

Circuit Court for Baltimore County
Case No.: C-03-JV-24-000857

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 491

September Term, 2025

IN RE: M.J.-P.

Wells, C.J.,
Tang,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

Opinion by Tang, J.

Filed: November 18, 2025

* This is an unreported opinion. It 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 Maryland Rule 1-104(a)(2)(B).

The Circuit Court for Baltimore County, sitting as a juvenile court, terminated the parental rights of appellant D.P. (“Mother”) with respect to one of her children, M.J.-P., and granted guardianship to the Baltimore County Department of Social Services (“the Department”). Mother appealed and presents two questions for our review, which we have divided into three, reordered, and rephrased for clarity:¹

- I. Did the court err in finding it was futile for the Department to offer services to facilitate reunification?
- II. Did the court err in considering M.J.-P.’s feelings about terminating the parental relationship?
- III. Did the court err in explaining its conclusion that exceptional circumstances existed that made continuation of the parental relationship detrimental to M.J.-P.’s best interest?

For the reasons below, we shall affirm.

BACKGROUND²

Mother has three daughters: Mo. and Ma., twin girls born in June 2008, and M.J.-P., born in November 2014.³ M.J.-P. and her sisters have different fathers. M.J.-P.’s father

¹ The questions presented in Mother’s brief are:

- I. Did the juvenile court err in not explaining how its factual findings amounted exceptional circumstances?
- II. Did the juvenile court err in concluding that there were exceptional circumstances which made it detrimental to [M.J.-P.] for her mother to continue being her legal parent?

Counsel for M.J.-P. did not file a brief and instead filed a Line, stating that M.J.-P. “does have considered judgment” and asking the Court to affirm.

² At the outset of the TPR (termination of parental rights) trial, the juvenile court took judicial notice of certain records from M.J.-P.’s CINA case and Mother’s criminal case. The facts set out herein synthesize those records and trial testimony from this case.

³ Because this case concerns only M.J.-P., we discuss her sisters only as necessary.

died when she was five years old. For the next several years, Mother raised her daughters alone, except for a period in 2022 when she received treatment at a mental health hospital. During that time, the three girls lived with their maternal grandmother (“Maternal Grandmother”). There was no evidence of Child Protective Services involvement with the family until January 2023.

Removal of Children from Mother’s Custody

Mother suffers from bipolar disorder, anxiety, and post-traumatic stress disorder. Mother takes medication for her diagnoses but was “unmedicated” for a time around January 9, 2023. On that night, Mother and Mo. got into an argument about Mo. cutting up Mo.’s jeans with a knife and scissors. The argument escalated and turned physical, culminating in Mother pinning Mo. against the wall by her neck while holding the knife. M.J.-P. witnessed the fight, ran to her room, and called 911. At that point, Ma. jumped on Mother’s back, hitting and disarming her. Mo. and Ma. were able to run to M.J.-P.’s bedroom and barricade the door until the police arrived.

Once the police arrived, they arrested Mother and charged her with first- and second-degree assault. The girls were placed with Maternal Grandmother. The next day, Mother was ordered to be held without bail and not to have contact with the children.

*CINA Proceedings*⁴

Maternal Grandmother could not care for M.J.-P. alone, so the Department placed M.J.-P. in shelter care with her paternal grandmother (“Paternal Grandmother”).⁵ After a hearing, the juvenile court continued M.J.-P.’s shelter care placement.

On February 24, 2023, the juvenile court held adjudicatory and dispositional hearings. Mother, who was still detained at the detention center, did not participate in the hearings. The juvenile court ultimately declared M.J.-P. to be a CINA on March 7, 2023, and awarded custody to the Department. The court continued to prohibit any contact between Mother and M.J.-P. M.J.-P. remained with Paternal Grandmother, who had support and help from M.J.-P.’s paternal aunt (“Aunt”), a retired nurse who lives next door to Paternal Grandmother.

Aunt described M.J.-P. as “emotionally dysregulated” when she was first placed with her paternal relatives. If she heard a noise outside, she would “go into a wall and cry and be scared and it would take a while for her to calm down and her heart rate to slow and just to reassure her.” M.J.-P. regularly expressed to Aunt she was “terrified” that Mother would come and get her, and she had nightmares about that occurring. On February 23,

⁴ A CINA, or “child in need of assistance,” is “a child who requires court intervention because: (1) The child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and (2) The child’s parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child’s needs.” Md. Code Ann., Cts. & Jud. Proc. (“CJP”) § 3-801(f).

⁵ “‘Shelter care’ means a temporary placement of a child outside of the home at any time before disposition” of a CINA petition. CJP § 3-801(cc).

2023, M.J.-P. started therapy. Once she resided with Paternal Grandmother, M.J.-P. was enrolled in the local elementary school.

First Review Period

Through the first CINA review period, Mother remained detained at the Baltimore County Detention Center. She was held in seclusion, placed on suicide watch, and not allowed to leave her cell. During this time, the Department was unable to contact Mother and did not receive any updates or information about her mental health treatment. At the initial CINA review hearing on July 10, 2023, which Mother attended, the juvenile court adopted a permanency plan of reunification concurrent with placement with a relative for custody and guardianship. The court continued its no-contact order and also ordered Mother to complete a psychological and psychiatric evaluation, to release that evaluation to the Department, and to maintain contact with the Department.

Second Review Period

During the second CINA review period, Mother was transferred from the detention center to Clifton T. Perkins Hospital Center (“Perkins”), a maximum-security psychiatric facility. The Department continued its efforts to receive updates regarding Mother’s mental health and the status of her criminal case. At some point during her time at Perkins, Mother was found not competent to stand trial.

M.J.-P. continued to do well with Paternal Grandmother, but she feared Mother regaining custody and had difficulty discussing her trauma with her therapist. At the time of the review hearing on November 3, 2023, Paternal Grandmother was searching for a new therapist who could assist M.J.-P. with processing her feelings toward Mother. After

the hearing, the juvenile court continued M.J.-P.’s concurrent permanency plans and its no-contact order.

Third Review Period

Throughout the third CINA review period, Mother communicated with the Department several times per month to provide updates on her treatment and to receive updates about M.J.-P.’s health and education. During this time, the Department also connected with Mother’s assigned social worker at Perkins, who reported that Mother had made significant progress since entering the facility: she was taking her medication, participating in groups, and completing her evaluations. According to Mother, the team at Perkins was supportive and knowledgeable, which she believed helped rehabilitate and stabilize her mental health.

In this period, M.J.-P. was diagnosed with Ehlers-Danlos Syndrome (EDS) and orthostatic intolerance. To address her conditions, M.J.-P. started seeing a host of specialists, including a rheumatologist, geneticist, cardiologist, neurologist, gastroenterologist, speech therapist, and physical therapist. She also started seeing a therapist at school, with whom the Department collaborated to find the best ways to move forward addressing M.J.-P.’s fears regarding her maternal family and having contact with Mother.

Since M.J.-P.’s placement with Paternal Grandmother, Aunt had taken on the responsibility of caring for M.J.-P. Aunt provided additional childcare and supervision when needed, maintained contact with M.J.-P.’s school, and transported her to various doctor’s appointments. On December 25, 2023, the Department placed M.J.-P. with Aunt.

After a hearing on February 2, 2024, the juvenile court again continued M.J.-P.'s concurrent permanency plans and its no-contact order.

Fourth Review Period

On April 16, 2024, Mother pleaded guilty to second-degree assault of Mo. She remained at Perkins until her sentencing and maintained contact with the Department throughout her stay. When direct contact was not possible, Mother and the Department communicated through Maternal Grandmother. On June 17, 2024, the circuit court sentenced Mother to ten years' incarceration, all but time served suspended, and placed her on five years of unsupervised probation. The sentence also required Mother to comply with her medical and psychiatric needs and forbade her from contacting her daughters. The same day Mother was released from Perkins, she left Maryland and moved to Florida to care for her father. She did not advise the Department that she planned to relocate and did not immediately update the Department after she moved.

M.J.-P. continued exhibiting significant anxiety about maintaining contact with maternal family members and refused to have any contact with Mother. In May 2024, she transitioned from her regular therapist to a trauma therapist. Overall, though, M.J.-P. was happy living with Aunt and told the Department that she wanted Aunt to adopt her.

After a hearing on July 1, 2024, the juvenile court changed M.J.-P.'s permanency plan to a sole plan of adoption by a relative. In line with Mother's sentence, the no-contact order remained in place.

Fifth Review Period

On August 2, 2024, Mother moved to modify the no-contact provision of her sentence. The court granted her motion on August 23, 2024, and modified Mother’s probation to allow contact with M.J.-P., but only if “therapeutically recommended” and only as permitted in the CINA proceeding. A few days later, Mother moved, in the CINA case, to be allowed weekly, one-hour in-person or virtual visitation with M.J.-P. The Department, joined by M.J.-P.’s counsel, opposed. On September 13, 2024, the juvenile court denied Mother’s motion, concluding that “[i]t [was] not in [M.J.-P.’s] best interest to have visitation with [Mother] at th[at] time.” Mother still communicated with the Department throughout this period, seeking information about M.J.-P., and noting her concern about M.J.-P.’s unwillingness to have contact.

M.J.-P. continued to thrive in school during this time and remained in weekly trauma therapy. She had developed a strong bond with Aunt and still wanted Aunt to adopt her. After a hearing on December 2, 2024, the juvenile court continued M.J.-P.’s permanency plan of adoption by a relative. The court also authorized liberal and supervised visitation between Mother and M.J.-P. “when therapeutically appropriate and at the discretion of [M.J.-P.]”

Termination of Parental Rights

Within the fifth review period, on September 3, 2024, the Department petitioned for guardianship of M.J.-P., with the right to consent to adoption or long-term care. The court held a remote termination of parental rights (“TPR”) hearing on the Department’s petition on February 27 and April 15 and 16, 2025. M.J.-P. was nine years old at the time of the

hearing and had been in foster care for just over two years. The court heard testimony from Mother, Aunt, and Candace DeShields, an adoption social worker. All three witnesses, including Mother, were called by the Department.

Mother's Status

On the first hearing date, Mother still lived in Florida, but she returned to Maryland a few days later in March 2025. She remained on the same medications she had been prescribed at Perkins, which she felt were effective. After moving to Florida, Mother had also, of her own accord, sought mental health treatment from a provider in Miami. In her view, she was now doing well with her mental health when on medication.

During her testimony, Mother was frustrated about the focus on the fallout from her assault of Mo. rather than on her parenting before then: “No one’s looking at that part. They’re just looking at the incident that happened and I paid and did my time for that incident, and I’ve been rehabilitated. So, the concern should be lower than it was because I’m doing good.” When asked about how she thought M.J.-P. was affected by the incident, Mother stated she thought it would have “very little” impact on M.J.-P. “if she was back around her sisters and [Mother].” On cross-examination by M.J.-P.’s counsel, Mother clarified why: “She wasn’t participating in any of it. And she wasn’t crying or anything when it happened. So, I feel that it was very little. She was probably traumatized a little bit but, you know, I’m not a doctor.” In Mother’s view, if M.J.-P. was fully informed about Mother’s mental health progress and medication, it “would ease [M.J.-P.’s] mind a bit not to be scared of [Mother] or have anxiety.”

Mother confirmed that she had remained in compliance with the no-contact order. She testified that seeing M.J.-P. was her first desire after being released from Perkins, but she did not want to violate the court’s order. Mother explained that she had not asked to visit with M.J.-P. “because they say she’s not ready for it.” She agreed that M.J.-P.’s opinion as to whether she should see Mother was important.

Finally, Mother testified about the lack of services offered by the Department. She was never service planned, and the Department did not even try to service plan her until December 2024—after it had already petitioned to terminate her parental rights. Mother did not know whether she could have received services while incarcerated, and she conceded that moving to Florida may have impeded the Department’s providing services. She hoped that, on her return to Maryland, she could enroll in some services, such as reparenting classes, though she admitted that she did not request parenting classes from the Department until the first day of the TPR hearing. Mother was also adamant that family therapy would help reunite her with M.J.-P. Even so, she was willing to give M.J.-P. more time if she needed it. Ultimately, however, the Department never provided any services to Mother.

M.J.-P. ’s Status

Aunt testified that M.J.-P. had been thriving in her care. When M.J.-P. first came into Aunt’s care, she “was very scared” and “unsure about everything.” She was “[v]ery reactive” and “would have emotional responses that were stronger than what seemed to be called for.” Aunt explained that M.J.-P., through her trauma therapy, had learned healthy coping mechanisms for when she gets scared. Aunt described M.J.-P. as “very happy.” She

“loves to go to school,” “loves art,” “loves to cook and bake,” and “loves to go outside and play.” M.J.-P. calls Aunt’s house her house and is “very comfortable” in her home.

Aunt took M.J.-P. to all of her medical appointments. M.J.-P. had thirteen standing monthly appointments: in addition to the specialists that she saw for her EDS and orthostatic intolerance, M.J.-P. went to weekly trauma therapy, physical therapy twice per week, and an orthodontist once per month. Aunt did not believe that M.J.-P.’s physical medical health had been addressed before she came into Aunt’s care.

Aunt testified that M.J.-P. is “very, very vocal” about what she is afraid of: “She’s terrified that [] Mother is gonna come and get her. She has a lot of nightmares about that.” She explained that M.J.-P. had the same emotional issues as when she was removed, just not to the same degree. Despite some progress, however, M.J.-P. still did not want to talk about Mother. Aunt stated that M.J.-P. did not like even being told when hearings are: “It sets her back. It causes her to have bad dreams.” According to Aunt, every time M.J.-P. heard about Mother or the case, she wet her bed.

Thus, Aunt left it up to M.J.-P.’s trauma therapist to discuss Mother with her. Aunt spoke to M.J.-P. about Mother only when M.J.-P. brought it up. She described those conversations as “more of [M.J.-P.] need[ing] somebody to talk to about the things that happened to her” and explained they occur “usually when [M.J.-P.] wakes up from nightmares.”

The only notable progress that M.J.-P. had made regarding Mother was agreeing to send Mother a yearly update with a photograph. But, according to Aunt, any time a social

worker asked M.J.-P. if she wanted to see Mother, “it sets her back.” Aunt did not believe that informing M.J.-P. of Mother’s mental health treatment would ease her fears.

Expert Testimony

The juvenile court, over Mother’s objection, accepted Ms. DeShields as an expert in trauma-informed care and bonding. Ms. DeShields explained that her main concern with returning M.J.-P. to Mother was Mother’s “ongoing mental health history.” Although Mother reported she was in treatment, Ms. DeShields observed that Mother’s history of crises, which sometimes forced her to leave the home, showed a lack of ability to properly care for M.J.-P. and her sisters. Further, having witnessed Mother’s testimony, Ms. DeShields noted that Mother still refused to “fully acknowledge the extent of everything that occurred” and minimized “her role and responsibility” in the assault and its effect on M.J.-P. This, in Ms. DeShields’s view, showed a “lack of accountability” that made Ms. DeShields “concerned that a situation like that could possibly happen again[.]”

Ms. DeShields also explained that the Department had not been able to effectively service plan with Mother. She elaborated that “service plans are areas of focus for the case of what the parents will be working on with the Department to, hopefully, gain stability with their needs and, hopefully, get on track to reunify with the child, if possible.” The Department could not service plan with Mother because she was first incarcerated and then moved out of state.

Ms. DeShields echoed Aunt’s testimony about M.J.-P.’s reaction to discussion about Mother and confirmed that it was “not exaggeration . . . [that] the mention of [] Mother’s name causes physical distress.” Ms. DeShields explained that “anything referring

to [] Mother” causes M.J.-P. “physical observable issues that are left for [Aunt] to deal with . . . [and] take[s] [M.J.-P.] days to process and get through [and which] she continues to work on in therapy.” Although she acknowledged there were services that could support Mother, Ms. DeShields did not know if those services would affect Mother’s “ability to properly care for [her daughters].” And in any event, based on M.J.-P.’s continued reaction to any mention of Mother, Ms. DeShields opined that “having any services where [Mother and M.J.-P.] could possibly engage, communicate, or anything, [was] just not appropriate.”

As for the care M.J.-P. was receiving from Aunt, Ms. DeShields had no concerns. She noted that M.J.-P. had substantial needs related to her medical and mental health and that Aunt ensured those were all addressed. Overall, Ms. DeShields observed that M.J.-P. was “very, very happy in her placement” and “would love to be adopted.” She expressed that removing M.J.-P. from Aunt to a “home where it’s obvious that she does not feel all those positive feelings towards the caregiver w[ould] be detrimental and cause great harm to her.”

Court’s Ruling

On April 16, 2025, the juvenile court granted the Department’s petition and terminated Mother’s parental rights. The court prefaced its oral ruling by saying that it found “no basis to deem [Mother] unfit” as a parent. Instead, the court “view[ed] this to be exceptional circumstances exclusively and thus, everything I am about to say is within the guise of exceptional circumstances.” The court proceeded to make findings of fact and discussed in detail all the factors in Md. Code Ann., Fam. Law (“FL”) § 5-323(d), which we have reordered sequentially and set forth below:

FL § 5-323(d)(1)(i) required the court to consider all services offered to Mother before M.J.-P.’s placement. The court found this factor “inapplicable because there was no reason for the Department to provide services prior to placement[.]” “[T]he incident which precipitated this . . . was unforeseen and unforeseeable.”

FL § 5-323(d)(1)(ii) required the juvenile court to consider the extent, nature, and timeliness of the services offered by the Department to facilitate the reunification of M.J.-P. with Mother. The court found that “the Department made no[—]or minimal beyond the word no[—]efforts on reunification.” That said, the court ultimately found that it would have been futile for the Department to offer any services. It explained that “the five-star issue between parent and child was Mother’s mental health.” The court observed that, before moving to Florida, the “much more profound issues” related to Mother’s mental health “were being addressed independently of anything the Department could only recommend.” At Perkins, the court noted, Mother received “intensive treatment [from] the best professionals in the State.” And although the court acknowledged that the Department could have done more upon Mother’s release in June of 2024, it recognized that Mother’s failure to promptly contact the Department upon moving to Florida was a contributing factor. Moreover, the court was not convinced that even “the provision of every effort in the world as to Mother, would facilitate reunion as to a child who has bad dreams and wets the bed upon mention of [] Mother’s name.”

FL § 5-323(d)(1)(iii) required the court to consider the extent to which the Department and Mother fulfilled their obligations under any social services agreement.

There was no evidence of a social services agreement here, so the court found this factor inapplicable.

FL § 5-323(d)(2)(i) required the court to consider the extent to which Mother maintained regular contact with M.J.-P., the Department, and if feasible, M.J.-P.’s caregiver. The court observed that there were periods with no contact between Mother and the Department while she was incarcerated and in mental health treatment. The court also explained that it would not hold Mother’s move to Florida against her. It noted, however, that Mother did not contact the Department immediately upon relocating and that it factored her delayed communication into other areas of its analysis. As for contact with M.J.-P., the court found that there had been no contact between Mother and M.J.-P. The court noted that this was initially due to a court order, but when that order was modified, it was modified to permit contact if therapeutically recommended, which it was not.

FL § 5-323(d)(2)(ii) required the court to consider Mother’s contribution to a reasonable part of M.J.-P.’s care and support, if she was financially able to do so. The court found that there was “no evidence of any financial contribution.” The court explained, however, that, “recognizing the financial position in which Mother is and has been in,” it would not hold this lack of evidence against her.

FL § 5-323(d)(2)(iii) required the court to consider the existence of a parental disability that makes Mother consistently unable to care for M.J.-P.’s immediate and ongoing physical or psychological needs for long periods of time. The court found “no evidence of a parental disability . . . other than [Mother’s] mental health issues[,]” which the court discussed elsewhere.

FL § 5-323(d)(2)(iv) required the court to consider whether additional services would be likely to bring about lasting parental adjustment so that M.J.-P. could be returned to Mother within an ascertainable time not to exceed 18 months from the date of placement, unless the court makes a specific finding that it is in M.J.-P.’s best interests to extend the time for a specific period. The court observed that, by the time of the hearing, it had already been more than 18 months since M.J.-P.’s original placement, and nearly 18 months since she had been placed with Aunt. Yet M.J.-P. still was not “in a position where [] Mother’s name can be mentioned without traumatic effect[.]” The court also “d[id] not believe [Mother] appreciate[d] the gravity of the circumstances into which M.J.-P. has been placed by her conduct.” The court found “that there ha[d] been an utter failure to appreciate the gravity of the circumstances and, thus, without appreciating the gravity and the impact, there can be no amelioration.” The court could not “fix any amount of time in which additional services would likely bring about a lasting parental adjustment.” Even if it forecasted 18 months from the hearing, the court did not believe M.J.-P. could go from “ha[ving] traumatic effects of bad dreams and bed wetting just upon mention of the prospect of a court hearing in this case to [] thriving and well-adjusted within [] Mother’s care and custody.” The court found “zero basis to think that[was] achievable,” with or without additional services, “[l]et alone within an ascertainable time.”

FL § 5-323(d)(3)(i) required the court to consider whether Mother had abused or neglected M.J.-P. or a minor and the seriousness of that abuse or neglect. The court found that Mother had assaulted a child, “M.J.-P.’s sister, in M.J.-P.’s presence, causing the girls to run to a separate bedroom, [and] barricade themselves therein.” The court found that this

abuse of a minor was serious and that “[t]he family trauma within the home also has had a direct and a profound impact on M.J.-P.”

FL § 5-323(d)(3)(ii) required the court to consider whether M.J.-P. was a substance-exposed newborn. The court found this factor inapplicable.

FL § 5-323(d)(3)(iii) required the court to consider whether Mother subjected M.J.-P. to chronic abuse or neglect. The court found there was no evidence of this factor.

FL § 5-323(d)(3)(iv) required the court to consider whether Mother had been convicted of a crime of violence against her children. The court found that this factor did not weigh against Mother because second-degree assault is not a crime of violence under Md. Code Ann., Crim. Law § 14-101(a). Even so, the court “w[ould] not ignore that it is a violent crime . . . and w[ould] factor it in as appropriate[] in other factors[.]”

FL § 5-323(d)(3)(v) required the court to consider whether Mother had involuntarily lost parental rights to one of M.J.-P.’s siblings. The court found there was no evidence to support this factor.

FL § 5-323(d)(4)(i) required the court to consider M.J.-P.’s emotional ties with and feelings toward Mother, her siblings, and others who may affect her best interests significantly. The court found that M.J.-P. had developed a strong bond with Aunt and loved living with her. M.J.-P.’s feelings toward Mother, on the other hand, were fearful. The court observed that, even two years after the incident, M.J.-P. was “traumatized at the very mention of [] Mother. Not at her return to care, not at living with [] Mother, but at the very mention of [] Mother’s name.”

FL § 5-323(d)(4)(ii) required the court to consider M.J.-P.’s adjustment to community, home, placement, and school. The court found “that M.J.-P. is well adjusted and thriving in her current placement.” She “has a welcoming home, an aunt that’s caring for her,” and “has adjusted well to the community.” The court further found that M.J.-P. was “being cared for[,]” that she was “thriving in school” and “with the animals she cares for[,]” and that, by all accounts, she loves her current placement.

FL § 5-323(d)(4)(iii) required the court to consider M.J.-P.’s feelings about severing the parent-child relationship. Based on the physical response she experienced at the mention of Mother and her consistent refusal of visitation, the court found that M.J.-P. had no desire to continue her relationship with Mother.

Finally, FL § 5-323(d)(4)(iv) required the court to consider the likely impact of terminating parental rights on M.J.-P.’s well-being. The court found that terminating parental rights would allow M.J.-P.’s “wellbeing to continue to thrive.” In contrast, the court found that failure to do so “would only exacerbate the uncertainty, exacerbate [M.J.-P.’s] profound reaction to the prospect of reunification with [] Mother.”

Based on its findings, the juvenile court concluded, by clear and convincing evidence, that exceptional circumstances existed and that it was in M.J.-P.’s best interest that Mother’s parental rights be terminated. It explained:

I cannot ignore, nor will I, the efforts here, but I cannot, nor will I, that they would be concurrent to addressing profound issues being addressed elsewhere. I cannot ignore, nor would I, the position that M.J.-P. is in vis-à-vis Mother, and I cannot ignore, nor will I, the factors under [§ 5-323(d)(4)(iii) and (iv)], the child’s feelings nor the likely impact of terminating parental rights in the child, or in this case, the impact of failing to terminate parental rights.

I also cannot ignore, nor will I, that the child is still a CINA and the CINA case is extant, and that she will not be, if I was to deny the petition, it would not be return to custody of the Mother; it would be a continuation of the now temporary related placement with the aunt.

It would only exacerbate and extend that which the statute instructs [] [w]e are to [] shield [against] which is the limbo of a child in placement. It would only extend and exacerbate the uncertainty in an area in which the statute has shown we need certainty. It would only extend and show the lack of permanence in the child’s life in the area in which we have been instructed demands permanence.

The same day, the court entered a written order consistent with its oral ruling. This appeal followed. We include additional facts in our discussion of the issues.

TPR FRAMEWORK

“Parents have a fundamental right under the Fourteenth Amendment of the United States Constitution to ‘make decisions concerning the care, custody, and control of their children.’” *In re Adoption/Guardianship of C.E.*, 464 Md. 26, 48 (2019) (citation omitted). To harmonize these rights with “the State’s interest in protecting children,” our “General Assembly has established a legal framework to assess whether it is in a child’s best interests to terminate parental rights that balances the child’s best interests and the appropriate protection for parental rights.” *In re Adoption/Guardianship of H.W.*, 460 Md. 201, 216 (2018). “The statutory scheme for terminating parental rights has ‘three critical elements in . . . balance that serve to give heightened protection to parental rights in the TPR context.’” *Id.* at 217 (citation omitted). The termination of parental rights constitutes a total rescission of the legal relationship between a parent and child and is generally final. *Id.* at 218.

First, “there is ‘a presumption of law and fact [] that it is in the best interest of children to remain in the care and custody of their parents.’” *Id.* at 216 (citation omitted). The presumption in favor of parental custody may be rebutted only by “showing that the parent is either unfit [to continue the parental relationship] or that exceptional circumstances exist that would make the continued relationship detrimental to the child’s best interest.” *Id.* at 217 (citation omitted). Second, the State is subject to a higher burden of proof in the TPR context than in standard custody cases: “[i]t must establish unfitness or exceptional circumstances by clear and convincing evidence.” *Id.* at 218. “Third, the General Assembly provide[s] factors that the juvenile court must expressly consider in determining whether termination is in the child’s best interest.” *C.E.*, 464 Md. at 50.

The exceptional circumstances prong is a separate legal conclusion from unfitness and requires a separate inquiry. *Id.* at 54. “If a juvenile court deems a parent fit, then the juvenile court is required to examine whether any exceptional circumstances exist that would make a continuation of the parental relationship detrimental to the best interests of the child.” *Id.* The court here expressly found that that there was no basis to find Mother an unfit parent. We shall therefore focus our discussion on exceptional circumstances.

“An exceptional circumstances analysis must turn on whether the presence—or absence—of particular facts and circumstances makes continuation of the parental relationship detrimental to the child’s best interests.” *H.W.*, 460 Md. at 231. “In addition to being mandatory considerations prior to a termination of parental rights, the factors outlined in FL § 5-323 also serve ‘as criteria for determining the kinds of exceptional circumstances that would suffice to rebut the presumption favoring a continued parental

relationship and justify termination of that relationship.” *In re Adoption/Guardianship of C.A. & D.A.*, 234 Md. App. 30, 50 (2017) (quoting *In re Adoption/Guardianship of Rashawn H.*, 402 Md. 477, 499 (2007)).

The Supreme Court of Maryland has explained that the § 5-323(d) factors “are divided by topic and include consideration of”:

(1) the services that the Department has offered to assist in achieving reunification of the child with the parents; (2) the results of the parent’s effort to adjust their behaviors so that the child can return home; (3) the existence and severity of aggravating circumstances; [and] (4) the child’s emotional ties, feelings, and adjustment to community and placement and the child’s general well-being.

C.E., 464 Md. at 51.

Other criteria relevant to an exceptional circumstances determination include:

[T]he length of time that the child has been with [their] adoptive parents; the strength of the bond between the child and the adoptive parent; the relative stability of the child’s future with the parent; the age of the child at placement; the emotional effect of the adoption on the child; the effect on the child’s stability of maintaining the parental relationship; whether the parent abandoned or failed to support or visit with the child; and, the behavior and character of the parent, including the parent’s stability with regard to employment, housing, and compliance with the law.

C.A. & D.A., 234 Md. App. at 50 (citing *In re Adoption/Guardianship No. A91-71A*, 334 Md. 538, 562–64 (1994)).

None of the factors necessarily receives more weight than another, nor is it “necessary that every factor apply, or even be found, in every case.” *In re Adoption/Guardianship of Jasmine D.*, 217 Md. App. 718, 737 (2014). Moreover, “exceptional circumstances do not, by themselves, mandate a decision to terminate parental rights[,]” but only “demonstrate that the presumption favoring the parent has been

overcome.” *H.W.*, 460 Md. at 218. The ultimate decision of whether to terminate parental rights “must always revolve around the best interests of the child.” *Id.* at 218–19 (emphasis omitted) (footnote omitted).

To that end, the Supreme Court of Maryland has explained that:

The [juvenile] court’s role in TPR cases is to give the most careful consideration to the relevant statutory factors, to make specific findings based on the evidence with respect to each of them, and, mindful of the presumption favoring a continuation of the parental relationship, determine expressly whether those findings suffice either to show an unfitness on the part of the parent to remain in a parental relationship with the child or to constitute an exceptional circumstance that would make a continuation of the parental relationship detrimental to the best interest of the child, and, if so, how. If the court does that—*articulates its conclusion as to the best interest of the child in that manner*—the parental rights we have recognized and the statutory basis for terminating those rights are in proper and harmonious balance.

Rashawn H., 402 Md. at 501. This harmonizing, the Court later emphasized, “should be the touchstone for courts in TPR cases.” *In re Adoption/Guardianship of Ta’Niya C.*, 417 Md. 90, 111 (2010).

STANDARD OF REVIEW

“Termination of parental rights decisions are reviewed under three interrelated standards: clear error review for factual findings, *de novo* review for legal conclusions, and abuse of discretion for the juvenile court’s ultimate decision.” *In re K.H.*, 253 Md. App. 134, 156 (2021). In evaluating the court’s findings of fact, we must give “the greatest respect” to the court’s opportunity to view and assess witness testimony and evidence. *In re Adoption/Guardianship of Amber R.*, 417 Md. 701, 719 (2011). “[W]e must assume the truth of all the evidence, and of all of the favorable inferences fairly deducible therefrom,

tending to support the factual conclusion of the trial court.” *In re B.C.*, 234 Md. App. 698, 708 (2017) (citation omitted). “A trial court’s findings are ‘not clearly erroneous if there is competent or material evidence in the record to support the court’s conclusion.’” *Azizova v. Suleymanov*, 243 Md. App. 340, 372 (2019) (quoting *Lemley v. Lemley*, 109 Md. App. 620, 628 (1996)).

“Legal conclusions of unfitness and exceptional circumstances are reviewed without deference.” *C.E.*, 464 Md. at 47. But “when the appellate court views the ultimate conclusion of the [juvenile court] founded upon sound legal principles and based upon factual findings that are not clearly erroneous, the [court’s] decision should be disturbed only if there has been a clear abuse of discretion.” *K.H.*, 253 Md. App. at 156 (citation omitted). A decision will be reversed for abuse of discretion only if it is “well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable.” *In re Yve S.*, 373 Md. 551, 583–84 (2003) (citation omitted).

DISCUSSION

I.

Reasonable Efforts at Reunification

Mother first contends that the juvenile court erred in terminating her parental rights after finding that the Department had not made reasonable efforts to facilitate reunification. In Mother’s view, this finding, alone, requires reversal “because [M.J.-P.’s] best interests were not served by termination when she and her mother had not first been given a chance to reunify.” We are not persuaded.

“The court is required to consider the timeliness, nature, and extent of the services offered by DSS or other support agencies, the social service agreements between DSS and the parents, the extent to which both parties have fulfilled their obligations under those agreements, and whether additional services would be likely to bring about a sufficient and lasting parental adjustment that would allow the child to be returned to the parent.” *Rashawn H.*, 402 Md. at 500; *see* FL § 5-323(d)(1), (2). “Implicit in that requirement is that a reasonable level of those services, designed to address both the root causes and the effect of the problem, must be offered.” *Rashawn H.*, 402 Md. at 500. The Supreme Court of Maryland has made clear, however, that there are limits to what the Department must do. *Id.* Where “attempts at reunification would obviously be futile, the Department need not go through the motions in offering services doomed to failure.” *In re Adoption/Guardianship No. 10941*, 335 Md. 99, 117 (1994).

The juvenile court here was “cognizant” of this. The court recognized that “the root causes and the effect of the problem” were Mother’s mental health and M.J.-P.’s trauma and that any services offered by the Department would have needed to be “designed to address” those issues. *See Rashawn H.*, 402 Md. at 500. The court found that it would have been futile for the Department to offer services to Mother during her time at Perkins because she was already receiving “intensive treatment [from] the best professionals in the State” to address her “big picture mental health items.” Likewise, M.J.-P.’s trauma was being addressed independently with her own therapist.

To be sure, the court noted that the Department could have done more upon Mother’s release in June of 2024. The court also noted, however, that Mother’s failure to

promptly contact the Department upon moving to Florida was a contributing factor. In the end, the court was not convinced that even “the provision of every effort in the world as to Mother, . . . would facilitate reunion as to a child who has bad dreams and wets the bed upon mention of [] Mother’s name.” The court found “zero basis to think” any amount of services would have addressed the root causes and the effect of the problem here, “[l]et alone within an ascertainable time.” *See id.* at 499–500 (“What the statute appropriately looks to is whether the parent is, *or within a reasonable time will be*, able to care for the child in a way that does not endanger the child’s welfare.”) (emphasis added). The court effectively reasoned that the Department was not required to “go through the motions in offering services doomed to failure.” *No. 10941*, 335 Md. at 117.

Even so, Mother insists that the Department should have set up family therapy before her parental rights were terminated. But contact between Mother and M.J.-P. still was not therapeutically recommended by the time of the TPR hearing. Thus, if the Department had set up family therapy, it would have violated the juvenile court’s CINA Orders.

In sum, it is undisputed that M.J.-P. participated in therapy, that she was still suffering severe trauma years after witnessing Mother’s assault on her sister, and that M.J.-P.’s therapist never recommended starting family therapy. The fact that M.J.-P. had not made significant progress did not mean, as Mother seems to suggest, that the Department should have pushed forward with family therapy. The evidence instead supports an inference that the severe emotional trauma that Mother inflicted on M.J.-P. produced a wound that simply would not foreseeably heal. The juvenile court found that

no amount of services from the Department would have changed this and that it was not in M.J.-P.’s best interest to wait any longer. As the court explained, it assessed “whether [it] may grant the petition where all factors weigh in favor of granting the petition, notwithstanding the fact that the Department made no or minimal . . . efforts on reunification. . . . [I]t’s the totality of the circumstances, no one factor is dispositive.” The court did not err in terminating parental rights despite the finding that the Department had not made reasonable efforts at reunification in this case.

II.

Child’s Preference

Next, Mother contends that the juvenile court erred in considering M.J.-P.’s desire that Aunt adopt her. In her view, the court should have ignored M.J.-P.’s preference because she is too young to understand the significance of the decision. Again, we are not persuaded.

Although this Court has held that “[i]t cannot be left up to the unfettered discretion of . . . five-year old children whether to visit with their mother,” we recognize also that factoring the child’s wishes into the analysis may be reasonable to prevent children from being “physically forced, kicking and screaming, into their mother’s presence[.]” *In re Barry E.*, 107 Md. App. 206, 220–21 (1995). Indeed, in the TPR context, a juvenile court is *required* to consider “the child’s feelings about severance of the parent-child relationship[.]” FL § 5-323(d)(4)(iii). The General Assembly did not carve out any exceptions based on the child’s age. Accordingly, the juvenile court did not err in considering M.J.-P.’s desire that Aunt adopt her.

III.

Exceptional Circumstances

Finally, Mother contends that the juvenile court failed to adequately articulate its conclusion that exceptional circumstances existed. We disagree.

The juvenile court considered the required factors under FL § 5-323(d) and made specific findings of fact as to each factor, which were not clearly erroneous. From these findings—all of which were either neutral or favored a termination of Mother’s parental rights—the court concluded that, under FL § 5-323(b), exceptional circumstances existed that would make a continuation of the parental relationship between Mother and M.J.-P. detrimental to M.J.-P.’s best interest and that severing Mother’s parental rights was in M.J.-P.’s best interest. Critical to its determination, the court expressly cited (1) the futility of any services that could be offered by the Department; (2) M.J.-P.’s feelings about termination, including her lasting trauma; and (3) the impact of failing to terminate Mother’s parental rights. The court also stressed M.J.-P.’s need for permanency. It explained that denying the Department’s petition “would be a continuation of the now temporary related placement with [] [A]unt,” which “would only exacerbate and extend that which the statute instructs[] [w]e are to []shield [against] which is the limbo of a child in a placement.” *See Rashawn H.*, 402 Md. at 501 (recognizing “that children have a right to reasonable stability in their lives and that permanent foster care is generally not a preferred option”).

Against this backdrop, we hold that the court did not err in terminating Mother’s parental rights based on exceptional circumstances. The court methodically and

comprehensively analyzed the requisite statutory factors, made findings based on those factors that were not clearly erroneous, and applied the correct legal standard in reaching its ultimate conclusions. The court’s findings provided ample evidence from which it could conclude that terminating Mother’s parental rights was in M.J.-P.’s best interest, and the court properly linked its findings to that conclusion. We shall therefore affirm its judgment.⁶

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

⁶ Mother cites various cases to support her argument that the absence of reunification services merits reversal of a TPR. She cites various studies and articles to challenge the assumption that children who achieve permanency through adoption go on to do well. She cites several other cases to argue that the court could not find exceptional circumstances based on the length of time M.J.-P. was out of the home and M.J.-P.’s feelings about adoption. However, these cases, studies, and articles are unavailing because they do not account for the particular facts before the court in the instant case.