done nothing but break up [her] family." She stated: "[T]hey're upset that me and my child have come together. They should be happy that we're back together . . . . And it's none of their doings. If it was left up to them, [C.W.] would still

be all over the place.” Mother stated that there were some things that had been promised, including assistance with braces, C.W.’s “[b]irth certificate, Social Security card, [and] the driving school,” but now, the Department wants to “whoosh everything so they don’t have to do anything, and that’s not fair.”

The court stated: “I’m trying to figure out a way that we could close the case, but still have them doing stuff for you. You can’t have it both ways.” Mother then asked the court to leave the case open until C.W. turned 18 years old “because that’s not fair. . . . [T]hey want to just close [the case] and get rid of it. . . . That’s not right, especially when you have a child that’s still in need.”

Counsel for the Department argued that insurance pays for braces, not the Department. Counsel noted the difficulty that the Department had working with both C.W. and Mother, stating: “[I]f they choose not to avail themselves of what [the Department] is offering, then our hands are tied.” Counsel stated that, if what Mother said is the case, i.e., the Department was “breaking up her family,” the court should “get [the Department] out and let [Mother] do what she feels is appropriate. Let [Mother] raise her children as she deems to be appropriate.” Although C.W. wanted independent living, that is “not a right.”

The Department’s counsel requested that the court “close the case, get [the Department] out of that family and let [Mother] take charge.” When asked whether the Department has ruled out working with C.W and Mother in the future, counsel stated: “[Mother] has been extremely disrespectful, verbally abusive, degrading, threatening and

constantly using profanity towards [the social worker] right in text messages. So the Department has been unable to work with her.”

The court found that it was “in the best interest of everyone” to close the case. It then addressed C.W., stating:

The problem here is, you can’t have it both way[s]. You can’t have the Department kind of being involved, but being . . . involved [in] the way you want them to involved, but not being involved. It’s either they’re going to be involved or they’re not, and it’s clear to me, you know, if you were younger, maybe if you were 15 or so, whereas several years that we could probably establish a better relationship between a new worker and you, maybe I would consider keeping this case open. But considering your age, considering your strong will, independent streak and considering the things that are left to do . . . I am going to terminate the case.

On January 10, 2023, the court issued an order terminating jurisdiction over C.W., rescinding C.W.’s commitment to the Department, and closing the CINA proceeding. The court found that doing so “is no longer contrary to [C.W.’s] welfare, as it is now possible for [C.W.] to be safely maintained with her biological mother, with whom she has been residing.” The court also found that C.W. was no longer a CINA.

This appeal followed.

### **DISCUSSION**

We begin with the Department’s motion to dismiss the appeal. It argues that this Court should dismiss the appeal because the circuit court’s order was a favorable ruling for Mother, and therefore, she has no right to appeal. It asserts that the “effect of that order was to restore, without condition, Mother’s fundamental right to raise C.W. That order did not aggrieve Mother. Thus, Mother has no right to appeal.”

Mother disagrees. She contends that the relief she “sought was continued court jurisdiction over her family so the family could obtain the services [she] believed necessary to ensure C.W.’s ongoing health, safety, general welfare, and long-term stability in [her] home.” Because that relief was not granted, she asserts that this Court should address the merits of her appeal.

“As a general rule, a party may not appeal from a favorable judgment because that party is not considered to be aggrieved.” *Bd. of Trustees of Balt. Cnty. Cmty. Colleges v. RTKL Assocs., Inc.*, 80 Md. App. 45, 51 (1989), *cert. dismissed as improvidently granted*, 319 Md. 274 (1990). *Accord Rush v. State*, 403 Md. 68, 95 (2008) (“one cannot appeal from a favorable ruling”); *Paolino v. McCormick & Co.*, 314 Md. 575, 579 (1989) (A party may not appeal or cross-appeal from a judgment favorable to the party.); *Adm’r, Motor Vehicle Admin. v. Vogt*, 267 Md. 660, 664 (1973) (“Generally, a party cannot appeal from a judgment or order which is favorable to him, since he is not thereby aggrieved.”). As Mother points out, however, this principle “does not prevent a party from challenging an aspect of a lower court judgment or order that results in the party receiving less than the full relief it sought below, even though the judgment or order is otherwise in accord with the relief the party requested.” *Thompson v. State*, 395 Md. 240, 249 (2006).

A CINA proceeding balances “the fundamental right of parents to raise their children with the State’s obligation and prerogative to protect a child who requires court intervention for protection.” *In re T.K.*, 480 Md. 122, 132 (2022). The CINA statutes, Md. Code Ann., Cts. & Jud. Proc. Art. §§ 3-801 to 3-830 (2020 Repl. Vol. & Supp. 2022),

authorize the State to interfere with a parent’s fundamental right in certain circumstances because “the best interests of the child may take precedence over the parent’s liberty interest.” *In re Yve S.*, 373 Md. 551, 570 (2003) (quoting *In re Mark M.*, 365 Md. 687, 706 (2001)) (cleaned up).

“The parent’s interest at a CINA proceeding is the unfettered right to raise his or her child.” *In re Blessen H.*, 163 Md. App. 1, 19 (2005), *aff’d*, 392 Md. 684 (2006). The court initially interfered with Mother’s right in this regard by finding C.W. to be a CINA and ordering that C.W. be placed in the care and custody of the Department. *See In re Damien F.*, 182 Md. App. 546, 580 (2008) (“[B]ecause parenting is a fundamental right, an order of shelter care deprives a parent of that fundamental right even if only temporarily.”); *In re Adoption/Guardianship No. 3155*, 103 Md. App. 300, 306 (1995) (appointment of co-guardian of child, who had been placed under the court-appointed guardianship of local department of social services, “of necessity, would diminish the authority and duties” of the department as the child’s legal guardian).

On January 10, 2023, Mother’s fundamental right to raise C.W. was restored when the circuit court issued its order terminating jurisdiction over C.W., rescinding C.W.’s commitment to the Department, and closing the CINA proceeding, after finding that C.W. was no longer a CINA and could be “safely maintained” in Mother’s home. Mother’s

rights were not aggrieved in a way that gives her a right to appeal.<sup>3</sup> Accordingly, we shall dismiss the appeal.

**APPEAL DISMISSED. COSTS TO BE PAID  
BY APPELLANT.**

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<sup>3</sup> Mother does not challenge the court's finding that C.W. is no longer a CINA. Rather, she wants the Department to provide certain services, but only on her terms. We note that she cites no persuasive authority that supports that type of arrangement.