Circuit Court for Montgomery County,
Sitting as a Juvenile Court,
Petition Nos.: 06-I-17-012 through 06-I-17-018

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 2925

September Term, 2018

IN THE MATTER OF A.N., A.N.,
A.N., A.N., A.N., AND A.N.

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

JJ.

Opinion by Gould, J.

Filed: June 27, 2019

Ms. F. appeals from the order of the Circuit Court for Montgomery County, sitting as a juvenile court, changing the permanency plan for each of her two sons from reunification to a concurrent plan for reunification and custody and guardianship by a relative or non-relative. Permanency plans for reunification had been in place for close to two years, and during that time, both the Montgomery County Department of Health and Human Services (the "Department") and the juvenile court had worked towards that goal. After it became obvious from Ms. F.'s lack of progress that reunification would be unlikely, the Department and the court started moving towards alternative plans of custody or guardianship by a relative or non-relative, culminating in the court's order at issue here.

Ms. F. contends that the court erred in changing the permanency plans because reasonable efforts were not made to assist her with reunification and because the court applied the wrong standard. Appellee, the Department, argues that the appeal should be dismissed because the order is interlocutory and not immediately appealable. The Department also disputes Ms. F.'s arguments on the merits, arguing that the correct standard was applied and that reasonable efforts were made to assist Ms. F. with reunification.

Because we find that the court's decision constituted a pivotal change in direction from reunification towards the potential for someone other than Ms. F. to wind up with custody of the boys, the court's order is appealable under Md. Code Ann. Cts. & Jud. Proc. ("CJ") § 12-303(3)(x) (2006, 2013 Repl. Vol.); see also In re Joseph N., 407 Md. 278, 295 (2009). We additionally find that the court applied the proper standard and did not abuse

its discretion when it changed the permanency plans. We therefore affirm the change in the permanency plans for the boys.

FACTS AND LEGAL PROCEEDINGS

Ms. F. and Mr. N. are the biological parents of one adult daughter and six minor children: two boys and four girls.[1] Ms. F. has significant intellectual limitations, and Mr. N. has chronic health issues and has been hospitalized numerous times. The children have substantial educational and health needs. The family has had a history of child welfare involvement, dating back to 2003, due to the parents' inability to provide adequate care and supervision for their children.

The family's most recent issues with the Department began in February 2017. On February 2, 2017, the children were removed from their parents' care because of unsafe and unsanitary conditions in their home, the children's truancy, the mother's substance abuse history, physical violence between the children, and the lack of parental supervision. The next day, the Department filed an original petition requesting that the children be declared to be Child(ren) in Need of Assistance ("CINA").[2] The original petition also stated that "as appropriate, reasonable efforts are being made to return the child to the

[1] The boys are Ar.N., who was born in 2002, and Ao.N., who was born in 2004. As originally filed, the appeal argued that the juvenile court erred in changing the permanency plan for each of the six minor children. Ms. F. has since withdrawn her appeal as to the four girls, and therefore we will not be discussing their placement or status. The parties' adult daughter is not involved in this appeal. Ms. F. has an adult son from a previous relationship who is also not involved in this appeal.

[2] See CJ § 3-801(f) (defining a "Child in need of assistance") and CJ § 3-801(g) (defining a "CINA").

child's home." That same day, the court granted shelter care for the two boys and awarded limited guardianship to fictive kin.[3]

On March 3, 2017, the boys were declared to be CINAs and committed to the care and custody of the Department.[4] One month later, because the fictive kin could no longer care for the boys, they were placed into treatment foster care.[5] For nearly two years, as required by statute, the Department submitted periodic reports to the juvenile court, and the court held permanency plan hearings.[6] These reports and hearings indicate that, for a long time (over eight months), both the Department and the court believed that reunification was possible, and the Department directed its energies towards that end.

The Department's first report to the court in May 2017, indicated that Ar.N. seemed to be doing well and that both boys were referred for additional therapy. Ms. F. was being treated by a psychiatrist and therapist and was referred to Narcotics Anonymous and an

[3] "Fictive kin" refers to "a non-relative with whom a foster child has developed a familial relationship." In re Ryan W., 207 Md. App. 698, 723 n.16 (2012), aff'd in part, vacated in part, rev'd in part, 434 Md. 577 (2013).

[4] This was the second time the children were declared to be CINAs. On April 22, 2015, the children were removed from their parents' care and subsequently declared to be CINAs. In early 2016, the court terminated jurisdiction over the children, and they were returned to their parents' home.

[5] "Treatment foster care" means a 24-hour care program "for children with a serious emotional, behavioral, medical, or psychological condition." Code of Maryland Regulations ("COMAR") 07.02.21.03(B)(17).

[6] The juvenile court is required to conduct a permanency plan review hearing "at least every 6 months until commitment is rescinded or a voluntary placement is terminated." CJ § 3-823(h)(1)(i). At least ten days prior to the hearing, the Department is required to provide a copy of the permanency plan to the juvenile court. Id. § 3-823(d).

Abused Persons Program. The Department also stated that Ms. F. "agreed that a treatment foster home would be most appropriate for her children." From this report, there was reason for optimism for a future reunification.

Three months later, the Department reported that the boys were "approved as candidates for placement in a residential treatment facility where ongoing support is provided for their safety, emotional, and physical needs." The Department also indicated its belief that "with more time, [Ms. F. and Mr. N.] will utilize services coordinated by the Department to implement the goal of reunification."

At the same time, the Department recognized the possibility that reunification might not be in the boys' best interests. The Department reported that Ms. F. "often confuses Social Workers, Supervisors, and various parties involved in her case." When updates were provided to Ms. F. about her children, Ms. F., at times became agitated, denying that her children's behavior was problematic. Ms. F. missed visitation with the boys, and, as a result, the Department was unable to assess Ms. F.'s abilities with her children. All of this notwithstanding, the Department projected "a reasonable date of February 2018 by which the child(ren) may be returned to and safely maintained in the home or placed for adoption under a legal guardianship." Thus, despite a growing basis for doubting the feasibility of reunification, the Department did not give up on reunification, but it did acknowledge the possibility of adoption instead.

In July 2017, consistent with the Department's recommendation, the boys were ordered to be moved to residential treatment facilities.

In July and August 2017, the court held permanency plan hearings. The court found that "out-of-home placement continues to be necessary for all of the Children." The court also noted that Ms. F. "has little if any control over the children," that the condition of their house had been unacceptable, and that Ms. F. "had mental health issues and substance issues that were not being addressed." The court ordered the Department to provide transportation to the parents to visit Ao.N. The court ordered Ms. F. to participate in and complete the Abused Persons Program and a parent capacity study and evaluation. No change was made to the permanency plans.

Three months later, in October 2017, the Department reported that Ms. F. did not attend the scheduled family therapy session with Ar.N. and did not attend scheduled visitation with him. The report listed the reasonable efforts being made towards reunification, including monitoring Ar.N.'s placement, assisting him with his medical care and monitoring his medical care, providing transportation, attending treatment for Ao.N., and monitoring his medical care. The Department also maintained communication with Ms. F.'s therapist, requested verification from Narcotics Anonymous, provided assistance and education to Ms. F., and coordinated, paid for, and transported Ms. F. to a parental capacity evaluation. In addition, the Department maintained communication with the parenting capacity evaluator and coordinated and completed a home inspection.

Finally, the Department reported that Ms. F. "is in the beginning stages of the reunification process" and "remains committed to the reunification process but is aware that she would need more time before her children would be placed in the home." The Department recommended that Ms. F. continue her twice weekly Narcotics Anonymous

meetings, continue to participate in and receive treatment with the Abused Persons Program, and maintain stable housing.

In October 2017, upon the recommendation of the facilities where the boys had then been living, the Department requested the court's permission to move the boys to separate treatment foster homes. The court agreed, and the boys have resided in separate treatment foster homes since December 2017.

Prior to December 2017, the Department's reports consistently recommended permanency plans for reunification. Those recommendations changed due to the growing evidence that reunification would not be appropriate. For example, although Ms. F. informed the Department that she was participating in the Abused Persons Program and attending Narcotics Anonymous and therapy, she had last attended the Abused Persons Program in October 2017, and after that, she had cancelled her appointments. Also, Ms. F. completed her parenting capacity evaluation, but the evaluations flagged concerns about her parenting ability. Finally, Ms. F. had not visited Ar.N. since August 2017 and had not visited Ao.N. since May 2017, even though she had been provided with bus tokens for transportation to visit both boys. The Department concluded that "[n]either mother . . . nor father . . . [was] able to provide the necessary supports needed at this time for reunification to be successful."

In light of this conclusion and the fact that the boys had "made significant progress since being placed in their respective residential placements," the Department recommended in its December 2017 report that the permanency plans for Ar.N. and Ao.N.

be changed to custody and guardianship with a relative or non-relative, thereby abandoning reunification altogether.

At that time, the court was not ready to jettison the goal of reunification as a permanency plan, but it did share the Department's concern that reunification would not be in the boys' best interests. For example, at the December 2017 and January 2018 permanency plan hearings, the court found that although there was a close relationship between Ms. F. and her children, there was a "real risk of parentification, role reversal." The court also noted that Ms. F. was unable to successfully parent the children without the Department's intervention. The court acknowledged the Department's reasonable efforts to facilitate reunification including, establishing contact with Ms. F., communicating with Ms. F. "to obtain updates regarding process, visits and to provide resources if needed to remove barriers," providing Ms. F. with bus tokens to assist with transportation to appointments and visits, and writing a letter on behalf of Ms. F. to the Housing Opportunities Commission ("HOC") requesting assistance in obtaining housing.

The court recognized that the Department had been monitoring the boys' progress and medical care and had arranged for visitation with parents and siblings. Although the court was unwilling to conclude that the children would be safe and healthy with either parent, the court did not follow the Department's recommendation to abandon the reunification plans at that time because "[t]he evidence suggest[ed] that there is some hope for that in the future."

Six months later, in June 2018, the Department's outlook on the chances for reunification with the mother remained bleak, and it recommended that the permanency

plans for Ar.N. and Ao.N. be changed to another planned permanent living arrangement ("APPLA") and to custody and guardianship with a relative or non-relative, respectively. The Department continued "to have concerns about both the mother and the father's respective capacities to provide proper care and supervision for the children and to ensure that they are in a safe and stable home environment." At the same time, the Department noted that Ar.N. was thriving and that Ao.N. was stable in their respective placements.

The Department observed that Ar.N. and Ao.N. had "been under the Department's care for approximately 16 months and to date Ms. F[.] and Mr. N[.] have made minimal progress in terms of being able to provide a safe and stable home environment for the children" and acknowledged that "[t]he Department has made consistent, supportive and substantial reasonable efforts towards reunification for the past 16 months." Finally, the Department noted that "[u]nder the Federal Adoption and Safe Families Act, if a child has been in out of home placement in the last 15 out of 22 months without achieving reunification, the Department must consider a change of permanency plan."

The Department's assessment of Ms. F.'s progress was dim, at best:

> To date, Ms. F[.] continues to struggle with establishing stable housing and employment. She informed the Department that her home was recently condemned and as a result she has been staying with various relatives and friends. She said that she received a new HOC voucher for a three-bedroom apartment in Clarksburg, Maryland and the Department is awaiting a copy of the voucher from Ms. F[.]. Ms. F[.] stated that she is not able to work due to mental health issues including anxiety and depression and sees a psychiatrist for these issues. She said that the psychiatrist provided her with a letter to this effect so that she could apply for SSI and the Department is awaiting a copy of this. As stated previously in this report, Ms. F[.]'s cognitive and emotional needs coupled with her lack of consistent participation in recommended services continue to greatly hinder her capacity to establish

> stability for herself and her children and as a result she is not currently able to provide proper care and supervision for her children.

Further, the Department noted that Ms. F.'s participation in the Abused Persons Program, Narcotics Anonymous, and individual and family therapy remained inconsistent. The Department again confirmed its reasonable efforts towards reunification, including maintaining phone and email contact with Ms. F., providing Ms. F. with bus tokens, maintaining phone contact with Mr. N., and referring Ao.N. for therapy.

One month later, in July 2018, at the court's direction, the Department issued a supplemental report that reiterated its recommendation to change the permanency plans for the two boys and explained its rationale for these recommendations.

In June, August, and October of 2018, the court held hearings to consider the Department's request to change the boys' permanency plans. On November 20, 2018, the court entered an order changing the permanency plans for the children from reunification to concurrent plans of reunification and custody and guardianship by a relative or non-relative.

The court was persuaded by the evaluations of the parents and the children that had been submitted by the Department. The court found particularly helpful and reliable the report from The Lourie Center for Children's Social and Emotional Wellness (the "Lourie Center"), which the court found to be detailed and thorough. The Lourie Center concluded that Ms. F. "was extremely limited in her ability to identify the developmental needs of her children and to anticipate how to adequately address their respective cognitive, emotional and medical needs." The Lourie Center also reported that the parents were inconsistent in

their attendance at "educational meetings or being active participants in their children's progress within school." Not surprisingly, the court was concerned about the children's continuing progress at school if they were returned to their parents.

The court likewise harbored serious concerns about Ms. F.'s mental and intellectual challenges, as well as her lack of progress, stating, "[i]f the children were returned home at this time, they would suffer some harm. The progress that they have made while in foster care would have been lost and that would be a bad outcome for them even though they have not been in their placements for very long."[7] The court then concluded that "the permanency plan that is in the Children's best interest is a concurrent plan of Reunification and Custody and Guardianship." Ms. F. appeals this decision.

DISCUSSION

I. Appellee's Motion to Dismiss

Parents have a "fundamental and constitutional right to raise their children." In re Karl H., 394 Md. 402, 414 (2006). This fundamental right, the Department argues, is only impaired by a final custody or guardianship decision and therefore, the addition of a concurrent plan is not immediately appealable. The Department reasons that the court could not order custody or guardianship until it considers the requisite statutory factors. The Department also points out that a custody or guardianship order would be appealable

[7] As to Mr. N., the court observed, "Mr. N[.]'s lack of consistency with his dialysis treatment demonstrates his difficulty with adhering to regular appointments and treatment for himself let alone for his children. As a result, Mr. N[.]'s medical issues preclude his physical capacity to be present on a consistent basis to be able to provide proper care and supervision for the children."

in any event and, until there is a such an order, the reunification plan remains intact because the Department remains compelled to work towards that goal. From the Department's perspective, the addition of the concurrent plans of custody and guardianship does not actually change anything. We disagree.

An order is immediately appealable if it "depriv[es] a parent, grandparent, or natural guardian of the care and custody of his child, or chang[es] the terms of such an order[.]" CJ § 12-303(3)(x). Put another way, an order is appealable if "it includes a substantial departure from the goal of reunification." In re Andre J., 223 Md. App. 305, 316 (2015).

For example, an order is immediately appealable if the change in the plan could result in a complete deprivation of a parent's fundamental right to care for, and have custody of, his or her child.[8] For that reason, the Court of Appeals has held that because a change from reunification alone to a concurrent plan of reunification and adoption, "is sufficiently far enough along the continuum of depriving a parent of a fundamental right," it was immediately appealable. In re Karl H., 394 Md. at 430.

The case of In re Joseph N., 407 Md. 278, 295 (2009) presented a less drastic potential change than the change at issue in In re Karl H., but the Court of Appeals nonetheless found the change to be sufficiently advanced on the continuum to be

[8] The Department cites to In re C.E., 456 Md. 209, 224 (2017), for the proposition that "an order waiving the Department's obligations to provide reasonable efforts toward reunification is not immediately appealable because it does not function as 'a death knell' on [the mother's] ability to regain custody and care of her children and represents 'no meaningful shift in direction.'" In In re C.E., the order was not appealable because the child "remained in the custody of relatives and the permanency plan [had] not changed." Id. at 224. In contrast, here, the permanency plans have been changed.

immediately appealable. There, the mother's objection to the new order was not to the permanency plan, which ostensibly remained untouched. 407 Md. at 282-83. Rather, the problem for the mother was that the father was given temporary custody. Id.

The Court of Appeals held that the order granting temporary custody was appealable. Id. at 295. The order was a "potentially outcome-determinative change because it potentially increased the opportunity for Joseph's father to obtain permanent custody." Id. at 291. Framed slightly differently, it was a "pivotal change in the direction" because it "set the stage for the court's dismissal of [the child's] CINA case and an award of full custody in favor" of the father. Id. at 294.

The Court of Appeals in In re Joseph N. focused on the practical effect of the change in the underlying order, not just its express words. The Court of Appeals noted the potential bonding and attachment that would occur while the child was with the father, to the obvious detriment of the mother's chances for reunification. Id. at 294. Thus, even though there was no order expressly advancing a goal of reunification with the father, the potential for an outcome other than reunification with the mother was a sufficient threat to the mother's chances to render the order appealable. Id. at 292, 295.

The Department argued in In re Joseph N., as it argues here, that the trial court's order did not change the terms of the plan to the detriment of the mother and that the mother was not entitled to appeal until the permanency plan changed "from reunification with [the mother] to a grant of full custody of Joseph to [the father]." Id. at 287. Because the mother would have had the right to appeal any adverse final orders issued in future periodic review

hearings, the Department argued that an interlocutory appeal was not warranted.[9] Id. at 295. The Court disagreed with the Department.

So do we. As the history of this case demonstrates, the Department and the juvenile court pursued reunification as the sole permanency plans for the boys for approximately eight months. But they both became less optimistic over time. In December 2017, the Department recommended abandoning reunification altogether in favor of custody and guardianship, and although the court did not accept the Department's recommendation at that time, there is no question that the court shared the Department's doubts about the likelihood of reunification.

Ultimately, the court made the change only after its consideration of nearly two years of accumulated evidence yielded no other choice because, as the court concluded, a return to Ms. F.'s home would not be safe. Based on the specific facts of this case, therefore, the inclusion of concurrent plans of guardianship and custody portended a potential loss of Ms. F.'s parenting rights, and, as in In re Joseph N., "expanded the universe of persons eligible" to obtain permanent custody. Id. at 292.

While the order under review here differs substantively from the one in In re Joseph N., a close look at both orders shows some important similarities on the issue of appealability. In both cases, the original permanency plan was for reunification with the appellant. Also, in both cases, the permanency plan of reunification continued to exist on paper, notwithstanding other changes made to the orders. And finally, the threat posed to

[9] Indeed, at a subsequent permanency plan, the juvenile court awarded full custody to Joseph's father. Id. at 284, 295.

the appellants' chances of reunification resulted from the risk that custody of the children would wind up with someone other than the appellants. Thus, the appellants in both cases perceived the same threat to their fundamental parenting rights. And, the threat does not have to come from a change as drastic as adoption to be appealable. See, e.g., In re James G., 178 Md. App. 543, 565 n.14 (2014) (order changing permanency plan from reunification to placement with a relative for guardianship and custody was appealable); In re Andre J., 223 Md. App. at 320 (order changing permanency plan from reunification to APPLA was appealable); In re Damon M., 362 Md. 429, 438 (2001) (order changing permanency plan from reunification to long term foster care or adoption was appealable).

Accordingly, we find that the order here is immediately appealable, and deny the motion to dismiss. We now turn to the merits of this appeal.

II. Merits of the Case

A. Standard of Review

In reviewing a decision of a juvenile court, 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) (quoting In re Yve S., 373 Md. 551, 586 (2003)). 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 (quoting In re Yve S., 373 Md. at 583-84).

B. Analysis

Ms. F. argues that (1) reasonable efforts were not made to assist her with reunification; and (2) the court applied the wrong standard in evaluating whether reasonable efforts were provided. We disagree.[10]

1. The Court Appropriately Focused on the Children

Ms. F. argues that the circuit court "erroneously believed that the focus of efforts should not be on the parents." Ms. F. further argues that reunification with the parents is the primary object of the courts and that reasonable efforts needed to be made to achieve this goal.

The Department does not dispute that reunification is the primary goal but contends that the primary focus is on the children.

Maryland law provides that "[i]n determining the reasonable efforts to be made and in making the reasonable efforts . . . *the child's safety and health should be the primary concern*." Md. Code Ann. Fam. Law § 5-525(e)(2) (1984, Repl. Vol. 2012) (emphasis added). While it is true that a permanency plan is "designed to expedite the movement of Maryland's children from foster care to a permanent living, and hopefully, family arrangement," see In re Damon M., 362 Md. at 436, it is not true that reunification with the

[10] Notwithstanding these contentions, as the Department points out, Ms. F. fails to argue that the juvenile court's decision was an abuse of discretion.

parent should always be the appropriate or only goal. A parent's constitutionally protected right to raise their children creates a presumption "that it is in the best interest of children to remain in the care and custody of their parents," In re Adoption/Guardianship of Rashawn H., 402 Md. 477, 495 (2007), but that presumption is not without limits. "[T]he right of a parent to make decisions regarding the care, custody, and control of their children may be taken away where (1) the parent is deemed unfit, or extraordinary circumstances exist that would make a continued relationship between parent and child detrimental to the child, and (2) the child's best interests would be served by ending the parental relationship." In re Adoption/Guardianship of Jasmine D., 217 Md. App. 718, 734 (2018).

Here, when rendering its decision, the court appropriately focused its primary concern on the interests of the children. The court's action was therefore not erroneous, and its decision was not an abuse of discretion.

2. The Department made Reasonable Efforts on Ms. F.'s Behalf

Section 5-525(e)(1) of the Family Law Article of the Annotated Code of Maryland provides that "reasonable efforts shall be made to preserve and reunify families." As stated by the Court of Appeals:

> a reasonable level of those services, designed to address both the root causes and the effect of the problem, must be offered—educational services, vocational training, assistance in finding suitable housing and employment, teaching basic parental and daily living skills, therapy to deal with illnesses, disorders, addictions, and other disabilities suffered by the parent or the child, counseling designed to restore or strengthen bonding between parent and child, as relevant.

In re Adoption/Guardianship of Rashawn H., 402 Md. at 500. The Department's obligation to the parents, however, is not limitless. The Department "is not obliged to find

employment for the parent, to find and pay for permanent and suitable housing for the family, to bring the parent out of poverty, or to cure or ameliorate any disability that prevents the parent from being able to care for the child." Id.

Here, the court found that reasonable efforts had been made to achieve reunification. The court observed, "[the Department has] provided opportunities for visitation. They have helped the children. They have provided some assistance to the parents on a number of fronts."

Ms. F. argues that the Department should have done more, and thus the Department's efforts were insufficient. Specifically, she contends that the Department should have provided her with a calendar or advice on scheduling. Ms. F. complains that the Department did not address with her or her psychiatrist its concerns about her interactions with her children during her visits, and that the Department did not include her in medical appointments for her sons.[11]

Ms. F.'s contentions miss their mark. First, the Department *did* consider whether calendaring or scheduling advice would benefit Ms. F. At the October 3, 2018 hearing, when Stephanie Sicard, a Department social worker who worked on this case, was asked about the services provided to help Ms. F. to plan and organize, she testified:[12]

[11] Ms. F. also suggests that she would have benefited from the cognitive behavior therapy that Katherine Martin, Ph.D., a psychologist who examined Ms. F. in 2015, suggested. At the October 4, 2018 hearing, however, Ms. F. testified that she received that type of therapy.

[12] Ms. Sicard made this statement upon re-direct examination. This opinion was shared by Dr. Martin, who stated that "Ms. F[.], the primary caretaker of the children, has significant intellectual limitations and she has marked difficulty with complex

> I think that this is, like, the crux of the concern, is that I don't think there are services to necessarily address someone's limited cognitive capacity. I think capacity is the key here. We referred her to therapy, we referred her to parenting classes, she's had in-home services previously, and I think the fact that these continue to be issues speaks to the fact that, to no fault of Ms. F[.]'s, I think she has a limited capacity to provide proper care and supervision for her children.
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> The basis for that is that I believe that the Department has been frequently involved with this family over the past 14 years and has, on multiple occasions, has provided them with tools and resources for them to be able to meet the needs of their children and, even with all of that intervention and tools and resources, they have not been able to sustain a safe and stable environment for their children. … I think the crux of the issue is having the capacity to, to make - - to use good judgment and to make decisions and to plan to ensure the safety, stability, and well-being of the children, and I think that's just - - that's part of it, but I think there's a larger part that remains a concern for the Department.

Similarly, at the August 20, 2018 hearing, when asked about Ms. F.'s ability to meet the medical needs of the children, Julia Wessel of the Lourie Center testified, "[i]f one has cognitive limitations, it may be difficult to organize all that is necessary to meet the medical needs of [a] child."[13]

Ms. F. relies on In re Yve S., 373 Md. 551, a case in which the Court of Appeals reviewed the decision of the juvenile court changing the child's permanency plan to long-

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cognitive tasks such as remembering information, following complex directions, applying strategies to new situations, using good judgment, planning, and organizing," and by the Lourie Center, which stated in its 2017 assessment that "[w]ithout substantial, continuous and long term support from social services, it is unlikely that [Ms. F.] will be able to organize the medical, educational, and therapeutic supports to promote the children's healthy development over time."

[13] Given that the boys are in foster care, the Department, along with the foster parents, coordinates medical visits.

term foster care. Ms. F. appears to equate her situation to that of Yve's mother, but, the comparison is inapt. As Ms. F. acknowledges in her brief, in In re Yves, the Court of Appeals ruled that the lower court erred in finding that the mother could not care for Yve, notwithstanding that Yve's mother's treating psychiatrist testified that the mother's "prognosis was good, and that she was capable of taking care of 'any child.'" In re Yves, 373 Md. at 620. Here, not only does the record *not* reflect any positive prognosis for Ms. F., but Ms. F. fails to even allege that she was capable of supervising and taking care of her children. The closest she comes is her contention that the children were bonded with their parents, the children were bonded with each other, none of the children were in permanent placement, there was no concern that Ms. F. would harm the children, and that the children wanted to return home. None of these factors address this central issue.

The record reflects that for nearly two years, the Department has made numerous efforts to help Ms. F. achieve the goal of reunification, including:

1. Facilitating visits for Ms. F. with the children;
2. Providing necessary transportation costs to Ms. F.;
3. Ordering and monitoring Ms. F.'s participation in the Abused Person's Program and Narcotics Anonymous;
4. Referring Ms. F. to parenting classes;
5. Referring Ms. F. to therapy sessions;
6. Providing Ms. F. with in-home services; and
7. Assisting Ms. F. in finding employment and housing.

The record also reflects that Ms. F. stopped or was inconsistent in participating in these services. She repeatedly missed therapy appointments and sessions of the Abused Persons Program, failed to follow up with orders of the court, used the transportation costs for unauthorized purposes, and lost a transportation card provided to her.

Notwithstanding such efforts, the court made this observation:

> …For Ms. F[.], she was diagnosed with a number of things, including Intellectual Disability Mild, Panic Disorder, Major Depressive Disorder, and PCP use. Since this evaluation, Ms. F[.] has made some progress in addressing some of these issues. She is no longer using PCP. She is getting some mental health counseling to address Major Depressive Disorder and help with Panic Disorder. Some of these things have helped, but it is not clear that she made progress in addressing Intellectual Disability. She continues to have an IQ score of 65 and has some deficiencies when it comes to vocabulary, reasoning, reading, and organization of tasks. As Dr. Martin has identified, those struggles would make it very difficult for Ms. F[.] to really meet all of the children's needs. Recently, for example, she was given a SmarTrip card with some funds loaded on it for using public transportation. She lost it, which made many things difficult for her. Ms. F[.]'s challenges make it very difficult for her to effectively help her children the way they need to be helped because of their own special needs.

At bottom, the question is not whether the Department could have done something more for Ms. F. That would be an impossible standard to meet. Rather, the issue is whether the efforts the Department did make were reasonable. On that issue, Ms. F. is virtually silent, and the court's finding that the Department did undertake reasonable efforts is firmly grounded in the record.

CONCLUSION

The juvenile court applied the correct legal principles when it focused on the interests of the boys. The court had an ample evidentiary basis to find that the

Department's efforts made on Ms. F.'s behalf were reasonable. The change to the permanency plans based on the court's findings was not an abuse of discretion.

MOTION TO DISMISS DENIED; JUDGMENT OF THE CIRCUIT COURT AFFIRMED; COSTS TO BE PAID BY APPELLANT.