UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1181

September Term, 2015

IN RE: A.C.

Woodward,
Graeff,
Sharer, J. Frederick
(Retired, Specially Assigned),

JJ.

Opinion by Sharer, J.

Filed: January 28, 2016

In 2008, the Circuit Court for Allegany County, sitting as a juvenile court, declared A.C., daughter of appellant, J.C. ("Ms. C."), to be a Child in Need of Assistance.[1]

After a number of years of placement, on March 24, 2014, the Allegany County Department of Social Services ("Department") filed a petition for guardianship and termination of Ms. C.'s parental rights. On August 6, 2014, the court, following a hearing, orally granted the petition. The following day, the court issued "Termination of Parental Rights Findings and [an] Order" incorporating its oral opinion.

Ms. C. appealed from that judgment. In an unreported opinion, we vacated the judgment and remanded the case to the circuit court "for further proceedings consistent with th[e] opinion," instructing the court to "detail its findings with regard to" Md. Code (1984, 2012 Repl. Vol.), §§ 5-323(d)(2)(ii) and 5-323(d)(4)(iii) of the Family Law Article ("FL").[2]

[1]A 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 whose "parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child's needs." Md. Code (1974, 2013 Repl. Vol.), § 3-801(f) of the Courts & Judicial Proceedings Article.

[2]FL § 5-323(d) provides, relevant to the matter before us:

> Except as provided in subsection (c) of this section, in ruling on a petition for guardianship of a child, a juvenile court shall give primary consideration to the health and safety of the child and consideration to all other factors needed to determine whether terminating a parent's rights is in the child's best interests, including:
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> * * *

(continued...)

In re Adoption/Guardianship of [A. C.], No. 1329, September Term, 2014 (February 13, 2015), slip op. at 1, 15. ([A.C. I]) Our mandate stated: "JUDGMENT VACATED. CASE REMANDED TO THE CIRCUIT COURT FOR ALLEGANY COUNTY FOR FURTHER PROCEEDINGS CONSISTENT WITH THIS OPINION." *Id.* at 15 (boldface omitted).

On June 25, 2015, responding to our opinion, the juvenile court conducted a supplemental evidentiary hearing, and thereafter issued a "Memorandum and Supplemental Order," granting the Department's petition for guardianship and termination of parental rights.

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[2](...continued)

> (2) the results of the parent's effort to adjust the parent's circumstances, condition, or conduct to make it in the child's best interests for the child to be returned to the parent's home, including:
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> * * *
>
> (ii) the parent's contribution to a reasonable part of the child's care and support, if the parent is financially able to do so; [and]
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> * * *
>
> (4) []
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> * * *
>
> (iii) the child's feelings about severance of the parent-child relationship[.]

Appealing from that judgment, Ms. C. presents two questions, which we rephrase slightly for clarity:

I. Did the court err in excluding evidence regarding Ms. C.'s parental fitness and A.C.'s best interests?

II. Did the court err in denying Ms. C.'s motion to discharge counsel and appoint new counsel?

Finding neither error nor abuse of discretion, we affirm the judgment of the circuit court.

FACTS and PROCEEDINGS

Assuming the parties' and counsel's familiarity with the history of the litigation and underlying facts, we adopt and incorporate from our opinion in *A.C. I* a statement of the pertinent facts. *See* slip op. at 1-8.

When the parties appeared for the June 25, 2015 hearing, the court stated at the outset that, "out of an abundance of due process, the [c]ourt [would] give Ms. C. the opportunity to address the findings that the [c]ourt [was] required to make under those two sections," which were the subject of the remand.

At trial, the Department called A.C. and Brian Miller, the Department's representative. Ms. C.'s counsel also called Miller, who testified that he had "received two pieces of correspondence for A.C. from" Ms. C., but the correspondence was not delivered to A.C.. Counsel then called Ms. C., who testified regarding the "efforts on [her] part to

maintain contact with [A.C.]" and the "contact [that] [A.C.] [had] with her siblings prior to [Ms. C.'s] incarceration." Finally, counsel called Ms. C.'s daughter D.D., and attempted to elicit testimony regarding "the relationship that [D.D.] would have with [A.C.] . . . if [Ms. C.'s] rights were terminated."

Following the close of the evidence, Ms. C.'s counsel argued:

> [I]f I am cut off from contact and I am seven or eight years old for over a year, and these are really the only people I know that I have been living with and it is quite clear that if she is as intelligent as everybody seems to feel that she is, most kids are going to kind of echo where they have been most recent [sic] or what they have been doing most recent [sic], but what really disturbed me was that she was getting more, seemed to be getting more distant from her mother because it seemed to be some active intervention to keep her mother from having contact, so it becomes a self-fulfilling prophecy. And so of course she is going to not know, she doesn't know when she had last contact, I think that is painfully honest, of course she didn't because none of the mail was getting through to her, none of the efforts, so what I am saying is like kind of the fruit of the poisonous tree, if we have tainted the ability of the mother to stay in contact with this child, albeit, just a letter or a picture, then we are changing the judgment or the disposition of this child because of that inability of the mother to even have a minimum contact. And my recollection of the case law indicates there needs to be at least some kind of maintenance contact, and then with that minimum contact, then the child gets asked the question, then we look at her emotional stability, and I think that is a critical linchpin here[.] . . . . She is going to reflect what is going on around her and she's been cut off from the contact with her mother and I think that, so I was glad she really was here in court because the [c]ourt can see for itself the affect [sic] of this denial of contact. . . . . Regarding the, I don't know how anybody in jail is going to support or provide financially for the stability of their children while they are in jail. The records were not clear as to prior to that, . . . where the support was. . . . . The burden is on the State, I think, to show with credible evidence whether or not, where the support was. I think she was provided support within her ability and that was to give some Christmas presents and things like that. . . . . I don't think we are terminating

parental rights on every parent that doesn't provide financial support for their children. We would probably lose half the children in the county that are subject, that are single parent classifications with all the people, the parents that aren't paying their child support we see on child support day, if that was the only determination. So, I think the biggest issue is really, is [A.C.'s] emotional stability and it will be shaped or changed by . . . what is going on around her.

In its Memorandum and Supplemental Order, the court stated:

> The [c]ourt first considered the factor in Family Law Article Section 5-323(d)(ii) [sic] relating to whether [Ms.] C.[] contributed to a reasonable part of [A.C.'s] care and support. The evidence established [Ms.] C. received an unknown amount of social security disability income. Other than two or three random gifts to her daughter, she never gave anything to [A.C.] . . . or paid anything to her support. It is likely that [Ms.] C. was not financially able to contribute financially to [A.C.'s] support as she has other children, a limited income, and has been in prison over the past year. Having considered FL Section 5-323(d)(2)(ii) the [c]ourt finds that the factor bears no weight on the ruling on [the] Department[']s Petition for Guardianship of the child.
>
> Next the [c]ourt addresses the statutory factor of FL Section 5-323(d)(4)(iii) – the child's feelings about severance of the parent-child relationship. [A.C.] . . . , born on December 9, 2007, testified under oath in open court with [Ms.] C. present. She indicated it would be good to end the mother-daughter relationship and to stay with her foster family. She showed the [c]ourt a number of cards and drawings she made for her foster mother. The [c]ourt finds [A.C.] . . . to be intelligent and well-informed. She clearly wants to stay with her foster family and expressed no misgivings about having her "real mom" not being her "mom" any more. Consideration of the FL Section 5-323(d)(4)(iii) factor only strengthens the Department's position (and child's counsel's position) regarding terminating parental rights.
>
> Having considered upon remand the foregoing factors not specifically addressed when the Department's Petition was granted August 6, 2014, together with those factors that were then considered, the [c]ourt again finds by clear and convincing evidence that [Ms.C]. is an unfit parent and it is in [A.C.'s] best interest to grant the Department's Petition.

DISCUSSION

I. A.C.'s feelings about severance of the parent-child relationship

During Ms. C.'s testimony, the following exchange occurred:

[MS. C.'S COUNSEL]: Okay, since you have been incarcerated, what have you been doing to assist with your parenting skills?

[MS. C.]: Umm, I . . .

[DEPARTMENT'S COUNSEL]: Objection.

THE COURT: Sustained. That's not relevant to the issues here.

[MS. C.]: To maintain a relationship?

THE COURT: Wait a minute, wait for another question. I sustained the objection.

[MS. C.'S COUNSEL]: Did you, did you learn anything about how to relate to your daughter?

[DEPARTMENT'S COUNSEL]: Objection.

[A.C.'S COUNSEL]: Objection.

THE COURT: Sustained. The issues here are this witnesses [sic] financial contribution towards [sic] the support if she was able to of her daughter, and . . . the relationship, the feelings of [A.C.] towards [sic] terminating her relationship with her mother. Those are the two issues.

[MS. C.'S COUNSEL]: Did you . . . learn any skills while you were in jail about how you would try to relate to your daughter?

[DEPARTMENT'S COUNSEL]: Objection.

[A.C.'S COUNSEL]: Objection.

THE COURT: Sustained.

[MS. C.'S COUNSEL]: Okay, Your Honor, then what I am going to do just to protect the record, I am going to, so, I am proffering that what I have would have, would be introducing into evidence, trying to introduce into evidence, would be a series of certificates of completion of various parenting courses and . . . drug programs, so that she could be of a better mind or a more clear mind in terms of being able . . .

THE COURT: Okay.

[MS. C.'S COUNSEL]: . . . to relate to her daughter.

Later, during Destiny's testimony, the following exchange occurred:

[MS. C.'S COUNSEL]: Okay, and during the, since, since you were eight and living with your dad, have you been seeing any of your brothers and sisters?

[DEPARTMENT'S COUNSEL]: Objection.

THE COURT: How is that relevant?

[MS. C.'S COUNSEL]: All right. Over the last six months, or over the last two years have you been seeing your brother and sisters?

[DEPARTMENT'S COUNSEL]: Objection.

[A.C.'S COUNSEL]: Objection.

THE COURT: What is your proffer as to this relevancy and what line of questioning, I guess, this witness would have on the issues here?

[MS. C.'S COUNSEL]: Your Honor, the proffer is that she would have knowledge or relationships, the relationship that she would have with [A.C.], would obviously be changed if the rights were terminated and that would obviously impact on the emotional stability or the emotional impact of [A.C.].

THE COURT: I don't think that is relevant.

[DEPARTMENT'S COUNSEL]: Your Honor, that is clearly outside the scope. Again, that was already a factor considered by the [c]ourt.

THE COURT: All right. So, I am going to excuse this witness, if that's what this is all about.

[MS. C.'S COUNSEL]: Well, where I was going[,] Your Honor, was whether she would have contact with [A.C.], the amount of contact she would have with [A.C.], and it would be her relationship with [A.C.]. I mean that's where we are going with it.

THE COURT: Objection is sustained.

[MS. C.'S COUNSEL]: And how her mother and her daughter's relationship is, or had been.

THE COURT: All right. Sustained.

Ms. C. contends that "because the ultimate issues before the court were [her] parental fitness and [A.C.'s] best interests," the "court's decision to exclude documentary and testimonial evidence regarding [Ms. C.'s] successful completion of programs to rehabilitate herself, change her circumstances, and improve her parenting skills was erroneous." We are not persuaded.

A.C. I explicitly directed that, on remand, the court was to only "detail its findings with regard to" Ms. C.'s contribution to a reasonable part of A.C.'s care and support and *A.C.'s feelings* about severance of the parent-child relationship. Hence, evidence of Ms. C.'s

completion of rehabilitative programs, changes in her circumstances, and improvement of her parenting skills was not relevant. Nor was D.D.'s relationship with A.C. relevant.

Ms. C. contends that the evidence was relevant because, in our previous opinion, we "vacated the judgment of the circuit court which terminated parental rights," and our "mandate did not preclude the circuit court from taking additional evidence." *Harrison v. Harrison*, 109 Md. App. 652 (1996), is instructive.

> Julie G. Harrison . . . and Harry C. Harrison . . . were previously married. The parties' marital union was ended by a judgment of divorce, dated January 14, 1993. An appeal was taken in that case by Mr. Harrison on two issues, both relating to alimony; the divorce itself was not contested.
>
> Affixed to the opinion that we issued in the prior appeal, *Harrison v. Harrison* [No. 586, 1993 Term, *per curiam*, filed Dec. 17, 1993], was what is sometimes termed a mandate. It stated:
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> > JUDGMENT REVERSED. CASE REMANDED TO THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY FOR FURTHER PROCEEDINGS CONSISTENT WITH THIS OPINION. COSTS TO BE PAID ONE HALF BY APPELLANT AND ONE HALF BY APPELLEE.
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> *Harrison*, No. 586, slip op. at 7. The opinion referred to in that judgment or order only addressed the two questions raised in that appeal. The first question concerned the husband's assertion that the trial court failed to consider the effect of a pension distribution on his financial status when it awarded alimony. We agreed. As to that question, we stated in the body of the opinion: "We therefore *vacate* the award of alimony and remand this case for further proceedings consistent with this opinion." *Id.* at 4 (emphasis added). With respect to the second question raised, we held that no error had occurred and stated, "When determining the alimony award on remand, the circuit court will once again be able to consider wages from all of appellant's teaching positions." *Id.* at 7. Then, without further comment, the order or

judgment, *i.e.*, the "mandate," was appended to that opinion. However, rather than stating, "JUDGMENT AS TO ALIMONY VACATED," which would have reflected what we actually held in the body of the opinion, *i.e.*, "We therefore vacate the award of alimony and remand this case for further proceedings consistent with this opinion," we inadvertently stated, "JUDGMENT REVERSED."

We opined further:

[I]n Maryland, the opinion, at the very least, may be an integral part of the appellate court's order or mandate when that order or mandate provides for a remand for proceedings consistent with the opinion. Moreover, when it is apparent from the opinion itself that a simplified "order" or mandate, *e.g.*, "Judgment Reversed," is ambiguous, then the opinion may be referred to and considered an integral part of that mandate. There may be . . . many types of unitary judgments or mandates, as opposed to multiple, severable parts of judgments, in which such a "Judgment Reversed" order or mandate would not be ambiguous and there would be no need to refer to the opinion. Generally, however, any direction in an order or mandate that proceedings on remand are to be consistent with the opinion would necessarily require the opinion to be considered as an integral part of the judgment.

* * *

The judgment in the previous case, *Harrison v. Harrison* [No. 586, slip op. at 7, 1993 Term, *per curiam*, filed Dec. 17, 1993], in order to have been consistent with our intentions as stated in the underlying opinion, should have read: "JUDGMENT AS TO ALIMONY VACATED; JUDGMENT OTHERWISE AFFIRMED; CASE REMANDED FOR PROCEEDINGS CONSISTENT WITH THIS OPINION; COSTS TO BE PAID 50% BY APPELLANT, 50% BY APPELLEE." We have statutory and inherent power to correct that mandate to clarify our prior judgment. As we have indicated, however, the form of judgment there rendered was, nevertheless, such as to require that the opinion be considered a part of that prior mandate.

Id. at 665-66, 682.

We reach a similar conclusion here. The judgment in *A.C. I* , was consistent with our intentions as stated in the underlying opinion. We have statutory and inherent power to correct that mandate, if needed, to clarify our prior judgment. The form of judgment there rendered was part of that prior mandate. Despite Ms. C.'s effort to expand the holding and intent of our remand in *A.C. I*, neither the opinion nor the mandate required the court to admit additional evidence of Ms. C.'s completion of rehabilitative programs, changes in her circumstances, or improvement of her parenting skills. Hence, the court did not err in failing to admit the evidence.

II. Ms. C.'s request to discharge trial counsel

On June 18, 2015, Ms. C. sent to the court a letter in which she stated:

> I am writing in regards to my pending case with your court[.] I am requesting immediate release of my counsel, while simultaneously requesting new counsel be appointed to handle my case.
>
> I find that my court-appointed counsel has already been ineffective, and I also feel continuation with the present counsel will negatively effect [sic] the outcome of my case. Please weigh the following into your decision.
>
> I have not had fair and proper contribution to my defense. I have relayed my concerns to my counsel but no action has been taken. For examples [sic]:
>
> - The State's evidence is hearsay. No concrete evidence exist [sic]. All of the witnesses I requested for my defense were not placed under sebpoena [sic].
>
> - Evidence that I've requested such as log of my contact with [A.C.] through social service (Brian Miller) completed programs such as: parenting, substance abuse intervention (SAI), 30 day substance abuse

treatment, communications, relationships, domestic violence, (TDC) thinking deciding change, sucess [sic] at work (ACT) Alternative Direction Inc.

- Reports for school compaired [sic] from when [A.C.] was with me & now
- Medical records
- Counseling reports

* * *

Due to my incarceration, I am helpless to obtain resources on my own. My assigned counsel is obligated by law to assist in any possible way. I found this obligation not met.

The relationship between my child and I, the sibling relationship, what trauma plays a role, therapists, . . . are not supported by counsel.

The lack of communication with my counsel and my inability to reach my counsel (or my counsel fails to reach me) has been detrimental to my case. My childs [sic] state of mind and well being have failed to be a factor to my counsel.

When the parties appeared for the June 25, 2015 hearing, her request to discharge counsel, and for the appointment of new counsel, was taken up at the outset. The following exchange occurred:

[MS. C.'S COUNSEL]: Yes, Your Honor. Since the last hearing my client has submitted a motion in writing. I would ask the [c]ourt to address that and let her address that. Given that . . . I am going to be requesting that this case be continued so that she has an opportunity to seek other counsel. I was frankly, as we were leaving the last time, I was gathering that we were not of the same mind or we do not have a meeting of the minds about how to proceed with this case. I think that feeling is amplified in her motion, and so

I have advised her that she can take that up with the [c]ourt, . . . but based on that I would be requesting that . . .

THE COURT: Well, let's hear, first of all, you are not seeking to withdraw your appearance. This is your client's request to discharge you, correct?

[MS. C.'S COUNSEL]: Well, I want to make sure she has a fair hearing. If I was to withdraw my appearance and she was, and the [c]ourt was to deny the request for a postponement, I really wouldn't feel real good about that.

* * *

THE COURT: What I have is a letter from Ms. C. seeking . . . to replace you as counsel.

[MS. C.'S COUNSEL]: Right.

THE COURT: And she . . .

[MS. C.'S COUNSEL]: And therefore, what I can say is if the, I would not object to that. As a matter of fact, I would . . .

THE COURT: Okay.

[MS. C.'S COUNSEL]: . . . probably for the benefit of everybody welcome that and the fact that it could be, I guess, couched as a joint motion to withdraw. I just don't want to put her in the position of having to go on unrepresented today.

THE COURT: All right. [] Ms. C., why should the . . . [c]ourt assign you counsel other than [counsel]? First, for the record, [counsel] has been assigned by the Public Defender's Office, is that correct?

MS. C.: Yes, sir.

* * *

[] For the reasons that I stated in my motion, . . .

THE COURT: And incidently, I don't think I can assign you counsel. It would be up to the Public Defender to assign you other counsel, but go ahead.

MS. C.: [F]or the reasons I stated in my motion, I asked for new counsel in my motion for all good reasons, so therefore, I feel I should have the opportunity to be represented by someone new.

* * *

[Counsel] has been incompetent to my case showing lack of skill, ineffective throughout the case. . . .

* * *

THE COURT: All right, [counsel], do you have anything further before I hear from the other counsel?

[MS. C.'S COUNSEL]: Yes, I am just going to have to make a call, I have, we have . . . not come to terms with I guess agreement in terms of strategy or tactics in this case. I think the record will show originally that I wanted to do extensive discovery and I originally requested a postponement so that we could do a lot of the things that Ms. C. is talking about, and . . . I thought that that would have preserved that for appeal, because I think that what we have here is gloaming together issues regarding the fairness of her trial in chief, and where we are here today on remand. My understanding of the law is that on remand we do, if there is new evidence, I cannot proffer an exact release date. I can proffer that she is going up for a parole review in October, but I don't have an actual release date that would guarantee that she would be coming out soon. I just don't see a whole lot of new evidence. If she feels through other counsel they can dig up something that I haven't been able to dig up, that might be fine, because I think the rules do indicate that if there is a remand, even though it is limited to those two issues, if there is material new evidence that that is perfect to be brought forward and she could be requesting through other counsel perhaps a full review of the whole, of the whole thing. I am quite sure, I am sure the State is quite capable of speaking for itself, but I can anticipate that they would probably come to you with the thought that these issues were waived. They could have been appealed and they weren't. But

clearly, I have been uncomfortable in this matter, in this, I have been representing [Ms. C.] for about five, six year, seven years, something like that, a period of years, and up to now we have always had cogency, we have had singleness of mind, but I have been frankly uncomfortable in this case since its inception because Sylvia Long of the Public Defender's Office just about begged me to get into it because through some depletion of the system, nobody had been reappointed as an attorney for her. I really, I had expressed to them it was my intention to try to get away from doing a lot of [j]uvenile work. My practice is more focused in consumer bankruptcy, family law, personal injury . . .

THE COURT: All right.

[MS. C.'S COUNSEL]: . . . criminal defense and other things other than juvenile work, but . . .

* * *

[] And again, we have been, I mean I have had multiple cases with Ms. C., and we have gotten along just fine. This case from its inception, I came in probably less than thirty days or around thirty days before trial and just not enough time to really get it together and that's, so a lot of things she was saying is a result of that and I did preserve that on the record that I did require, need more time to do that kind of investigation the first time around. Now we are down to these two issues and there has not been an exact agreement as to how we should even proceed there.

THE COURT: All right.

[MS. C.'S COUNSEL]: So we are now where we are. I am going to formally request that my appearance be withdrawn simply because we just do not have an agreement as to how to proceed.

* * *

THE COURT: Well, . . . I think that if I found Ms. C.'s motion meritorious, it might be problematic to proceed with, to take testimony from [A.C.] when Ms. C. is unrepresented, as she is otherwise entitled to representation, but I

don't find the request to be meritorious at all. . . . . We, first of all, this case was well tried, fairly tried, and . . . appealed, and in the course of a fifteen page opinion, which addressed this Judge's findings on all of these issues Ms. C. just raised, it was entirely affirmed, so we are way past that. [T]he last sentence indicates on remand to [c]ourt, should details [sic] its findings with regard to Family Law Sect. 5-323(d)(2)(ii), and 5-323(d)(4)(iii). [I]t actually suggests to the [c]ourt that it would be permissible to not even take testimony, to just come back to court and detail findings based on what record exists, and it is an extensive record. . . . . Now, Ms. C., I do not find anything about [counsel's] representation in this case to be ineffective or incompetent. I find it to be entirely appropriate, vigorous, and effective advocacy. Now, I respect what [counsel] just said about the two of you not seeing eye to eye. I am sure that's true on what strategies should be employed, etc., but that's not a basis for the [c]ourt to find that counsel is not effective, not giving you competent representation. Having said that, you have the right, the constitutional right to represent yourself. If you want to discharge [counsel], you can do that. That would be viewed as a waiver of your right to counsel because there is no basis for the [c]ourt to continue the case to give you the opportunity to get other counsel. So I am not going, I am not going to do that. So at this point I am going to deny [counsel's] request to withdraw his appearance and give you the opportunity to determine whether you wish to represent yourself or choose to proceed today with [counsel] as your attorney.

MS. C.: Yes, I feel that my motion states . . . that certain people that could testify to mine and [A.C.'s] relationship is [sic] not subpoenaed here. Her religious, you know, interaction with my pastor, that has observed us over time, . . . her therapist, that I am sure she expressed some type of, you know, counseling through the matter of me and her, through, which she should be, but I have no record of that. I don't know why. [S]o I feel that my motion does state grounds that there should be people that I have asked to be here to support the two matters that we are here on that is not subpoenaed and not here, so I do feel that my motion is significant enough to go on and . . . I would object to either, one, I would object to not having . . . to represent myself, and I would be objecting to [counsel] being . . .

THE COURT: Well, you can't have it both ways so in the absence of the [c]ourt being able to find that Ms. C. is waiving her right to counsel, [counsel] will remain as counsel in this case[.]

Ms. C. contends that the "court erred in denying the motion to discharge counsel and assign new counsel," because she "was not afforded genuine and effective legal representation." We disagree.

At the June 25, 2015 hearing, counsel called Ms. C. and two other witnesses, and elicited testimony regarding Ms. C.'s efforts to maintain contact with A.C., the contact between A.C. and her siblings prior to Ms. C.'s incarceration, and the Department's decision to not deliver correspondence from Ms. C. to A.C.. Not withstanding the court's contrary ruling on admissibility, counsel also argued extensively as to the potential reasons for A.C.'s feelings about severance of her relationship with Ms. C., and the limitations on Ms. C.'s ability to contribute to a reasonable part of A.C.'s care and support. We conclude, as did the juvenile court, that counsel's representation was genuine and effective.

Ms. C. contends that her counsel was ineffective for two reasons. First, she claims that "counsel admitted to lacking the necessary experience and knowledge to represent the mother in" an action for termination of parental rights. The record does not support her assertions.

Counsel explicitly stated that he "had multiple cases with Ms. C." over the course of five to seven years. Although counsel stated that his "intention to try to get away from doing . . . [j]uvenile work," he did not contend that he did not have "the necessary experience [or] knowledge." Finally, counsel requested that his appearance be withdrawn not because he

did not have "the necessary experience [or] knowledge," but because he and Ms. C. "just [did] not have an agreement as to how to proceed." Hence, there is no evidence that counsel lacked "the necessary experience and knowledge to represent" Ms. C. in an action for termination of parental rights.

Ms. C. next claims that "counsel essentially told the court that [Ms. C.] had no material evidence [pertaining to] the two issues of financial contribution and A.C.'s feelings about severance." But, she did not proffer any evidence material to those issues that counsel might have discovered prior to the hearing. Also, the court correctly observed that the existing record was "extensive," and supportive of the court's termination of Ms. C.'s parental rights.

The juvenile court conducted supplemental proceedings in accord with our directions in *A.C. I.* The court did not abuse its discretion in its ruling on the evidence, nor did it err in denying the motion to discharge counsel and assign new counsel.

The juvenile court's order of termination of parental rights is supported by clear and convincing evidence.

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