Circuit Court for Baltimore County
Case No. C-03-JV-19-00876
Case No. C-03-JV-19-00877
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CHILD ACCESS

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 475

September Term, 2025

IN RE: K.B., M.B., AND L.R.

Berger,
Albright,
Kenney, James A., III.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Albright, J.

Filed: December 4, 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 its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

In 2020, K.B., M.B., and L.R., minor children of J.M. ("Mother"), were found to be children in need of assistance ("CINA") by the Circuit Court for Baltimore County, sitting as the juvenile court. The children were committed to the custody of the Baltimore County Department of Social Services (the "Department") with a permanency plan of reunification with Mother. In 2024, the juvenile court changed the children's permanency plan and removed reunification with Mother as an option. After Mother noted an appeal, this Court affirmed that decision in an unreported opinion. *In re: K.B., M.B., and L.R.*, Case No. 26, September Term, 2024 (filed Nov. 7, 2024).

During those proceedings, Mother had been granted "bi-weekly virtual calls" with K.B. and M.B. and "virtual visits" with L.R. "as appropriate." In December 2024, Mother filed motions requesting monthly in-person visits with K.B. and M.B. and monthly virtual visits with L.R. Following a hearing, the juvenile court denied Mother's requests, reduced her virtual visits with K.B. and M.B. to once per month, and ordered that Mother would have supervised visits with L.R. "only as deemed therapeutically appropriate and at [L.R.'s] discretion." Mother thereafter noted this appeal.

In this appeal, Mother presents two questions[1] for our review. For clarity, we have rephrased those questions[2] and consolidated them into a single question:

[1] Mother actually presents a third question, in which she preemptively argues that, pursuant to Section 12-303(x) of the Courts and Judicial Proceedings Article of the Maryland Code, the juvenile court's judgment is appealable because it changed the terms of Mother's existing access to the children. The Department agrees with Mother's argument, as do we. Therefore, we need not address Mother's third question in any detail.

[2] Mother phrased the questions as:

Did the juvenile court err or abuse its discretion in denying Mother's requests for increased visitation with the children and in altering the terms of Mother's existing visitation schedule?

Finding no error or abuse of discretion, we affirm.

BACKGROUND

L.R. was born in 2009 to Mr. S. and Mother. M.B. and K.B. were born in 2015 and 2017, respectively, to Mother and Mr. B.

The children first came to the Department's attention in 2019. At the time, all three children were living with Mother and Mr. B.

On September 4, 2019, the Department received a report that L.R., who is autistic and non-verbal, had "sustained extensive intentional [second-] and [third-] degree burns of at least 25% of her body when she received a severe hot water burn in June of 2019." When asked about L.R.'s injuries, Mother and Mr. B. each claimed that the other person was responsible. The Department later discovered that neither Mother nor Mr. B. had attempted to obtain medical treatment for L.R.'s injuries. The burns and lack of treatment left L.R. with permanent scarring and disfigurement.

1. Did the juvenile court err when it reduced Mother's biweekly virtual visitation with M.B. and K.B. to one virtual visit per month and denied Mother's request for monthly in-person visitation?
2. Did the juvenile court err when it changed L.R.'s visitation with Mother to be "only as deemed therapeutically appropriate and at [L.R.'s] discretion" and denied Mother's request for at least once monthly virtual visitation with L.R.?

All three children were immediately removed from the home and placed in shelter care. Shortly thereafter, Mother and Mr. B. were criminally charged with first-degree child abuse of L.R., resulting in injury.

In February 2020, all three children were declared CINA. In 2022, M.B. and K.B. were placed in a pre-adoptive foster home. That same year, L.R. was placed in an age-appropriate group home. At the time, all three children's permanency plans included reunification with Mother, and Mother had made some progress toward reunification, including maintaining contact with the Department, visiting with the children, completing parenting classes, and obtaining mental health services.

In January 2023, Mother pleaded guilty to first-degree child abuse, resulting in severe physical injury, of L.R.[3] In December 2023, Mother was sentenced to a term of 20 years' imprisonment, with all but five years suspended. Mother was thereafter incarcerated at the Maryland Correctional Institution for Women, where she remained throughout the instant proceedings.

In March 2024, the juvenile court changed the children's permanency plans, and reunification with Mother was removed as an option. In addition, the court waived the Department's obligation to make reasonable efforts toward reunification with Mother. This Court later affirmed those decisions in an unreported opinion. *In re: K.B., M.B., and L.R.*, Case No. 26, September Term 2024 (filed November 7, 2024).

[3] Mr. B. was also convicted of first-degree child abuse, resulting in severe physical injury, of L.R., and was sentenced to a term of 25 years' imprisonment. Mr. B. is not a party to the instant appeal.

July 2024

In July 2024, the Department prepared two reports, one for L.R. and one for M.B. and K.B., for the juvenile court's consideration as part of the court's ongoing review of the children's CINA case. Regarding L.R., who was fifteen years old at the time, the Department reported that L.R. was still living in a medical-level group home, where she received assistance "with all activities of daily living including eating, dressing, bathing, and toileting." L.R. was "happy in her placement," was showing "progress in expressing her needs through sound and touch," and was working on her communication, which she achieved "through devices." L.R. was also attending school, where she received specialized services for her autism, and was seeing a psychiatrist and taking medication for mental health issues. The Department reported that L.R. had "struggled with her behaviors both in the home and in school" and that her "therapy team" believed those behaviors were "due to mental health instability." The Department reported that it had "remained in constant contact with [Mother's] case manager at Jessup Correctional Center regarding virtual visits and updates for [L.R.]" and that Mother had "shown minimal interest in updates regarding [L.R.]."

Regarding M.B. and K.B., who were nine years old and seven years old, respectively, the Department reported that both children still lived with their foster parents, with whom they felt "safe" and had "a strong bond." Both children were enrolled in school, where they received specialized education services, and both children were engaged in individualized mental health therapy. M.B. was working "on healthy coping mechanisms to assist when he is becoming frustrated" and had "made a lot of progress

during this reporting period." K.B., on the other hand, had "experienced ongoing behavioral concerns" and "emotional and aggressive outbursts" that impacted "his overall academic performance" and resulted in at least one school suspension. The Department reported that, although K.B. took medication and received weekly therapy services, he continued "to struggle with regulating his emotions and maintaining healthy and safe boundaries with others." Regarding M.B. and K.B.'s interactions with Mother, the Department reported that Mother had been seeing the children weekly until her incarceration and that the Department was working on a plan to set up bi-weekly virtual calls between Mother and the children.

September 2024

In September 2024, the Department submitted, for the juvenile court's consideration, an updated report regarding M.B. and K.B. According to that report, as of August 20, 2024, Mother had not yet signed K.B.'s Individualized Education Program ("IEP"), which meant that K.B. was at risk of losing "all his supportive IEP services." The Department reported that, although Mother did ultimately sign the IEP, the Department was seeking the implementation of a "parent surrogate" who could ensure that K.B.'s educational needs were timely met. The Department also reported that M.B. and K.B. had transitioned into a new pre-adoptive foster home and "appeared to be doing well." The Department noted that Mother had six virtual visits with M.B. and K.B. over the previous three months. According to the Department, Mother had engaged "appropriately with the children during the call; however, it [was] often challenging maintaining their focus during the call's entirety."

That same month, the juvenile court received a report regarding L.R. from the Court Appointed Special Advocates for Children ("CASA").[4] According to that report, L.R.'s school had not been aware that L.R. was hearing impaired, and meetings had been scheduled to address that issue. In addition, LR. had completed laser treatment for her burns and was receiving regular ointments to address the scarring from the burns. CASA also reported that L.R.'s psychiatrist had recommended increasing L.R.'s medication to address her "recent behaviors," but Mother "did not consent to the dosage increase." CASA reported that, overall, L.R. "resides in a safe and caring environment with peers" and "staff members" who "seem loving and kind to [L.R.]"

October 2024

In October 2024, after considering the reports made by the Department and CASA, the juvenile court entered an order granting Mother visitation with all three children. For M.B. and K.B., Mother was granted "biweekly virtual calls." For L.R., the court limited Mother's access to L.R. to supervised virtual visits "as appropriate." In reaching those decisions, the court found that there was "no further likelihood that abuse or neglect would occur with custody and visitation rights granted as ordered below."

That same month, M.B. and K.B. were removed from their pre-adoptive home and placed back in the care of their foster parents, with whom they had resided since January

[4] CASA is "a non-profit organization that supports and promotes court-appointed volunteer advocacy for children who have experienced abuse or neglect in Maryland's foster care system." *Who We Are*, https://www.marylandcasa.org/about-md-casa (last visited Oct. 31, 2025).

2022. The Department reported that the pre-adoptive parents had "declined to complete required documentation because of a pending divorce."

November 2024

In November 2024, Mother filed motions seeking increased access to the children. Mother requested regular in-person visits with M.B. and K.B. and regular virtual visits with L.R. Mother also requested pictures and updates regarding all three children.

February and March 2025

In February 2025, the Department prepared updated reports, for the juvenile court's consideration, regarding the children. As for L.R., who was sixteen years old at the time, the Department reported that she was still living at the group home, where enjoyed "spending time with adults and peers" and had "a strong bond with her treatment team." L.R. had recently been provided hearing aids to address her hearing problems, and she had "made tremendous progress in her communication utilizing [the] hearing aids." Although L.R. had continued to show progress and emotional growth, she "struggled with behavior management in school."

The Department noted that L.R. had recently had a virtual visit with Mother. During that visit, L.R. "repeatedly hung up the phone and walked away from the virtual call," and she "did not appear to be engaged and was unable to complete the call." Afterward, L.R. "began crying and fell to the floor," and "[a]fter much intervention, [L.R.] was able to return to baseline." According to the Department's report, "[a]t this time, virtual and in-person visits are not advised."

As for M.B. and K.B., who were ten years old and seven years old, respectively, the Department reported that the two children continued to reside with their foster parents, with whom they felt "safe." M.B. was doing well both at home and at school, and he had made significant progress in therapy. K.B. was still experiencing behavioral issues, but he had shown significant progress both in school and in therapy. The Department noted that some of K.B.'s recent behavioral issues were attributable to a lapse in the administration of his medication, which had been interrupted by his recent transition between foster homes. The Department indicated that the medication issue had "since been corrected."

The Department also reported that, from September 2024 to January 2025, M.B. and K.B. had nine virtual visits with Mother. The Department noted that, although Mother had engaged "appropriately" during the visits, K.B. and M.B. were "often occupied and express uninterest." The Department found it "challenging" to encourage the two children to maintain focus, as they "often get up and walk away from the screen, play, watch [television], and fight with each other." The Department noted that both children were "very vocal and transparent on whether they would like to have a visit that day; however, they are encouraged to remain on the call until its completion."

In March 2025, the Department prepared an addendum report regarding, among other things, Mother's request for in-person visitation with M.B. and K.B. Per that report, in December 2024, the Department spoke with the children's therapist about Mother's request and "how it may impact the children." The therapist indicated that she had some concerns because Mother had been unwilling to tell the children about her incarceration,

and the therapist believed that "the children should be informed and be able to process that information before visitation occurs." The therapist also indicated that M.B. and K.B.'s behavior "continues to be an issue" and that "their behavioral concerns are likely to be a barrier to, from, and possibly during the visit at the facility." The therapist noted that "jails are not children-oriented environments," that jails do not "foster a typical setting for children to visit with their parents," and that "jails can adversely impact children as they go through the clearance which includes the security process and other safety measures." Lastly, the therapist noted that "the distance the children must travel is a significant distance which would likely cause disruption in their daily routine."

Around that same time, the juvenile court held a review hearing and entered orders establishing, among other things, a visitation schedule for Mother and the children. In those orders, the court again found that there was "no further likelihood that abuse or neglect would occur with custody and visitation rights granted as ordered below." The orders then stated that Mother would be allowed "biweekly virtual calls" with M.B. and K.B. and supervised virtual visits with L.R. "as clinically appropriate."

May 2025

In May 2025, the juvenile court held a hearing on Mother's visitation requests. At that hearing, the court took judicial notice of the case file, which included the prior court orders and reports regarding the children's progress up to the date of the hearing.

In addition, the court heard testimony from Mother. Mother testified that she was requesting in-person visits with M.B. and K.B. "just once a month or twice a month." Mother testified that both children were now aware that she was incarcerated, that both

children had intimated that they wanted to see her in person, and that time with the children was something that she "really look[ed] forward to." Mother added that there were plenty of activities for the children at the correctional facility, that they would enter the facility through the visitor's area "where there is no barbed wire," and that they "would just go in and be pat down as if they were, you know, they were doing like an airport search pat-down." Regarding L.R., Mother testified that she had only seen L.R. once since her incarceration, which was "about a year and a half now." Mother stated that she would like some guaranteed virtual time with L.R. because she wanted "to make sure that [L.R.'s] well and that she sees my face from time to time."

Following Mother's testimony, the Department presented argument in opposition to Mother's requests. The Department argued that in-person visits with M.B. and K.B. would be "incredibly stressful" and "onerous" and "could increase the children's behaviors that they already have, which could affect their placement and their emotional well-being." The Department argued that, for L.R., visits should be at her discretion given the severe reaction she had during her one and only visit with Mother. Counsel for L.R. concurred with the Department's suggestion. The Department added that it was "more than willing to draft and file an order that eliminates all visitation between the Mother and the children," but that it was "comfortable" with the current arrangement.

Ultimately, the juvenile court denied Mother's request for in-person visits with M.B. and K.B. and her request for guaranteed virtual visits with L.R. The court found all three children had "gone through a very traumatic experience" and were "receiving mental health services, along with other services." The court found that Mother's one

visit with L.R. "did not go well" and that it was "contrary to [her] best interest and her well-being." The court noted that L.R.'s therapist had "not indicated that it would be therapeutically appropriate for [L.R.] to even have the virtual visits," while L.R.'s counsel "believes that it would be appropriate to only allow visits if [L.R.] is comfortable with that, if she's so inclined." The court stated that, although it did not believe that it was "appropriate to grant Mother's request for visits of any kind with [L.R.]," the "most generous approach in terms of [L.R.] having contact with her mother" would be to permit virtual visits only "as deemed therapeutically appropriate" and at L.R.'s discretion.

As for M.B. and K.B., the court noted that, during their virtual visits with Mother, they "have been bouncing around" and "haven't been that attentive." The court found that, although in-person visits might "be a better situation," requiring them "to be patted down" and "having them go through that environment because mom would like to have visits with the children" was not "in their best interest." The court stated that it would "allow virtual visits to continue, at least once a month" but that "if there comes a point in time when that's not therapeutically indicated, then we're going to have to revisit the issue."

Following the hearing, the juvenile court entered a written order denying Mother's visitation requests. The court ordered that Mother "shall have once per month supervised visits only with [M.B. and K.B.]." The court also ordered that Mother "shall have supervised virtual visits with [L.R.] only as deemed therapeutically appropriate and at [L.R.'s] discretion."

This timely appeal followed. Additional facts will be supplied as needed below.

STANDARD OF REVIEW

Appellate review of the juvenile court's decision involves three interrelated standards. *In re M.*, 251 Md. App. 86, 110–11 (2021). First, any factual findings are reviewed for clear error. *Id.* Second, any legal conclusions are reviewed de novo. *Id.* Finally, if the court's ultimate conclusion is "founded upon sound legal principles and based upon factual findings that are not clearly erroneous, the court's decision should be disturbed only if there has been a clear abuse of discretion." *Id.* at 111 (quoting *In re Adoption/Guardianship of C.E.*, 464 Md. 26, 47 (2019)). Under the abuse of discretion standard, "we will not reverse a trial court unless its decision is well removed from any center mark imagined by the reviewing court." *Santo v. Santo*, 448 Md. 620, 626 (2016) (cleaned up).

DISCUSSION

I. Parties' Contentions

Mother contends that the juvenile court erred and abused its discretion in making its visitation rulings during the May 2025 hearing on Mother's request for increased visitation. Regarding M.B. and K.B., Mother argues that the court erred in reducing her biweekly visitations to only once per month. Mother contends that the court erred because "no party explicitly made this request" and because the "evidence did not show . . . that it was in [M.B. and K.B.'s] best interests to further reduce their already limited contact with Mother." Mother argues that the court also erred in denying her request for in-person visitations with M.B. and K.B. Mother contends that, even though she adequately demonstrated that in-person visitations would serve the children's best interest

and would mitigate their behavior issues during virtual visits, the court chose to deny the request based on "a predetermined position" that in-person visits at the correctional facility would harm the children.

Regarding L.R., Mother argues that the court erred in granting supervised visitation "only as deemed therapeutically appropriate and at [L.R.'s] discretion." Mother contends that the court's order was erroneous because "a juvenile court cannot delegate to a non-judicial person or entity the decision whether visitation will occur at all between a parent and a child." Mother further contends that, even if "the order is interpreted as a total suspension of Mother's visitation with L.R. that did not run afoul of the non-delegation principle, the court still erred." Mother argues that the court lacked a sufficient evidentiary basis to conclude that L.R. "did not want any contact with Mother going forward."

The Department contends that the juvenile court acted within its broad discretion in reducing Mother's visitation with M.B. and K.B. and in declining to require L.R. to visit with Mother. The Department argues that the court properly considered the evidence and made a conscientious decision based on the children's individual circumstances and best interests. The Department disagrees that the court improperly delegated its authority or applied a predetermined position in reaching its decisions.

II. Analysis

In a CINA case, "[d]ecisions concerning visitation generally are within the sound discretion of the trial court, and are not to be disturbed unless there has been a clear abuse of discretion." *In re Billy W.*, 387 Md. 405, 447 (2005). "The court must decide and set

forth the minimal amount of visitation that is appropriate and that [the Department] must provide, as well as any basic conditions that it believes, as a minimum, should be imposed." *Id.* (cleaned up). "We have long recognized that the best interests of the child is always the overarching consideration in custody and visitation determinations." *In re Z.F.*, 266 Md. App. 444, 493–94 (2025) (cleaned up). As such, "visitation may be restricted or denied when the child's health or welfare is threatened." *In re J.J.*, 231 Md. App. 304, 347 (2016) , *aff'd*, 456 Md. 428 (2017).

When a child has been declared CINA due to abuse or neglect, the juvenile court's discretion is further bound by Section 9-101 of the Family Law Article ("FL") of the Maryland Code. *In re Z.F.*, 266 Md. App. at 494. Under that statute, "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." FL § 9-101(a). The statute goes on,

> 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(b). In construing that statute, the Supreme Court of Maryland has declared that "neglect or abuse of a child in the past refers to the abuse or neglect of *any* child in the past, not only the child at issue in the current proceeding." *In re Billy W.*, 387 Md. at 450–51.

In cases of abuse involving children and household members, a court's discretion is circumscribed even further by Section 9-101.1. *See Gizzo v. Gerstman*, 245 Md. App.

168, 193 (2020) (noting that, in abuse cases, "FL § 9-101 often needs to be considered together with FL § 9-101.1" (cleaned up)). Under that statute, "the court shall consider, when deciding on custody or visitation issues, evidence of abuse by a party against . . . any child residing within the party's household, including a child other than the child who is the subject of the custody or visitation proceeding." FL § 9-101.1(b)(3). Further,

> [i]f the court finds that a party has committed abuse against . . . any child residing within the party's household, the court shall make arrangements for custody or visitation that best protect: (1) the child who is the subject of the proceeding; and (2) the victim of the abuse.

FL 9-101.1(c). "Abuse" is defined to include "an act that causes serious bodily harm." FL § 4-501(b)(1)(i); *see also* FL § 9-101.1(a).

A. M.B. & K.B.

Against that backdrop, we hold that the juvenile court did not err or abuse its discretion in reducing Mother's virtual visits with M.B. and K.B. from biweekly to once per month or in denying Mother's request for in-person visitation. To begin with, we are not persuaded by Mother's suggestion that the court's decision to reduce her visitation was erroneous because "no party explicitly made this request." At the hearing on Mother's motion, although the Department stated that it would be "comfortable" with a visitation order in which Mother retained biweekly virtual visits with M.B. and K.B., the Department prefaced that statement by indicating that it was "more than willing to draft and file an order that eliminates all visitation between the Mother and the children." That statement could reasonably be construed as a request by the Department to reduce Mother's visitation.

That said, we do not agree with Mother's suggestion that a party needed to formally request such relief before the court could reduce Mother's visitation in the manner that it did. Both M.B. and K.B. came into the Department's care, and were subsequently declared CINA, based on Mother's complicity in felony child abuse against L.R., with whom M.B. and K.B. were living and which resulted in serious bodily harm to L.R. For that reason, the court had a duty to fashion a visitation arrangement that best protected the children's safety and that assured their physiological, psychological, and emotional well-beings. If the court reasonably believed that those goals could be realized by reducing Mother's visitation, the court was not required to wait for a formal request from the parties before ordering such a visitation arrangement.

Turning to the merits, we find no abuse of discretion in the court's decision to reduce Mother's virtual visits with M.B. and K.B. from biweekly to once per month. The record showed that both children had struggled with emotional and behavioral issues in the months and years leading up to the May 2025 hearing. The record also showed that, during their most recent virtual visits with Mother, M.B. and K.B. had been "very vocal and transparent on whether they would like to have" visits. Although the Department encouraged both children to partake in the visits and remain attentive throughout, the Department found it "challenging maintaining their focus during the call's entirety." K.B. and M.B. were often preoccupied and disinterested during the visits, and they "often get up and walk away from the screen, play, watch [television], and fight with each other." The juvenile court recognized those issues during its oral ruling, noting that M.B. and K.B. were "bouncing around" and "haven't been that attentive" during their virtual visits

with Mother. The court concluded that, under the circumstances, it would "allow virtual visits to continue, at least once a month," but the court cautioned that "if there comes a point in time when that's not therapeutically indicated, then we're going to have to revisit the issue." Clearly, the court found that the current arrangement of bi-weekly visitations was not in M.B. and K.B.'s best interest, and, based on that finding, the court determined that the children's interests would best be served by a reduction in Mother's visitation. We see no abuse of discretion there.

We likewise find no abuse of discretion in the court's decision to deny Mother's request for in-person visits with M.B. and K.B. At the time of Mother's request, both children had experienced considerable turmoil both during and following the incident of child abuse that caused them to come into the Department's care, and both children had been receiving significant educational and mental-health services to help them handle their ongoing emotional and behavioral issues. Both children had made substantial progress in overcoming their emotional and behavioral challenges in the five-plus years since being removed from Mother's care, and there was virtually no evidence to suggest that said progress would have been furthered by instituting monthly, in-person trips to see Mother in jail.

On the other hand, there was meaningful evidence to suggest that forcing the children to visit Mother in jail would have been contrary to their well-being. The children had already exhibited considerable behavioral issues during their virtual visits with Mother, and no evidence was presented to indicate that those issues would have been alleviated by increasing Mother's access. The children's behavioral issues were also

evident at home and at school, and the children's therapist had expressed concerns about those issues. In fact, in December 2024, around the time that Mother requested in-person visits and just a few months prior to the hearing on Mother's motion, the children's therapist reported that M.B. and K.B.'s behavior "continues to be an issue" and that "their behavioral concerns are likely to be a barrier to, from, and possibly during the visit at the facility." The therapist further reported that, because a visit to jail would require the children to travel "a significant distance" and would involve going through "the security process and other safety measures," granting Mother's request for routine, in-person visitation could "adversely impact" the children and "would likely cause disruption in their daily routine."

From that, it was reasonable for the juvenile court to conclude that instituting monthly, in-person visits with Mother was contrary to M.B. and K.B.'s best interests. In reaching that conclusion, the court did not indicate "a predetermined position;" rather, the court properly considered the children's individual circumstances and exercised reasoned judgment. Again, because the case involved a serious act of child abuse committed by Mother against L.R., the court had a duty to fashion a visitation arrangement for M.B. and K.B. that best protected their safety and assured their physiological, psychological, and emotional well-being. The record shows that the court's decision was consistent with those aims. Accordingly, the court did not err or abuse its discretion in denying Mother's request for in-person visitation.

B. L.R.

We also hold that the juvenile court did not err or abuse its discretion in ordering that Mother "shall have supervised virtual visits with [L.R.] only as deemed therapeutically appropriate and at [L.R.'s] discretion." To begin with, we do not agree with Mother's assertion that the court's order constituted an improper delegation of its authority. In October 2024, after finding that there was "no further likelihood that abuse or neglect would occur with custody and visitation rights granted as ordered below," the court granted Mother supervised access with L.R. only "as appropriate." In March 2025, after again finding that there was "no further likelihood that abuse or neglect would occur with custody and visitation rights granted as ordered below," the court allowed Mother supervised access with L.R. only "as clinically appropriate." Those orders suggest that the court had determined that there was no likelihood of further abuse or neglect *only* under a supervised visitation arrangement that included certain conditions. Thus, when the court entered its May 2025 order, it had already made the requisite findings under Section 9-101 and had already effectively denied Mother visitation except under certain conditions. That is, the court had, pursuant to Section 9-101, generally denied custody or visitation rights to Mother prior to the May 2025 hearing, except the court had approved a supervised visitation arrangement that assured the safety and the physiological, psychological, and emotional well-being of L.R. That supervised visitation arrangement included the condition that visits should only be held when clinically appropriate. Then, following the May 2025 hearing, the court again approved of a supervised visitation arrangement pursuant to Section 9-101, but with the added condition that visits be at

L.R.'s discretion. That additional condition did not constitute an improper delegation of the court's authority, as the court had already determined that such a supervised visitation arrangement was the only arrangement in which there was no likelihood of further abuse or neglect.

For those reasons, the instant case is distinguishable from *In re Mark M.*, 365 Md. 687 (2001), the case on which Mother principally relies. In that case, which involved an abused child that had been declared CINA and removed from his mother's care, the Supreme Court of Maryland held that the juvenile court had improperly delegated its authority by ordering that visitation between the mother and child "will not occur until [the child's] therapist recommends it" without first finding that there was no likelihood of further abuse under Section 9-101. *In re Mark M.*, 365 Md. at 708–10. As the Court explained, while the juvenile court's "denial of visitation was a proper exercise of its discretion[,]" the court's "declaration that 'visitation will not occur until [the child's] therapist recommends it' . . . was an improper delegation of its specific statutory obligation to make the requisite finding prior to granting visitation." *Id.* at 708. Here, by contrast, the juvenile court made the requisite finding pursuant to Section 9-101 prior to approving a supervised visitation arrangement that assured the safety and the physiological, psychological, and emotional well-being of L.R.

Beyond that, the circumstances of the case do not suggest that the juvenile court improperly delegated its authority. As the court explained at the hearing on Mother's motion, although the evidence supported a complete cessation of Mother's contact with L.R., "the most generous approach" was to leave the door open for supervised visitation,

but only if therapeutically appropriate and only at L.R.'s discretion. The court then entered its order allowing for "supervised virtual visits with [L.R.] only as deemed therapeutically appropriate and at [L.R.'s] discretion." In short, the court determined that the appropriate minimum amount of contact between Mother and L.R. would be none, but the court allowed for the possibility of additional visitation when therapeutically appropriate and at L.R.'s discretion. The establishment of such a visitation arrangement was entirely within the court's discretion. *See In re Justin D.*, 357 Md. 431, 449 (2000) (holding that, while a juvenile court "must determine, and set forth in its order, at least the minimal amount of visitation that is appropriate[,]" the court may allow for additional visitation at the Department's discretion).

Moreover, where, as here, a juvenile court makes a visitation determination concerning a child who has been abused, the court has a duty, pursuant to Section 9-101, to establish a supervised visitation arrangement that assures "the safety and the physiological, psychological, and emotional well-being of the child." FL § 9-101(b). Here, the court determined that L.R., who was 16 years old at the time, and L.R.'s therapist, who was treating L.R. for severe emotional and developmental issues, should be at the forefront in deciding the terms of any supervised visits between Mother and L.R. That decision was consistent with the court's obligation under Section 9-101 and was, under the circumstances, an appropriate exercise of the court's discretion. *Cf. In re Barry E.*, 107 Md. App. 206, 220–21 (1995) (holding that the juvenile court erred in leaving visitation decisions up to the children, where there was "no indication in [the] record that the children were of sufficient age and had sufficient discretion to make that

decision, or that their decision not to visit was based on fact and not mere whim or pretext").

As to the merits of the court's decision to deny Mother's request for monthly virtual visits with L.R., we discern no error or abuse of discretion. The evidence established that, in 2019, then ten-year-old L.R. was the victim of a horrific act of child abuse that resulted in second- and third-degree burns over at least 25% of her body. Although it is unclear whether Mother directly caused those injuries, Mother did permit the injuries to linger for nearly three months without medical intervention, and those injuries and lack of medical attention left L.R. with permanent scarring and disfigurement and led to Mother's 2023 conviction and incarceration for felony child abuse. In the months that followed Mother's incarceration, L.R., who is autistic and developmentally disabled, had grown happy in her placement, where she received assistance "with all activities of daily living including eating, dressing, bathing, and toileting." Like her brothers, L.R. was also receiving significant educational and mental-health services to help with her ongoing emotional and behavioral issues. L.R. had shown improvement in the time leading up to the May 2025 hearing, yet she still "struggled with her behaviors both in the home and in school." Over that time, L.R. had one virtual visit with Mother, during which L.R. "repeatedly hung up the phone" and "did not appear to be engaged." Unable to complete the call, L.R. then "began crying and fell to the floor" and was only "able to return to baseline" after "much intervention." The Department later reported that, as a result of the call, "virtual and in-person visits [were] not advised."

From that evidence, the court reasonably concluded that L.R.'s visit with Mother "did not go well" and that it was "contrary to [her] best interest and her well-being" to have monthly virtual visits with Mother. That decision was consistent with Section 9-101, in that it best protected L.R.'s safety and ensured her physiological, psychological, and emotional well-being. Accordingly, the court did not err or abuse its discretion.

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