

Circuit Court for Caroline County  
Case Nos. C-05-JV-24-000036, C-05-JV-24-000037, C-05-JV-24-000038

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND\*

No. 212

September Term, 2025

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IN RE: BH.P., BYA.P., & BA.P.

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Graeff,  
Ripken,  
Eyler, Deborah S.,  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Graeff, J.

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Filed: December 23, 2025

\*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).

This case arises from a March 20, 2025 order of the Circuit Court for Caroline County, sitting as a juvenile court, finding Bh.P., Bya.P., and Ba.P.<sup>1</sup> each a child in need of assistance (“CINA”).<sup>2</sup> The court committed the children to the custody of the Caroline County Department of Social Services (“the Department”), awarded supervised visitation to E.E. (“Mother”), and suspended the visitation of B.P. (“Father”).

On appeal, Father and Mother present multiple questions for our review,<sup>3</sup> which we have reformatted, as follows:

1. Did the circuit court abuse its discretion in denying Father’s motion to postpone the disposition hearing?
2. Did the circuit court err in admitting Bh.P.’s forensic interview statements into evidence?

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<sup>1</sup> In the interest of privacy, we will refer to the three children and their family members by their initials.

<sup>2</sup> A “CINA” is a child whom the court has determined requires court intervention because he or she has been abused or neglected, or has a developmental disability or mental disorder, and whose parents, guardian, or custodian either cannot or will not “give proper care and attention to the child and the child’s needs.” *In re J.J.*, 456 Md. 428, 432 n.1 (2017) (quoting Md. Ann. Code, Cts. & Jud. Proc. (“CJ”) §3-801(f) (2024 Supp.)).

<sup>3</sup> Father presents the following two questions for this Court’s review:

1. Did the trial court err by refusing to grant his motion to postpone the disposition so that he could utilize an expert witness regarding Bh.P.’s forensic interview?
2. Did the court commit error in denying all visitation between Father and his children?

Mother presents the following question for review:

Did the court commit error in denying the return of the children to Ms. EE’s care and finding the children to be CINA?

3. Did the circuit court err in suspending Father's visitation with the children?
4. Did the circuit court err in finding the children to be CINA?

For the reasons set forth below, we shall affirm the judgments of the circuit court.

### **FACTUAL AND PROCEDURAL BACKGROUND**

Bh.P., age 4 at the time of the disposition hearing, Bya.P. age 3, and Ba.P., age 11 months, are the children of Mother and Father. The family has a history with the local departments of social services in several counties. The Department became involved in this case in August 2024, when it received a referral alleging domestic violence between Mother and Father, the violation of a protective order, and a report that Father sexually abused the children. In October 2024, the Department filed a CINA petition and placed the children in shelter care until the adjudicatory disposition order at issue in this appeal.

#### **I.**

##### **Social Services Involvement in Dorchester and Talbot Counties**

The family's first involvement with social services was in Dorchester County. In May 2022, the Dorchester County Department of Social Services ("Dorchester County") received a referral based on Mother's filing of a request for a temporary protective order. Mother alleged that Father choked her while she was holding the two older children, tapped the children's hands, yelled and spit at them, and masturbated in the living room while the children were in the home. Dorchester County initiated an assessment, interviewed Mother, and prepared a report for the court to consider at the final protective order hearing.

The court dismissed the petition for protective order, however, because Mother did not appear at the hearing.

Mother had earlier sought a temporary protective order against Father in October 2021, which also was dismissed for failure to appear, but Dorchester County was not involved. That petition alleged that Father grabbed and shoved Mother into a wall and “snatched [Bh.P.] from [her].”

On September 15, 2023, the Talbot County Department of Social Services (“Talbot County”) received a report of an altercation between Mother and Father in a motel parking lot. Father bit and scratched Mother and pulled Bh.P. out of the car through the window. Mother and Father then engaged in a “tug of war” with Bh.P., who ended up falling to the ground. At the time of the altercation, both Mother and Father had protective orders against each other, issued on February 5, 2023, and effective through February 5, 2024, and both were arrested and charged with violating the orders.<sup>4</sup> Father was also charged with second-degree assault and second-degree child abuse.<sup>5</sup>

Talbot County DSS placed Bya.P., who was in the car during the incident, and Bh.P. in the custody of their maternal grandmother, Y.W., pursuant to a safety plan. The safety

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<sup>4</sup> Father and Mother each filed petitions for protective orders on January 30, 2023. Father’s petition alleged that Mother hit him with a charging cable and bit his chest. Mother’s petition alleged that Father threatened to kill her, tried to force her to have sex, and hit her with objects. Because the parties consented to the no contact protective orders, the court did not make findings on the merits of the allegations. Talbot County DSS was not involved in these protective orders.

<sup>5</sup> These charges were nolle prossed.

plan noted allegations of physical abuse and “severe domestic violence resulting in harm to [Bh.P.]” by Father and allegations against Mother of failure to protect Bh.P. from harm. The safety plan provided for no contact between Father and the children and supervised contact for Mother.

On September 20, 2023, Talbot County Child Protective Services (“CPS”) conducted an investigation into the incident, including a lethality assessment, which showed that Mother was in “high danger” because Father had threatened to kill her in the past, could easily obtain a firearm, had choked her, and threatened suicide. Mother feared he might try to kill her after the parking lot altercation. Talbot County revised the safety plan that day, allowing the children to reside with Mother at an undisclosed location, but prohibiting Father from contact with the children.

The CPS investigation indicated physical abuse of Bh.P. by Father.<sup>6</sup> On September 22, 2023, Mother filed a petition for a protective order, and on September 29, 2023, the court entered a protective order prohibiting contact between Father and Mother, Bh.P. and Bya.P. for one year.

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<sup>6</sup> Indicated child physical abuse means “there is credible evidence, which has not been satisfactorily refuted” of an act involving physical injury to a child victim by a parent, caregiver, authority figure, or household or family member of the alleged victim and there were “[c]ircumstances including the nature, extent, or cause of the alleged neglect indicating that the alleged victim’s health or welfare was harmed or was at substantial risk of harm.” Md. Code Regs. 07.02.07.12(A)(1) (2025).

On April 30, 2024, Ba.P. was born in Caroline County. Shortly thereafter, a referral was made to the Department for a substance-exposed newborn.<sup>7</sup> The Department closed the case on June 28, 2024.

## **II.**

### **Referral for Suspected Sexual Abuse in Caroline County**

On August 9, 2024, the Department received a referral for suspected sexual abuse of the two older children by Father, which it screened and assigned to Caroline County CPS for an investigation. The referral also alleged that Father was in the home with the children in violation of the protective order, and there was continued domestic violence. The reporter informed the Department that when a relative went to the home to pick up the children, Father came downstairs “completely naked,” and Bh.P. and Bya.P. were “naked as well.” Although Mother initially refused to allow the Department to interview the children and would not agree to a safety plan prohibiting Father from being in the home, she eventually agreed to have the children medically examined and permitted the Department conducted a forensic interview with Bh.P.<sup>8</sup>

During the forensic interview, Bh.P. told the social worker that Father “touched [her] body and it hurt,” and she yells “get off there” when Father touches her. Bh.P. said

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<sup>7</sup> A substance-exposed newborn (“SENS”) includes a child who has positive toxicology screen for a controlled drug at birth. Md. Code Ann., Fam. Law (“FL”) § 5-704.2(b)(1) (2025 Repl. Vol). Healthcare practitioners involved in the birth of a substance-exposed newborn are required to notify the local department of social services. FL § 5-704.2(c).

<sup>8</sup> Bya.P. and Ba.P. were too young to be interviewed.

that Father “touch[ed] all over [Mother’s] body . . . [a]nd all over my body.” She stated that Father “said I can touch your body,” and Bh.P. told Father to “get off [her] body. I’m not playing.” She told the social worker that Father touched her with a toy and his “pimple.” Bh.P. pointed to the buttocks and vagina on a body diagram when asked where Father had touched her. She squatted to show how Father’s pimple touched her when she sat in a chair, and she drew a pimple on a piece of paper. Bh.P. identified the drawing as a butt, but the social worker observing the interview testified that it looked like a penis.

The investigation revealed that Mother had earlier disclosed suspicions that Father was sexually abusing the children. Mother reported that Bh.P. had “sexualized behaviors” like “touching her private area and doing inappropriate things.” She also stated that Father forced Mother to have sex, watched shows with nudity, masturbated in the living room when the children were nearby in their bedrooms, and threatened to post nude photos of her online. Despite these concerns, Mother still allowed Father to be alone with the children.

Department social workers described Mother’s behavior as aggressive, avoidant, and threatening during the investigation. Mother repeatedly yelled at the staff and obstructed the investigation. She stated that she did not believe that Father had abused any of the children, asked numerous times whether Father could have contact with the children, and discussed the case around the children.

At one point, Mother called Father during the investigation and put Bh.P. on the phone with him. When Bh.P. told her parents that Father touched her “tooter,” Mother

immediately accused the interviewer of “feeding [Bh.P.] information.” Mother was very upset and yelled at Bh.P. She took her to the restroom and scolded her for telling the investigator that Father inappropriately touched her. The other children began to cry when Mother yelled at Bh.P. Mother was hostile and disrespectful throughout the three-hour investigation. She threatened the social workers’ jobs, wished harm to one of their families, and, at one point, looked as if she was going to hit the Department’s assistant director.

### **III.**

#### **Safety Plans**

The Department and Mother executed six safety plans prior to the CINA petition.<sup>9</sup> On August 9, 2024, the date of the referral for alleged sexual abuse, Mother signed a safety plan that prohibited contact between Father and the children pending further investigation of suspected sexual abuse of Bh.P. A Department social worker went out to the home that evening to ensure that Father was gone. The next Monday, August 12, 2024, the Department had an emergency staff meeting with the director, supervisors, law enforcement, and the State’s Attorney. After reviewing the family’s history of protective orders, social services involvement, and Mother’s behavior on August 9, the Department decided to remove the children from Mother’s care because they were unsure Mother would follow the safety plan requiring her to keep the children from Father.

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<sup>9</sup> The Talbot County Department of Social Services also implemented a safety plan prior to the parties’ move to Caroline County.

That day, two Department social workers, accompanied by law enforcement, went to Mother's home. They knocked on the door for approximately one hour and called Mother, but they received no response, although it appeared that the blinds were moving. After going to a local restaurant to wait around, someone pulled up and advised that Mother was in the house. Additional law enforcement officers accompanied the social workers to the house. Mother's father arrived shortly thereafter. Two hours after they first arrived, Mother came out of the house "with an attitude, really loud," and the children were crying. Eventually, Mother agreed to a second safety plan, which provided that neither she nor Father would have any physical or verbal contact with the children pending further investigation, due to concerns that Mother was "failing to protect" the children. The safety plan also stated that Mother would comply with the Department's investigation, including medical examinations of all the children, a second forensic interview, and a family team meeting. The Department placed the children temporarily in the care of their maternal grandfather.

On August 14, 2024, Mother filed a motion to rescind the protective order. She stated that Father had completed parenting classes, and they had completed family therapy and had been co-parenting the children since February 2024. On September 4, 2024, after a hearing, the court issued an order rescinding the protective order.

On August 20, 2024, after a Family Team Decision Meeting, the Department implemented a third safety plan, which permitted Mother to have contact with her children under her mother's supervision. The safety plan stated that Mother would comply fully

with the investigation, cooperate in enrolling Bh.P. in therapy, and assure that the children did not hear any discussions about the investigation. Tyneka Green, a family service worker for CPS, testified that, under the third safety plan, Mother began to “sort of” work with the Department, and she agreed to in-home services. Family members also came forward to provide support. Due to these safety measures, on September, 16, 2024, the Department issued a fourth safety plan, allowing the children to return to Mother’s house and stay without additional supervision. Father was still not permitted to have any contact with the children.

The social worker met with Mother and Father on September 16, 2024, to discuss the fourth safety plan. The social worker did a lethality assessment to assess the risk in the relationship between Mother and Father. Mother responded “no” to all the questions on this assessment, and she did not want any literature on domestic violence.<sup>10</sup> On September 25, 2024, Mother went to the Department to sign a fifth safety plan, which merely extended the terms of the expired fourth safety plan. Mother signed the safety plan, but she was “very unhappy,” wanted to speak to a supervisor, and complained about her assigned social worker. She stated that her family was doing better and no longer needed in-home services.

On September 29, 2024, the Department implemented a new safety plan, after hours, after receiving a report from law enforcement that Father had been arrested following an altercation with another man outside Mother’s home. During the altercation, Mother hit and kicked Father while she was holding Ba.P., and the two other children were left

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<sup>10</sup> In a prior lethality assessment, Mother had responded “yes” to all the questions.

unsupervised in the apartment. Mother was charged with reckless endangerment, and Father was charged with several counts of assault and reckless endangerment.

The new safety plan provided that Mother and the children would stay at the maternal grandmother's home. The maternal grandmother would supervise Mother and the children "and assure that [Father] ha[d] no access to them."

On October 1, 2024, the Department received a report that Mother had violated earlier safety plans by allowing Father to return to the home. The children's paternal grandmother reported that Mother allowed Father to move back to the home on September 17, 2024, just one day after the Department returned the children to Mother's care pursuant to the fourth safety plan. The paternal grandmother reported that Father would hide if the Department or law enforcement came to the house, and Mother and Father had never adhered to any of the Department safety plans. The grandmother stated that Mother and Father continued to argue and have physical altercations in the presence of the children, and she believed the toxic environment was escalating.

#### **IV.**

#### **CINA Petitions and Adjudication Hearings**

On October 3, 2024, the Department filed a CINA petition requesting continued shelter care for the children. On October 4, 2024, the juvenile court held a hearing and granted the petition for continued shelter care pending an adjudication hearing, which was set for November 20, 2024. The court found that Mother and Father "conspired repeatedly to violate safety plans which required that [Father] have no contact with the children," and

domestic violence between the parents continued to escalate and occurred in the presence of the children, endangering their welfare. It ordered weekly supervised visits with the children.

On October 8, 2024, the Department concluded its investigations of Mother and Father. Father was found indicated for sexual abuse of Bh.P., and he did not appeal the finding. Mother was found indicated for neglect of all three children based on her failure to protect them from Father.<sup>11</sup>

On October 8, 2024, Mother filed another petition for a protective order, alleging that Father refused to leave her home, choked her multiple times, slapped her, kicked her, and spit in her face. She stated that Father never left the home after she signed the September 17, 2024 safety plan, and he assaulted her in front of the children. Mother alleged that, on September 29, 2024, Father hit her with her cell phone and kept her from answering a knock at the door by pulling her by the hair while she was holding Ba.P. Mother stated that Father said multiple times that he did not care about the children. On October 17, 2024, the court issued a final protective order prohibiting Father from contacting Mother for one year and requiring him to vacate the home.

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<sup>11</sup> Indicated child sexual abuse means “there is credible evidence, which has not been satisfactorily refuted” of an act involving sexual molestation, sexual exploitation, or sex trafficking of a child victim by a parent, caregiver, authority figure, or household or family member of the alleged victim. Md. Code Reg. 07.02.07.11(A)(2). Indicated child neglect means “there is credible evidence, which has not been satisfactorily refuted” that a parent or caregiver failed to provide proper care and attention to a child victim and there were “[c]]ircumstances including the nature and extent of the failure to provide proper care and attention indicating that the child’s health or welfare was harmed or was at substantial risk of harm.” Md. Code Reg. 07.02.07.12(A)(2)(d).

**A.**

**November 20, 2024 Adjudication Hearing**

On November 20, 2024, the court held an adjudication hearing. Father's counsel requested a postponement to review discovery with Father and have more time to prepare. Both Mother and Father requested modifications of their visitation. Father requested the Department to bring the children to his house because he was on home detention.

The Department opposed Father's request and asked that visitation be suspended because it was not in the children's best interests, given the October 8, 2024 indicated finding of sexual abuse. Father ultimately withdrew his request, and the magistrate formally suspended Father's visitation with the children. The magistrate continued the hearing until December 5, 2024.

**B.**

**December 5, 2024 Adjudication Hearing**

On December 4, 2024, the Department filed an amended CINA petition to include the findings of its investigations into the sexual abuse and neglect allegations. On December 5, 2024, at the adjudication hearing, the Department moved to introduce a video recording of Bh.P.'s forensic interview. Father's counsel objected on several grounds, including hearsay, notice, and foundation. Counsel stated that he had watched the video and was in the process of attempting to hire an expert to assess the trustworthiness of the Bh.P.'s testimony, but that he had only shown Father the video that day. The magistrate

allowed the Department to continue presenting the rest of its case, but scheduled a hearing on the admissibility of the video for December 18, 2024.

At the hearing, Father's counsel requested a postponement until February 26, 2025, because Father was not present and February was the earliest his expert witness could be ready for court. Counsel argued that denial of a postponement would violate Father's due process rights and right to effective assistance of counsel. He further asserted that a postponement was necessary to properly and fairly determine the best interests of the children.

Counsel for the children opposed the postponement, arguing that Father had access to the forensic interview since November, and he had ample opportunity to consult with an expert. Counsel asserted that the adjudication was well beyond the very strict time standards for CINA cases, and Father's counsel was acting in bad faith. The Department adopted the arguments of the children's counsel, noting that, because the best interest of the children was the paramount interest, an adjudication should not go beyond 60 days of shelter, which started on October 2, 2024. The magistrate denied the motion for a postponement, and the video of the forensic interview was played in open court.

After reviewing the video, the magistrate found that, under the totality of the circumstances, the statement of Bh.P. should be admissible. The magistrate next made adjudicatory findings, and advised the parties of the timeline for filing exceptions. He scheduled a disposition hearing for January 16, 2025, and continued the shelter care order until then.

V.

**Exceptions and Disposition Hearings**

A.

**January 30, 2025 Scheduling Conference**

On January 30, 2025, the court held a scheduling hearing for the de novo exceptions and disposition hearing.<sup>12</sup> Due to scheduling difficulties, the court made a finding of good cause to delay the exceptions and disposition hearings beyond the 30-day statutorily required time standard for CINA dispositions.<sup>13</sup> The parties ultimately agreed to schedule the hearing for March 20, 2025. Before confirming the date, counsel for the Department asked the court’s permission to call witnesses to ensure their availability. Father’s counsel did not contact his expert witness to confirm her availability for the March 20, 2025 hearing.

B.

**Motion to Postpone March 20, 2025 Hearing**

On March 4, 2025, Father’s counsel filed a motion to postpone the March 20, 2025 hearing on the basis that his expert witness was not available to testify due to previously

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<sup>12</sup> The court cancelled the January 16, 2025 exceptions and disposition hearing it previously had scheduled at the close of the December 18, 2024 hearing.

<sup>13</sup> On December 16, 2024, Father’s counsel identified his expert witness, Elizabeth Reiman, in email correspondence to the Department. On December 30, 2024, the court issued a protective order allowing the expert to access the forensic interview of Bh.P. Father argues that he had merely “contacted a potential expert to review materials,” and did not formally designate the expert until after the January 30, 2025 scheduling hearing.

scheduled commitments. Counsel stated that the expert was “a necessary witness due to the intent of the Department . . . to introduce potential out of court statements of [Bh.P.].” The Department opposed the motion, arguing that Father had identified the witness in mid-December and failed to ensure her availability for the March hearing at the January status conference, despite the court emphasizing the need to “avoid any further delay to these proceedings.”

Counsel for the children also opposed the motion to postpone. She noted that the March 20, 2025 hearing date was 74 days after the filing date of the exceptions, and 169 days after the date of the first shelter care order, and that the time standards were established to protect the best interests of the children and prevent them “from languishing in foster care.” Counsel agreed with the Department that it was Father’s counsel’s obligation to ensure witnesses were available at the time of the scheduling hearing and argued that the children “should not be further penalized for the lack of preparedness by [Father’s] counsel.” The court denied the motion to postpone.

## C.

### **March 20, 2025 De Novo Exceptions and Disposition Hearing**

On March 20, 2025, the court held a de novo exceptions and disposition hearing.<sup>14</sup> The Department called two witnesses, Heather Ruark, Assistant Director for Child and

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<sup>14</sup> On March 19, 2025, the Department filed a second amended CINA petition. The second amended petition included results of the sexual abuse investigation of Father and the neglect investigation involving both parents. It also included updated information on, among other things, safety plans and afterhours calls for service.

Adult Welfare Services with the Department, and Tyneka Green, a Family Service Worker II with CPS.

**1.**

**Heather Ruark**

Ms. Ruark testified that the Department first received a referral about the family in May 2022, when Mother filed a temporary protective order in Dorchester County. The Department conducted a neglect assessment, but the petition for a protective order was dismissed because Mother failed to appear.

The Department's next involvement with the family occurred in September 2023, when the Talbot County DSS received a referral for physical and domestic abuse after another petition for temporary protective order. Talbot County initiated a physical abuse investigative response of Bh.P., the identified victim. This resulted in an indicated finding of physical abuse for Father and criminal charges of second degree child abuse and second degree assault. Talbot County facilitated two safety plans, assessed the safety of the children, attended a hearing on a petition for protective order filed by Mother, and ultimately closed the case.

In May 2024, the Department became involved with the family for the first time based on a substance-exposed newborn referral. Mother's third child, Ba.P., tested positive for exposure to marijuana at birth in late April 2024. On August 9, 2024, the Department received a referral involving allegations of sexual abuse by Father. The Department initiated a sexual abuse investigation involving the two oldest children and a neglect

investigation involving all three children. The Department's Child Advocacy Center Coordinator, Kami Morris, conducted a forensic interview of Bh.P. on the evening of August 9, 2025.

The Department moved to introduce the video of the forensic interview into evidence and requested that the court watch the video. Father's counsel objected, requesting that the court exclude Bh.P.'s statements in their entirety as unreliable under Md. Code Ann., Crim. Proc. ("CP") § 11-304(d)(2)(i) (2025 Repl. Vol.). The court overruled the objection, and the video was played in open court. The court heard arguments on the admissibility of the statements and reviewed each of the § 11-304 factors. The court admitted the video, on the condition that additional testimony would provide corroboration and "fill in all the blanks." The court noted that Bh.P. gave a remarkably good interview and seemed "very precocious;" however, it wanted more information to determine whether Bh.P. was referencing normal, appropriate touching or "totally inappropriate and very wrong conduct."

After the court's ruling on the video interview, Ms. Ruark continued her testimony. She stated that Mother's behavior on August 9, 2024 was "avoidant and resistant." Mother initially said she was not available to participate in an interview with the Department because she did not have transportation. Ms. Ruark attempted to assist Mother with barriers to the meeting and ultimately met her at the local police station, where she and the three children drove with Ms. Ruark to the Department. Mother eventually agreed to the forensic examination of Bh.P. During the interview, Mother was on the phone with Father,

and when she learned what Bh.P. reported to the social worker, Mother “escalated immediately,” got “very upset” and took Bh.P. to the restroom and scolded her. Mother told Bh.P. that “[s]he shouldn’t be saying those things” and the family would be “torn apart.”

Mother also told Ms. Ruark that she was “tearing her family apart.” Mother told Ms. Ruark that she hoped her children would die. Mother ultimately de-escalated and agreed that Father would not have contact with the children. A Department employee took the children and Mother back to the residence late that evening, and the Department attempted to “facilitate welfare checks over the weekend” until it could reassess the situation on Monday.

Ms. Ruark testified regarding the multiple safety plans put in place, noting that the Department’s intervention became more restrictive over time. When Mother rescinded the protective order in September 2024, the Department’s concern increased, and it removed the children upon learning that the parents violated the last safety plan.

## 2.

### **Tynekeia Green**

Ms. Green testified that she was assigned to investigate the August 9, 2024 allegations of sexual abuse and neglect. Ms. Green met Mother at the local police station after Mother advised she was going there to “make charges or file a protective order.” Because it was late Friday afternoon, Ms. Green attempted to have Mother verbally agree to make Father leave the home until the situation could be re-assessed on Monday. Mother,

however, initially refused, stating that the family had plans for the weekend. After two to three hours at the police station, Mother allowed the Department to transport her and the children to the Department of Social Services.

Ms. Green observed Bh.P.'s forensic interview in real time from another room. Ms. Green observed Bh.P. drawing a picture of what looked like a penis, around the time she stated that Father touched her with his pimple. Mother was uncooperative with the Department during the three hour interview, and the children were visibly upset. Mother made threats, repeatedly contacted family members, and refused to believe there was any problem. At approximately 10:00 p.m., Mother signed a safety plan, and the Department went out to the home to make sure that Father was gone. The following Monday, August 12, 2024, the Department reconvened with law enforcement and the State's Attorney, and they decided to remove the children from Mother's care.

Ms. Green described the Department and law enforcement's encounter with the family on the morning of August 12, 2024, when the Department removed the children from Mother's care. She testified regarding the six safety plans put in place prior to the petition for shelter care. The Department's investigation was open for 60 days, and it was unusual to have six separate safety plans in that timeframe. After Mother successfully petitioned to remove the protective order prohibiting Father from contacting her and the children in September 2023, the safety plan was the only mechanism in place to protect the children from Father.

Ms. Green testified that she met with Mother and Father to discuss the September 16, 2024, safety plan, advising that Father could not be at the house when the children were there. She conducted a lethality assessment to assess the risk of danger in Mother and Father's relationship, and she offered Mother and Father some literature on domestic violence, which they indicated they did not want.

On September 29, 2024, the last safety plan was implemented in an after-hours response to a law enforcement report that Father was arrested and charged with assault and reckless endangerment for an incident outside Mother's residence. The safety plan provided that Mother and the children would stay with the children's maternal grandmother and be supervised by her. Mother filed a protective order, which was granted nine days later.

The Department's investigation resulted in an indicated finding of neglect by Mother for all three children and an indicated finding of sexual abuse of Bh.P. by Father. The indicated determination for neglect was based on Father's continued access to the children during the investigation, the rescinded protective order, and the safety plan violations. Ms. Green also cited Father's dishonesty on the domestic violence assessment, pending charges of reckless endangerment against both Mother and Father, and the children's lack of supervision.

The indicated finding for sexual abuse was based on Bh.P.'s credible disclosure during the forensic interview and reports from others in the community. Mother also reported that Bh.P. had sexualized behaviors, that Father forced Mother to have sex, and

that he masturbated when the children were present. Father claimed that, when Mother gets upset with him, she makes false reports. He stated that his children “may have seen him without clothes on after a shower or when he’s getting dressed.” Based on the information Bh.P. gave during her forensic interview, however, Ms. Green did not find that Father “satisfactorily refuted the allegations” made against him.

**3.**

**Court’s Adjudication Findings and Ruling**

The court began by stating that a case involving seven safety plans and five protective orders was “quite extraordinary.” It found that, to a substantial decree, the facts were sustained in the petition. It noted the long history of petitions for protective orders beginning in October 2021, and continuing until October 2024, three of which were granted, and one which included orders for Father to stay away from Mother and the two older children. The court explained that, while protective orders were in effect, there were two referrals to the Department of Social Services, the second of which resulted in the investigation into allegations of sexual abuse.

With regard to the sexual abuse allegations, the court noted that Mother’s report that Father engaged in masturbation in the presence of or nearby the children was not proven, and Mother contradicted these allegations in a later interview. It found, however, that Bh.P.’s forensic interview indicated that Father was engaging in sexual conduct with her, noting that the standard of proof for CINA cases was not beyond a reasonable doubt. The court explained that it was able to observe Bh.P.’s body language during the interview, and

she appeared to be “an active, involved child.” She appeared to be a “normal three-year-old” curious about her surroundings and playing with a modeling compound during the interview. The court found Bh.P.’s disclosures regarding where Father touched her “extremely disturbing.” It explained:

It was not until the very end, however, that she speaks specifically about her father touching her body, touching her mother’s body. Now, that alone may or may not be significant because he may have hugged her and that would be touching her body . . . . [S]he did indicate on two drawings that were before the . . . forensic interviewer showing anatomy, I believe, where he touched her. And certainly she seems to have touched her private areas, both rear and front and obviously looking at this, this is extremely disturbing.

The court found that Bh.P.’s statements raised significant questions regarding whether Father was abusing Bh.P.

The court next addressed the “series of increasingly stringent safety plans,” finding that it appeared “impossible to control the conduct of the parties.” The court described the September 29, 2024 assault incident in which Mother and Father were both charged with reckless endangerment, noting that the incident occurred approximately one month after Mother had requested to rescind the protective order, and the court granted another protective order a few days later, on October 8, 2024. The court also noted that Father was on probation for violating an earlier protective order at the time of the September assault.

The court concluded that the Department satisfactorily proved the allegations in the CINA petition, citing the “somewhat credible allegation of sexual misconduct” involving Bh.P., repeated allegations of domestic violence, two of which were sustained in court proceedings, and the sixth safety plan requiring removal of the children from Mother. It

further found that the Department engaged in reasonable efforts to ameliorate the situations. It noted that the issuance of multiple safety plans was “an extraordinary effort on the Department’s part,” and the Department also arranged for the forensic interview and intervened in an attempt to protect the children while sustaining the family unit. The court sustained and granted the petition.

**4.**

**Disposition**

The court then moved to disposition. The Department asked the court to find the children to be CINA. It requested that the court order weekly supervised visitation with Mother and suspend visitation with Father. Counsel for Father renewed his request for a postponement until May 12, 2025, so his expert could testify on the trustworthiness of the video.

Father’s counsel agreed that the children were CINA based on neglect and that they should be in Department custody. He requested that Father have weekly visitation, and he was fine with supervised visitation. Mother’s counsel argued that the children were not CINA, and Mother was willing and able to take care of and provide for them. She requested an Order of Protective Supervision, noting that Mother was attending domestic violence classes and had completed the Department’s recommended parenting classes. Mother was also enrolled in therapy, had been admitted at a local community college, and also had job at a local grocery store. If the Court did not order protective supervision, Mother’s counsel requested supervised visitation by the maternal grandmother instead of the Department.

The court denied the request for postponement. It stated that, although the video was a suggestion of sexual misconduct, it did not “really materially add[] to . . . [its] sense of what the case [wa]s about.” Moreover, a May disposition would be almost seven months after the first shelter order, and the children “need to have some certainty in where they’re living and for how long.”

The court then found all three children to be CINA, based on sustained allegations of abuse and neglect. The court committed the children to the Department for out-of-home placement with their maternal grandmother with the Department to consider, at the earliest possible time, that visitation be supervised by the grandmother provided that Mother was “making best efforts” to comply with the Department’s requests. Regarding Father’s visitation, the court stated that it was “not inclined to permit visitation” until after a psychosexual evaluation.

This appeal followed.

## **DISCUSSION**

### **I.**

#### **Father’s Motion to Postpone**

Father contends that the circuit court erred in denying his motion to postpone the disposition hearing so that his expert witness could testify regarding the admissibility of Bh.P.’s statements during the forensic interview. He argues that postponement was in the best interest of the children because the sexual abuse determination “was the centerpiece issue in the case,” which impacted Father’s visitation and the finding of neglect against

Mother. Father asserts that there was no prejudice to the parties in postponing the hearing two months to allow expert testimony on Bh.P.’s forensic interview because the children were young and there was no evidence postponement would affect their current living situation with their maternal grandmother.

The Department and the children contend that the court did not abuse its discretion in denying Father’s request for a postponement of the disposition hearing. The Department states that the denial of the postponement request aligned with statute’s strict timeframe for CINA dispositions. The Department and the children argue that Father failed to show good cause why he was not able to have an expert available to give an opinion, either by deposition or remote participation at the hearing.

CINA hearings are civil proceedings. *In re Ashley E.*, 158 Md. App. 144, 164 (2004), *aff’d*, 387 Md. 260 (2005). Maryland Rule 2-508(a) provides that, in a civil case, “the court may continue or postpone a trial or other proceeding as justice may require.” The court’s decision to grant or deny a motion for postponement is reviewed for an abuse of discretion. *Touzeau v. Deffinbaugh*, 394 Md. 654, 669 (2006). An abuse of discretion occurs when “no reasonable person would take the view adopted by the trial court, or when the court acts without reference to any guiding rules or principles.” *Gizzo v. Gerstman*, 245 Md. App. 168, 201 (2020).

In *Touzeau*, the Court noted some situations that might be deemed an abuse of discretion, i.e., if postponement was mandated by law or a party acted with due diligence

to mitigate an unforeseen surprise. 394 Md. at 669-70. Neither of these circumstances apply here.

A postponement here was not legally mandated, but in fact, applicable law weighed heavily against postponement. To achieve CINA’s goal of a “timely, permanent placement” for the children consistent with their best interests, the CINA statute provides that a court “may not order shelter care for more than 30 days except that shelter care may be extended for up to an additional 30 days if the court finds . . . continued shelter care is need to provide for the safety of the child.” Md. Code Ann., Cts & Jud. Proc. (“CJ”) §§ 3-802(a)(7), 3-815(c)(4) (Supp. 2025). Maryland Rule 11-213(b)(2)(A) further states that an “adjudicatory hearing shall be commenced with 30 days after the date on which the court ordered continued shelter care,” with one 30-day extension for good cause shown. The rule also requires the disposition to occur on the same date as the adjudication unless good cause is shown justifying an extension up to 30 days. Md. Rule 11-213(b)(2)(B). Assuming all allowable extensions are granted, the statute contemplates a CINA disposition within 90 days of a shelter care order.

Here, if the court granted Father’s postponement request, it would have resulted in the hearing being held more than seven months after the October 2, 2024 shelter date, well past the 90-day timeframe. Accordingly, the court concluded it was not “appropriate to have one more postponement of this, certainly not [until] mid-May . . . We can’t have that.” Given that, as the court noted, the children needed certainty with regard to their

living arrangement, the law, i.e., the CINA statute's time requirements, supported the court's denial of the motion to postpone the disposition hearing.

Moreover, the forensic interview was not a surprise to Father. To the contrary, Father's counsel was aware of the Department's intent to introduce video of the forensic interview in November 2024, four months prior to the March hearing. He obtained two postponements, one to review discovery and another to obtain an expert, and he did not state at the January 2025 scheduling conference that the March hearing date was not a date that his expert could testify. Nor did counsel advise that he had explored other ways to get the expert opinion, such as by deposition or remote participation at the hearing. Father's counsel did not act with diligence to ensure he would not need yet another postponement in this matter, and given the strict time frames for CINA proceedings, we perceive no abuse of discretion by the circuit court in denying Father's request for a postponement.

## **II.**

### **Visitation**

Father contends that the court erred in suspending his visitation with the children. He raises two arguments in support of that contention. First, he argues that the court erred in admitting Bh.P.'s statements because they "lacked the particularized guarantees of trustworthiness required by § 11-304." Second, he argues that a court should suspend visitation only in extraordinary cases, and here, the court could have ensured the children's safety through supervised visitation.

The Department and the children argue that the court properly exercised its discretion in admitting Bh.P.’s forensic interview into evidence. They assert that the court properly considered the evidence and addressed the statutory factors in determining that Bh.P.’s testimony was trustworthy. The Department and the children also contend that the court “permissibly exercised its discretion when it suspended Father’s visits with the children,” pending the results of a psycho-sexual evaluation, based on substantial evidence of past incidents of physical and sexual abuse.

A.

**Trustworthiness under § 11-304**

CP § 11-304 “prescribes the conditions under which a child’s out-of-court statement is admissible to prove the truth of the matter asserted in a juvenile court proceeding.” *In re J.J.*, 456 Md. 428, 434 (2017). To be admissible, “the statement must be made by a child victim who is under thirteen years old and ‘is the alleged victim . . . in the case before the court.’” *Id.* (quoting CP § 11-304(b)). The statement must also be made to and offered by a person acting lawfully in the course of a qualifying profession, here, a social worker. *Id.* The child’s statement is admissible in a CINA proceeding pursuant to the statute “‘if the statement is not admissible under any other hearsay exception’ and ‘regardless of whether the child victim testifies.’” *Id.* (quoting CP § 11-304(b)). If the child witness does not testify at the hearing, the statement “will be admissible only if there is corroborative evidence that the alleged offender had the opportunity to commit the alleged abuse.” *Id.* (quoting CP § 11-304(d)(2)(ii)).

A child's statement must have "particularized guarantees of trustworthiness" to be admissible. CP § 11-304(e)(2). To make this determination, the court must consider the following 13 statutory factors listed in CP § 11-304(e)(2):

- (i) the child victim's personal knowledge of the event;
- (ii) the certainty that the statement was made;
- (iii) any apparent motive to fabricate or exhibit partiality by the child victim, including interest, bias, corruption, or coercion;
- (iv) whether the statement was spontaneous or directly responsive to questions;
- (v) the timing of the statement;
- (vi) whether the child victim's young age makes it unlikely that the child victim fabricated the statement that represents a graphic, detailed account beyond the child victim's expected knowledge and experience;
- (vii) the appropriateness of the terminology of the statement to the child victim's age;
- (viii) the nature and duration of the abuse or neglect;
- (ix) the inner consistency and coherence of the statement;
- (x) whether the child victim was suffering pain or distress when making the statement;
- (xi) whether extrinsic evidence exists to show the defendant or child respondent had an opportunity to commit the act complained of in the child victim's statement;
- (xii) whether the statement was suggested by the use of leading questions; and
- (xiii) the credibility of the person testifying about the statement.

We review the court's findings of facts with respect to these factors for clear error.

*In re J.J.*, 231 Md. App. 304, 329 (2016), *aff'd*, 456 Md. 428 (2017). The court's ultimate decision to admit the testimony is reviewed for an abuse of discretion. *In re Adoption/Guardianship of C.E.*, 464 Md. 26, 47 (2019).

The court properly considered the §11-304 factors during the March 20, 2025 hearing. Beginning with the first factor, the court stated that Bh.P. testified as to personal knowledge. The court stated that it could find no "motive one way or the other." The court

considered whether the statement was spontaneous or directly responsive to questions. It found that Bh.P. was not coached or “given a script” with regard to her statement. With respect to the timing of the statement, the court stated that “the timing standard may very well be referring to how soon after the alleged events took place the interview took place,” but the timing was not clear here. Regarding the sixth and seventh factors, whether Bh.P.’s young age made it unlikely that she fabricated statements representing graphic, detailed accounts beyond her expected knowledge or experience, and the appropriateness in terminology of the statements, the court considered these to be neutral factors, noting that she did not use language that was inappropriate for her age.

Addressing the inner consistency and coherence of the statements, the court stated that the three-year-old’s conversation was “all over the place,” which was age appropriate, but it found that the conversation was more focused toward the end of the interview. The court found this factor to be neutral. With respect to whether Bh.P. was suffering pain or distress, the court stated that it was unclear. As to the next factor, whether extrinsic evidence existed to show that Father had an opportunity to commit the acts alleged, the court stated that it was waiting for additional testimony.

Concerning the use of leading questions, the court found that the “questions by and large were open ended,” with the exception of some questions at the end of the interview, which were probing but not leading and asked in an attempt to have Bh.P. identify the body parts that Father touched. Finally, on the issue of the credibility, the court concluded that

there was no indication that Bh.P. was lying. The court admitted the interview, “with the *caveat*” that there would be corroborative testimony.

Contrary to Father’s contention that the court “made the motions of going through the factors,” the record demonstrates that the court specifically and thoughtfully considered the CP § 11-304 factors, as required.<sup>15</sup> Although the court did not expressly state that Bh.P.’s statements had “particularized guarantees of trustworthiness,” it made specific factual findings based on the factors and admitted the evidence. It was “not required to recite the magic words of [the] legal test.” *In re D.M.*, 250 Md. App. 541, 563 (2021) (quoting *In re Adoption/Guardianship of Darjal C.*, 191 Md. App. 505, 531-32 (2010)).

Father’s assertion that the Department failed to provide corroborating evidence is also without merit. After the court admitted the forensic interview conditioned on hearing additional corroborating testimony, Ms. Green, who watched the interview from an observation room, testified that she observed Bh.P. draw a picture of what “look[ed] like a penis” in conjunction with her disclosure that Father touched her with his “pimple.” Ms. Green also testified that the Department had received reports from “at least two individuals” that Mother “had concerns that [Father] was molesting the children.” Mother had also reported that Bh.P. “[h]ad some sexualized behaviors . . . touching her private area and doing inappropriate things.” Mother’s sworn petitions for protective orders and collateral interviews provided the foundation for Ms. Green’s testimony. Ms. Green also

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<sup>15</sup> As the Department correctly notes, the court did not address “the nature and duration of the abuse or neglect” factor. The record is clear, however, that the abuse allegations were sexual in nature.

testified that she interviewed Father, and he did not “satisfactorily refute[] the allegations . . . made against him.” There also was extrinsic, corroborating evidence in the record that Father had the opportunity to commit the abuse, as the Department made findings in its investigation that Mother left the children alone with Father despite her concerns that he was abusing Bh.P. Father also admitted having the children “a few times a week” after the safety plans, which prohibited him from contacting the children, were in place.

Father’s last argument, that Bh.P. provided no details about how Father touched her, is also not supported by the record. Bh.P. stated that Father touched her body and it hurt, and she then pointed to a diagram of the vagina and buttocks. As indicated, when discussing how Father touched her with his pimple, she stated: “I’m going to need to draw the body and the butt” and proceeded to draw what appeared to be a penis.

Based on the record and the court’s analysis of the § 11-304 factors, we are not persuaded that the court’s findings were clearly erroneous. It did not abuse its discretion in admitting the forensic interview video.

## B.

### **Suspension of Father’s Visitation**

We next address the court’s decision to suspend Father’s visitation. As this Court has explained:

In determining visitation, the trial court is required to consider the best interests of the child, and therefore, visitation may be restricted or denied when the child’s health or welfare is threatened. *In re Yve S.*, 373 Md. at 566–67, 819 A.2d 1030. “Where the child has been declared a child in need of assistance because of abuse or neglect, the trial court is constrained further by the requirements of” Md. Code (2015 Supp.) § 9–101 of the Family Law

Article (“FL”). *In re Billy W.*, 387 Md. 405, 447, 875 A.2d 734 (2005). This statute provides:

- (a) *Determination by court.*—In any custody or visitation proceeding, if the court has reasonable grounds to believe that a child has been abused or neglected by a party to the proceeding, the court shall determine whether abuse or neglect is likely to occur if custody or visitation rights are granted to the party.
- (b) *Specific finding required.*—Unless the court specifically finds that there is no likelihood of further child abuse or neglect by the party, the court shall deny custody or visitation rights to that party, except that the court may approve a supervised visitation arrangement that assures the safety and the physiological, psychological, and emotional well-being of the child.

FL § 9–101. We review a circuit court decision on visitation for an abuse of discretion. *In re: Mark M.*, 365 Md. 687, 704, 782 A.2d 332 (2001).

*In re J.J.*, 231 Md. App. at 347-48.

Here, the court considered testimony indicating that Father had sexually and physically abused Bh.P., as well as the Department’s investigative report that resulted in an indicated finding of sexual and physical abuse. There was no specific finding that there was “no likelihood of further child abuse,” and therefore, the court could approve a supervised visitation arrangement only if it assured the “safety and the physiological, psychological, and emotional well-being” of the children. FL § 9–101. The court determined, however, that, due to the serious nature of the allegations, a psycho-sexual evaluation of Father was necessary before the assurances of FL § 9–101 could be met. The court allowed Father to submit to the evaluation right away or after resolution of his criminal charges.

The court also ordered Father to complete parenting classes, a mental health evaluation and any related treatment, anger management treatment, and/or intimate partner violence offender treatment. The court urged visitation to take place if the evaluation showed Father was a low risk to the children and stated that, “over time . . . there should be reasonable visitation for both parents.” Under these circumstances, the court did not abuse its discretion in requiring Father to meet certain safeguards before the court revisited the issue of supervised visitation.

### **III.**

#### **CINA Adjudication**

Mother contends that the court erred in finding the children to be CINA. She asserts that “there was an inherent bias against this family” based on its history of domestic violence and a prior alternate response for child neglect, and the court improperly gave “deferential weight to conjecture and inflammatory Department reports.” Mother further argues that there was no evidence she ever physically or sexually abused the children, and she was able and willing to provide appropriate care as evidenced by her compliance with the Department’s visitation, education, and therapy requirements.

The Department and the children contend that the court properly exercised its discretion in finding the children to be CINA. They argue that Mother’s “long history of filing for, and then violating, protective orders against Father” and numerous safety plan violations provide “more than ample evidence” to support the CINA finding.

“When this Court reviews a CINA finding, we assess whether the court’s factual findings are clearly erroneous and whether the court applied the correct legal standards.” *In re J.J.*, 231 Md. App. at 345. When a court’s ultimate conclusion is based on sound legal principles and factual findings that are not clearly erroneous, it will not be disturbed absent a clear abuse of discretion. *Id.* *Accord In re Yve S.*, 373 Md. 551, 586 (2003). The Department must prove the allegations in a CINA petition by a preponderance of the evidence. *In re J.J.*, 231 Md. App. at 345.

As we have explained :

[A] child is determined to be a CINA upon a finding by the court that the child “is in need of judicial intervention because he or she has been abused or neglected, and whose parents or guardian either cannot or will not adequately care for the child.” CJP § 3-801(f). Abuse includes “[p]hysical or mental injury of a child under circumstances that indicate that the child’s health or welfare is harmed or is at substantial risk of being harmed,” including sexual abuse. CJP § 3-801(b)(2). Neglect is defined as failure to “give proper attention to a child,” placing the child at “substantial risk of harm.” CJP § 3-801(s). In evaluating whether such a risk exists, the court has “a right—and indeed a duty—to look at the track record, the past, of [a parent] in order to predict what her future treatment of the child may be.” *In re Dustin T.*, 93 Md.App. 726, 735, 614 A.2d 999 (1992), *cert. denied*, 329 Md. 480, 620 A.2d 350 (1993). That track record includes evidence that the parent has neglected the child’s sibling. *See William B.*, 73 Md.App. 68, 77, 533 A.2d 16 (1987) (“The parents’ ability to care for the needs of one child is probative of their ability to care for other children in the family.”), *cert. denied*, 311 Md. 719, 537 A.2d 272 (1988).

*In re J.J.*, 231 Md. App. at 346.

Here, the court found that there was “long history of Protective Orders,” at least one involving the children, beginning in 2021. It stated that it was “quite extraordinary” to have a case involving five protective orders and seven safety plans. The Department

implemented “increasingly stringent safety plans” because it appeared to be “impossible to control the conduct of the parties.”

The court noted that, during Bh.P.’s forensic interview, she indicated on two drawings that Father “touched her private areas, both rear and front,” but Mother denied that there was any abuse, despite earlier alleging that Father engaged in “sexual conduct in front of the children.” It also found that Mother petitioned to rescind a protective order just six weeks prior to a physical alteration outside Mother’s house where both parties were arrested and charged with reckless endangerment. The court noted that, after this incident, the court granted another protective order and that Father had been on probation for violating an earlier protective order at the time of the September 2024 altercation.

There is ample evidence in the record to support a CINA finding based on Mother’s inability to properly care for and protect the children. Mother was twice involved in altercations with Father while holding one of her children, and once left two of her children unsupervised while an altercation with Father occurred outside her residence. She was uncooperative with the Department during its investigation of sexual abuse allegations involving Bh.P. and berated Bh.P. when she discovered that Bh.P. disclosed that Father touched her during the forensic examination.

The record also shows that Mother knowingly violated safety plans and rescinded a protective order, which prohibited Father from being with the children, and left the children in his care despite her suspicions of abuse. The court did not err or abuse its discretion in finding the children to be CINA.

**JUDGMENTS OF THE CIRCUIT COURT  
FOR CAROLINE COUNTY AFFIRMED.  
COSTS TO BE PAID BY APPELLANT.**