

Circuit Court for Prince George's County
Case No. TPR-19-0013
Cross-Referenced with CINA-16-0076

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 0503

September Term, 2020

IN RE N.J.

Reed,
Wells,
Gould,

JJ.

Opinion by Gould, J.

Filed: January 13, 2021

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Appellants Miss J. (“Mother”) and L.H. (“Father”) appeal from the decision of the Circuit Court for Prince George’s County, sitting as a juvenile court, which granted the petition of the Prince George’s County Department of Social Services (the “Department”) for guardianship with the right to consent to the adoption of N.J., Mother and Father’s four-year-old daughter, and terminated their parental rights. Mother contends that the court erred in finding that: (1) the Department made reasonable efforts to provide her with services to assist her in reunifying with N.J.; and (2) exceptional circumstances existed that warranted termination of her parenting rights. Mother additionally argues that the court acted prematurely in terminating her rights before she, Mother, became an adult.

Father similarly contends that the court erred in finding that: (1) the Department made reasonable efforts to provide him with services to assist him in reunifying with N.J.; and (2) exceptional circumstances existed that warranted termination of his parenting rights.

Finding no error, we affirm.

FACTS AND PROCEDURAL BACKGROUND¹

N.J. was born on February 3, 2016. At that time, Mother was a 13-year-old who herself had been adjudicated as a child in need of assistance (“CINA”).² Father was 16

¹ Cases such as this are fact intensive, so we provide an extensive discussion of the testimony and reports that were before the juvenile court when it exercised its discretion in granting the Department’s petition.

² Md. Code Ann., Cts. & Jud. Proc. (“CJP”) § 3-801(f) (1974, 2013 Repl. Vol.) defines a CINA as:

years old when N.J. was born. At the hospital after giving birth, Mother contended that she had been sexually abused by Father. The following month, the circuit court issued a Peace Order Protection for Mother and N.J. against Father.

Before N.J. was born, Mother resided in a licensed therapeutic foster home.³ The Department determined that Mother needed a “more intensive foster care placement that foster[s] hands-on parenting training for young teen mothers” and placed Mother in a mother-baby program⁴ at St. Ann’s Center for Youth and Families (“St. Ann’s”) in Hyattsville.⁵ After N.J. was born, she returned with Mother to St. Ann’s. The staff at St. Ann’s provided “intensive parenting techniques, daily verbal and hands-on coaching instructions, and close supervision to assist with caring for” N.J., but Mother did not always accept this support.

. . . 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.

³ Mother became the subject of a CINA proceeding in December 2015, after her mother refused to provide food for her after learning that Mother was pregnant.

⁴ A mother-baby program “is where teenage mothers are placed in a program to help them learn to parent their child and ensure that their daily needs are met.”

⁵ A “‘private therapeutic group home’ means a small private group home . . . that provides residential child care, as well as access to a range of diagnostic and therapeutic mental health services, . . . for children and adolescents who are in need of such treatments.” Md. Code Ann. Health-Gen. (“HG”) § 10-920 (1982, 2019 Repl. Vol.). St. Ann’s was designed for parents with cognitive limitations.

At St. Ann’s, Mother had “challenges with everyday life experiences[,] following directives from persons of authority, getting along with her peers and participating in treatment to include caring for her daughter,” but eventually improved due to the intervention of her sister who also was at St. Ann’s. Mother was placed in the Alternative Learning Center: “a program that works with students with major behavioral problems in order to be promoted to the next grade.”

Although N.J. was born at a healthy weight and in good health, the Department became concerned that she was at risk for “failure to thrive.” In March 2016, when a Department caseworker visited Mother and N.J. at St. Ann’s, she noted that N.J. had a “flat affect” and was not alert. In addition, according to the Department, Mother often displayed:

impulsive mood swings, and inappropriate behaviors such as cursing and being disrespectful to staff and easily frustrated when caring for [N.J.] [Mother] has been observed yelling at the baby, and saying to her[,] “you are not supposed to be here[,]” “I don’t [like] you because you look like your father” and “I can’t stand him[.]” She does not get up to attend to her needs, carries [N.J.] in an unsafe way for a child her age (under her arm) and allows [N.J.] to cry for long periods of time. She is often talking on her cell phone or texting and not giving [N.J.] attention.

The Department came up with a safety plan for caring for N.J. that included having the staff care for N.J. overnight.

In March 2016, Mother appeared in court for an arraignment and later adjudication for charges of theft valued under \$1,000 that had occurred in October 2015. Her case was

placed on the Stet docket⁶ for one year and Mother was required to participate in a theft diversion program and complete 24 hours of community service.

While at St. Ann’s, Father was “communicating threats and allegedly being affiliated with [] an ‘organized gang,’ and [Mother] [was] not fully cooperating with recommended treatment or the safety plan established as a result of” Father. As a result, St. Ann’s asked the Department to remove Mother from their facility.

In April, the Department transferred Mother and N.J. to the Progressive Life Center (the “PLC”). The PLC was designed for parents with cognitive limitations. At the PLC, Mother was disrespectful, argumentative, and had behavioral issues at school. In addition, Mother showed “no interest or emotions in caring for” N.J. Mother was referred for counseling services, but she refused to participate in the intake procedure. At that time, N.J. was three months old. She appeared underweight and was not doing well; she did not react to stimulus and displayed a flat affect.

The Department became increasingly concerned about N.J. As a result, the Department removed N.J. from the PLC and initially transferred her to a temporary respite

⁶ Pursuant to Maryland Rule 4-248(a): “On motion of the State’s Attorney, the court may indefinitely postpone trial of a charge by marking the charge ‘stet’ on the docket.” “When a charge is stетted, the clerk shall take the action necessary to recall or revoke any outstanding warrant or detainer that could lead to the arrest or detention of the defendant because of the charge, unless the court orders that any warrant or detainer shall remain outstanding.” Md. Rule 4-248(b).

placement.⁷ Days later, the Department placed N.J. in shelter care⁸ with the H.’s, a foster family. At that time, N.J. was at least 25 percent under her developmental level, appeared pallid and quiet, was shaking, and seemed unsettled.

On May 20, 2016, upon a petition of the Department, the juvenile court authorized N.J.’s continued placement in shelter care and on December 16, 2016, declared N.J. to be a CINA.⁹ N.J.’s initial permanency plan was for reunification.

While N.J. was a CINA, Mother understood that, in order to achieve reunification, she needed to (1) address her mental health issues; (2) take care of her education; (3) remain in a housing/placement; (4) learn parenting skills; and (5) have consistent visits with N.J. Father understood that, in order to achieve reunification, he needed to work on (1) liberal and supervised visitation; (2) a psychological evaluation; (3) individual therapy; (4) medical assessment; and (5) education.

Because Mother did not follow directives at the PLC and to address her “intensifying instability” and mental health needs, on May 13, the Department moved

⁷ “Respite care” means “care that is made available for an individual with an intellectual disability in a State residential center to provide relief for the person with whom the individual ordinarily lives.” HG § 7-509(a).

⁸ ““Shelter care’ means a temporary placement of a child outside of the home at any time before disposition.” CJP § 3-801(bb).

⁹ The juvenile court conducts hearings every six months to review the status of a child under the jurisdiction of the Department. CJP § 3-816.2(a)(1). In this opinion, we are only referencing the CINA hearings that the parties referenced in their briefs and the joint appendix.

Mother to a 90-day treatment program for mental health issues at The Children’s Home, a diagnostic center in Catonsville.¹⁰ The Children’s Home recommended that Mother seek mental health services in the community and obtain referrals for parenting classes and therapeutic services, such as medication management, individual therapy, and anger management.

At The Children’s Home, Mother:

received ongoing services to address basic needs of health, nutrition, hygiene, school and recreational activities. In addition, [Mother] received ongoing therapeutic services including weekly individual and group therapy and case management. . . .

[Mother] has not consistently participated in programming. [Mother] struggles with verbal and physical aggression with her staff and peers. [Mother] has been in a few physical altercations since her placement to the Diagnostic Unit. At times [Mother] shows remorse for her behaviors; however, [Mother] needs to continue to work toward being consistent with utilizing her coping skills instead of becoming aggressive. [Mother] has also shown that she is capable of working on her attitude while interacting with staff appropriately.

Mother also began having weekly visits with N.J. As to N.J., Mother’s case manager/therapist stated:

. . . the treatment team is unable to offer a recommendation for placement in reference to [Mother] and her baby. However, it should be considered for [Mother] to have more frequent visitation with her baby with support. Since [Mother] has not been placed with her baby for close to three months, she should be referred for some parenting classes to strengthen her skill set; [Mother] would also benefit from some hands-on training. Once it is determined that it is an appropriate time for [Mother] and her baby to be reunited on a full-time basis, transitional visits should be considered. It is

¹⁰ Mother’s then caseworker and the PLC team thought that Mother needed a placement to help stabilize her out-of-control behavior, anger issues, and mental health decompensation issues.

very important that [Mother] be provided with support throughout the transition period and after placement. It should also be considered for her to be more actively involved in her child's treatment, (i.e. medical appointments). In addition, she would benefit from learning what to do when she becomes frustrated, since she has such a low frustration tolerance.

In 2016, Father had a few visits with N.J. The visits went well; Father was able to engage N.J. and sit and play with her. Father “was very excited to see [N.J.] . . . he was patient with her. He played with her. He showed her pictures. He was very concerned about [her]. He asked about how she's doing [at] daycare, how she was doing with the foster parents.”

In June 2016, Father was arrested and then released for a few months. In December he was detained again, and he was sentenced to a jail in 2017. Father remained incarcerated until November 2018. While incarcerated, Father had fewer than ten supervised telephone calls with N.J.

In connection with N.J.'s CINA hearing, the juvenile court identified services that Father needed, including visitation, psychological evaluations, individual counseling, education, and medication assessment. The Department spoke with Father about these services; Father stated that he was already receiving the services through the criminal system and that he was trying to enroll in a training program while incarcerated. Father admitted that he had anger management issues and also admitted that he had been seeing a therapist for years and remained connected to the therapist. As a result, the Department focused on providing Father with visitation and transportation.

In August 2016, after Mother left The Children's Home, the Department placed her in a family services mother-baby program home. N.J. could not be placed with Mother

because, consistent with the program’s protocol, Mother needed to first adjust to the placement. At the home, Mother’s foster parent described her behavior as “unacceptable” in that she “refus[ed] to take her medication, attend school, or participate in therapy[,]” and “ma[de] threats toward the foster parent.” After Mother went AWOL,¹¹ her foster mother insisted she be removed from the home.

In October 2016, the Department transferred Mother to Arrow Child & Families Ministries Diagnostic Program (“Arrow”), a 90-day diagnostic program in Baltimore.¹² After initial difficulty getting along with her peers, including two physical altercations, Mother attended school and support groups, including therapy, got along with her peers, and did her chores. Mother was referred to therapy, but she frequently missed her appointments.

Mother was also referred to Lead4Life¹³ for in-home parenting. The Department referred Mother to Family Tree to participate in a parenting program. Mother completed the program and received a certificate.

At that point, the Department started weekly visits with N.J. Mother’s caseworker observed Mother mishandle N.J. Mother refused direction as to how to care for N.J. and needed prompting about when and how much to feed N.J. and when to change her diaper.

¹¹ AWOL “is when a youth is out of the designated foster care placement.”

¹² The Department sought placement in a mother-baby program, but none were available.

¹³ Lead4Life provides programs “to empower individuals to develop positive life, social and competency skills, enabling them to become productive community members.” *About Us*, LEAD4LIFE, <https://www.lead4lifeinc.org/#about> (last visited Dec. 11, 2020).

Between October 2016 and December 2016, Mother was evaluated by the Arrow diagnostic center and diagnosed with post-traumatic stress disorder, major depressive disorder, and a learning disability.

Towards the end of her placement at Arrow, Mother showed signs of improvement and became more receptive to instructions. Arrow recommended that she continue her outpatient mental health services, individual anger management, medication monitoring, and parenting classes, resume her education, and continue to visit with N.J.

In January 2017, Mother left Arrow. Because no therapeutic foster home was available, the Department placed Mother in a regular foster home. That placement did not last long. Mother's foster mother asked that Mother be moved because she refused to attend school, allowed people into the house without permission, and refused to follow the recommendations for her mental health.

On January 19, the Department moved Mother to a therapeutic foster home licensed through Foundations for Home and Community in Upper Marlboro. Mother moved from that home because she needed a more hands-on and nurturing caregiver. At her next home, Mother was removed after she punched and broke a mirror and displayed self-harming behaviors, requiring hospitalization and an emergency psychiatric evaluation.

On May 25, the Department placed Mother at Marys Mount Manor Therapeutic Group Home in Harwood. There, she refused to meet with a psychiatrist and exhibited aggressive behavior toward the staff and other residents. She was involved in one altercation in which she received multiple stitches and was charged with assault and disorderly conduct. After that incident, the Department removed Mother from the home.

In June, the Department placed Mother at the MAGIC Unity Home for Girls (“MAGIC”) in Baltimore. At MAGIC, she was involved in physical altercations with other residents, including two times when the police were called, and she was charged with assault. In August, the Department removed Mother from MAGIC due to safety concerns. She was then placed in a series of respite homes.

In July, Mother was diagnosed by Greater Allegany Counseling with “Major Depressive Disorder, recurrent episode, Severe, With anxious distress, severity: severe.”

The evaluation further provided that:

- Mother was “an extremely unwilling participant” in the assessment;
- Mother believed “that she needs no help and doesn’t want any”;
- Mother was “reported by group home staff to be intimidating, threatening, and utterly disrespectful”;
- Mother “either refused or [was] highly resistant during therapy sessions and on one occasion simply got up and left the session ‘because she felt like it’”;
- Mother did not care what the Department “says regarding her treatment, therapy or family therapy”;
- Mother was “non-compliant with her medications according to her group home staff”;
- Mother was below grade level;
- Mother was “quite vocal about threatening the other residents if they don’t immediately follow her wishes.”

The psychotherapist who examined her concluded that Mother “require[d] intensive behavior modification and combined medication evaluation and management to even allow for any kind of therapeutic alliance to be established.” The psychotherapist further stated that Mother “is in no way ready or capable of caring for a toddler without intensive intervention occurring for her own behavior.”

In August, the Department placed Mother in a licensed foster home in Upper Marlboro; she should have been placed in a group home or residential treatment center, but she refused. The placement was considered temporary, contingent on Mother's educational performance and therapeutic progress. She remained at the home for eight months, and the Department moved her after she went AWOL and her foster mother asked that she be removed from the home because she was concerned that Mother needed a higher level of care.

Mother then went through a series of foster care placements, again moving because she would not comply with the program requirements and had physical altercations. The Department could not find a therapeutic program that was willing to accept Mother. During that time, Mother attended school. She, however, went AWOL and was also placed on a multi-day suspension for a bullying episode in which she was throwing chairs, desks, and supplies around the classroom. Her conduct, however, improved and she was permitted to return to school. Mother also participated in out-patient weekly therapy sessions and monthly psychiatric sessions.

In October 2017, Father was incarcerated in Texas and was anticipated to remain there through September 2018. He attended school and also received one-on-one special education. Father also participated in weekly therapy and weekly peer group substance abuse therapy.

Also in October, Mother attended The Pathways School, which provided the highest therapeutic setting for foster youth in the public school system. The school provided crisis

intervention, a smaller classroom setting, one-on-one interactions, and intensive individual therapy during school.

In advance of N.J.’s October 2017 CINA adjudicatory hearing, the Department reported to the juvenile court that N.J. was 19 months old and living with the H.’s in a “loving, caring and safe environment to ensure that [her] daily needs are met.” She attended daycare and was a happy and active girl, engaging with others, and her vocabulary and independence were improving. She had monthly supervised visits with Mother with the H.’s and weekly supervised visits at daycare. The visits were positive: Mother greeted her daughter with a big hug and kisses and modeled appropriate behavior.

The Department also updated the juvenile court on Mother and Father’s status and enumerated the reasonable efforts that it had made toward reunification, as follows:

- Scheduling monthly face-to-face visits with Mother to ensure her well-being;
- Maintaining N.J. in the foster home with the H.’s;
- Monitoring N.J.’s needs;
- Monitoring N.J.’s daycare placement;
- Monitoring N.J.’s routine medical, vision, and dental appointments;
- Providing transportation for N.J. to appear at court and at visits with Mother at daycare;
- Monitoring Mother’s foster care placement, mental health treatment, and educational placement;
- Monitoring Mother with the Department of Juvenile Services (“DJS”);
- Facilitating family visits with Mother’s family, including providing transportation; and
- Monitoring Father’s incarceration.

The Department recommended that everything remain status quo and that it continue to monitor N.J., Mother, and Father. The permanency plan remained for reunification, but the Department reported that insufficient progress was being made toward that goal.

In January 2018, Father was transferred to the District of Columbia Department of Correction. The Department was unable to locate any current information about Father because he used his mother's contact information as his own, and her phone number was inactive.

In April, the Department placed Mother in a therapeutic placement through WIN Family Services in Upper Marlboro. At this home, Mother went AWOL on two occasions, which resulted in a missing person's report filed each time. Mother also violated house rules and regulations and refused to attend school.

In advance of N.J.'s permanency plan hearing in May 2018, the Department reported that N.J. continued to thrive with the H.'s. The Department further reported that Mother had:

been inconsistent with visiting her daughter stating that she had activities to engage in with her friends. [Mother] also presents some cognitive deficits that would interfere with parenting to her daughter, [N.J.]. It is recommended that permanency goal be changed from reunification to adoption that would ensure stability for [N.J.].

The Department enumerated the reasonable efforts to facilitate reunification, including:

- Conducting face-to-face visits with N.J. to ensure her well-being;
- Providing transportation for Mother and Mother's mother to visit N.J.;
- Monitoring Mother's foster care placement, mental health treatment, and educational placement;
- Monitoring Mother's program with the DJS; and
- Monitoring Father's incarceration.

The Department recommended that:

- N.J. remain in the care and custody of the Department and continue her placement with the H.'s;

- N.J.’s permanency plan be changed from reunification to “custody and guardianship to non-relative/adoption to the” H.’s;
- The H.’s continue as the educational surrogate for Mother;
- Mother continue to participate in therapy, including medication regimen, parenting classes, DJS obligations, and follow all recommendations;
- Mother attend school and follow all guidelines;
- N.J. continue to have liberal and supervised visitation with Mother;
- Father complete his legal obligations during incarceration;
- Father reconnect with his supported services, including mental health services, including anger management, education and legal obligations;
- Father notify the Department of any change in address;
- Visitation with Father be supervised; and
- Visitation with Father’s mother continue.

In September, the Department learned that Mother was pregnant and due to deliver in January 2019.

In November, Father was released from jail and entered a halfway house. The Department had been unaware of Father’s release because it received information only from his mother or Mother.

On November 21, as a result of a phone conversation with her mother, Mother became upset and began banging on a microwave, denting it, and also broke a lamp in her bedroom. Police were called to de-escalate the situation. On November 26, Mother arrived at her foster home at 10 p.m. and was banging and kicking at the front door and making verbal threats to harm her foster parent. Again, the police were called. The police suggested that the foster parent file a protective order against Mother, which she did.

On November 28, Mother was removed from her placement at the request of her foster parent. The police picked up Mother from school and took her to the University of

Maryland Prince George’s Hospital Center, where she was placed in a 72-hour psychiatric hold. She was evaluated and then placed in a respite home.

On her first day at the respite home, Mother was dropped off at school but did not return home that night. The police were called, and a missing person’s report was filed. Mother returned to school the next day and was then transferred to a Hearts and Homes mother-baby therapeutic foster home in Waldorf. On December 6, Mother went AWOL, and again, the police were called, and a missing person’s report was filed. She returned to the home on December 11 and went AWOL again on December 22. Again, the police were called, and a missing person’s report was filed yet again. She returned home on December 27, the day before she was scheduled for a visit with N.J.¹⁴

During this time, Mother was referred to physical, dental, and vision examinations. She was provided with prenatal examinations but refused to attend many of these appointments. Mother received therapy. During this time, Mother continued to have supervised visits with N.J.

In December, the Department learned that Father had been released from prison, and offered Father supervised visits with N.J. Father called the Department on three occasions to tell them that he was in a halfway house and a drug treatment program, but he would not tell them the name of the program. He asked that N.J. be brought to him, but the Department could not bring N.J. to an undisclosed location and Father was not permitted to travel outside of D.C.

¹⁴ Mother would not have been able to visit with N.J. if she was AWOL.

On February 5, 2019, the Department learned that on January 21, Mother had given birth to a boy in Washington, D.C., and that she did not complete the registration for the baby and listed Father’s address as her address.¹⁵ The Department filed a missing person’s report with the National Center for Missing and Exploited Children because Mother was not responding to the attempts of the Department and her foster parent to contact her. On February 8, the Department scheduled a welfare check for Mother and her baby at her mother’s house, but the police who went to the house were told that Mother had taken the baby to the doctor.

Father had two visits with N.J. in early 2019. The Department reported that the visits went well, and that Father had also called N.J. on the telephone. At that time, Father was on probation. It was, however, reported to the Department that Father “continues to make bad decisions as it pertains to being in the company of negative peers. Recently, [he] was caught shoplifting with friends at a Virginia mall.”

Mother returned to her foster home on February 25 without her son. Mother refused to provide the names or addresses of the relatives with whom she claimed to have left the baby, even after the Department stated that they would have placed the baby with her.

Eventually, the baby was found and placed in foster care. Mother began attending school and making herself available for visits with the baby. The Department worked to arrange medical, education, and mental health services for Mother and her baby. In addition, the Department tried to resume Mother’s visits with N.J.

¹⁵ The status of that child is not at issue in this matter.

In February, the juvenile court held a permanency plan hearing and changed N.J.’s permanency plan from reunification to adoption by a non-relative. Both Mother and Father appealed that decision. *In re N.J.*, No. 213, Sept. Term 2019.¹⁶

In March, in advance of N.J.’s CINA adjudicatory hearing, the Department reported to the juvenile court that N.J. remained in the loving and caring environment of the H.’s.

The Department stated:

Since the beginning of [N.J.]’s experience in foster care on May 16, 2016, the [H.’s] ha[ve] been a consistent force for [N.J.]’s life, addressing her daily needs and providing stability for [N.J.] to grow and achieve her potential. [N.J.] adores her foster parents and she feels comfortable as this has been her only placement. The [H.’s continue] to express their great interest to be considered for Adoption of [N.J.].

[N.J.] is a happy and active little girl. She is always dressed appropriately and is well groomed. She is very responsive to her foster parents, the [H.’s]. At times, [N.J.] has tantrums and as a means of disciplinary actions she is placed in a time-out. [N.J.] continues to work on potty-training. [N.J.] appears to be on target with her growth and developmental milestones.

The Department also stated that it had informed Mother that N.J. was scheduled to be evaluated for bonding assessment with both the H.’s and Mother.¹⁷ Although Mother agreed to participate and multiple attempts were made to reach out to her, she did not make herself available for the bonding assessment.

¹⁶ On October 14, 2019, this Court stayed that appeal pending the outcome of this appeal.

¹⁷ The expert who performed the assessment found that N.J. was “strongly bonded” to both Mr. and Mrs. H.

The Department updated the juvenile court on Mother and Father’s status and stated its reasonable efforts to achieve reunification, including:

- Face-to-face visits with N.J. to ensure her well-being;
- Maintaining N.J. in the foster home and monitoring her care and her medical, dental, and vision examinations;
- Providing funding for N.J.’s daycare;
- Following-up with the bonding assessment for N.J.;
- Referring the H.’s for adoption counseling;
- Facilitating the H.’s as the educational surrogate for N.J. and Mother;
- Monitoring Mother’s involvement with DJS;
- Monitoring Father’s status and the recommended support services (education, mental health treatment, and employment);
- Providing transportation for visits; and
- Making efforts to connect with Father’s mother to inquire about her visitation and Father’s legal status.

The Department recommended that:

- N.J. remain in the care and custody of the Department;
- N.J.’s permanency plan be for adoption with the H.’s;
- Mother continue to participate in her therapy and medications;
- Mother attend school and follow school guidelines;
- N.J. continue to have visitation with Mother and Father until adoption is finalized;
- Father continue with his supportive services;
- Father report all changes of address to the Department; and
- N.J. continue to have visits with Father’s mother until adoption is finalized.

On June 3, the Department filed a petition for guardianship with right to consent to adoption (the “Petition”), seeking to terminate the parental rights of Mother and Father. In the Petition, the Department alleged that Mother and Father “abused or neglected” [N.J.]

and that it was in the best interest of N.J. to grant the motion. Initially, Mother, Father, and N.J. objected to the petition. Subsequently, N.J. withdrew her objection.¹⁸

Mother remained at her foster home until June 20. At that point, she refused placement in a therapeutic home and was placed in respite placements in June and July. She moved several times because she displayed “unacceptable behaviors,” including “not following house rules, not going to school, not participating in recommended mental services, being disrespectful, AWOL and refusal of placement.”

In July, the Department placed Mother at a Hearts and Homes Helen Smith Girls’ Home in Takoma Park. She remained there until September 6, after she went “AWOL.”

In September, in advance of N.J.’s termination of parental rights (“TPR”) hearing, the Department reported to the juvenile court that N.J. continued to do well with the H.’s and the Department “consider[ed] the [H.’s] an appropriate custody and guardianship resource for” her. The Department also updated the juvenile court on the status of Mother and Father, including that:

- Mother appeared to be in good health but did not participate in scheduled routine medical visits;
- Mother refused to participate in weekly mental health services provided by her group home and only participated in two sessions with her in-home therapist;
- Mother worked at the Prince George’s County Summer Youth Employment program sponsored by the Department during July and August, and that she enjoyed earning money;

¹⁸ N.J. filed a brief as an appellee in this appeal.

- Mother was assigned a mentor from the Youth Advocate Program (“YAP”)¹⁹ and that she liked her mentor;
- Mother continued to have some supervised visitation with N.J., but that the visits were inconsistent because of Mother’s frequent AWOL status;
- During the visits, Mother did not know how to engage her daughter and was “on her cell telephone in conversation, taking pictures and [N.J. was] playing by herself”;
- Mother “loves her daughter, but it appears that she continues to lack emotional stability and structure to appropriately parent her daughter[.]”
- Father did not have any visits when he was incarcerated, but after being transferred to a halfway house, he called the H.’s to speak with N.J.;
- Father contacted the Department to tell them that he was in a halfway house and a drug treatment program but would not tell them the name of the program. He asked that N.J. be brought to him, but the Department could not bring N.J. to an undisclosed location. Father was not permitted to travel outside of D.C.;
- Father asked the Department to bring N.J. to his mother’s house for a visit but the Department did not agree because the case worker “did not think it would be in the best interest of [N.J.] to bring her to an unfamiliar home and [expose] her to unfamiliar people”;
- The Department informed Father of an upcoming September 2019 court date for N.J.; and
- N.J. had no contact with Father’s mother.

The Department enumerated its reasonable efforts to facilitate adoption, including|:

- Maintaining the H.’s as the educational surrogate for N.J. and Mother;
- Facilitating visits between Mother and N.J.;
- Monitoring N.J.’s foster care placement, mental health treatment, and educational placement;
- Maintaining a professional relationship with Mother and Father;
- Providing transportation for Mother’s visits with N.J.;
- Monitoring Father’s legal status; and
- Maintaining a professional relationship with Father’s mother.

¹⁹ The YAP “provides services to high risk youth with a continuum of support services such as support in the home, school and community through [a] wraparound advocacy model.”

The Department recommended that:

- N.J. remain in the care and custody of the Department;
- The permanency plan continue to be adoption by the H.'s;
- The Department continue to be granted limited guardianship for medical, educational, and travel services until the adoption is finalized;
- The H.'s continue to be N.J. and Mother's educational surrogate;
- Mother continue to participate in her court-ordered tasks, therapeutic placement, mental health, and medication regimen, DJS obligations, and follow all recommendations;
- The Department continue to monitor Mother's DJS involvement;
- Mother attend school and follow all school guidelines;
- Mother continue to work on stabilizing her mental health by following all recommendations; and
- Mother and Father continue to have supervised visitation until adoption is finalized.

On October 29, Mother returned from being AWOL and the Department first placed her in a regular foster home,²⁰ and in November, placed her in a therapeutic foster home. Mother remained at this foster home during the guardianship proceedings. Mother was doing well there and becoming more self-sufficient. Mother, however, refused to attend school and was working full-time. According to Mother, she made plans to take the GED as she only completed school through the tenth grade. According to Mother's caseworker, Mother was adamant that she wanted to continue working and did not want to return to school. Mother also stated that she began to bond with N.J. and was better at following directions.

In January 2020, Father was incarcerated by the District of Columbia and sentenced to ten months' incarceration. He was due to be released in October 2020.

²⁰ Mother was placed in a regular foster home because the Department could not find a group home or therapeutic home that was willing to accept her.

On January 6, 7, 8, February 12, and March 3, 2020, the juvenile court conducted a TPR hearing.²¹ On March 3, the court orally granted the Petition and terminated Mother and Father’s parental rights and N.J.’s CINA case. A written order was signed on June 19.

In its written order, the juvenile court went through a very thorough analysis of Section 5-323(d) of the Family Law Article (“FL”) of the Annotated Code of Maryland (1984, 2019 Repl. Vol.), recognizing that its job was to determine by “clear and convincing evidence” whether to grant the guardianship petition by considering what was in the best interest of the child. The court observed and ruled, in relevant part:

That pursuant to Section 5-323 of the Family Law Article of the Maryland Annotated Code, the Court finds by clear and convincing evidence that **it is in the best interest** of the Respondent to terminate the parental rights of [Mother] and [Father].

That the Court gave primary consideration to the health and safety of the child, and finds that both the child’s health and safety is best served by the granting of the Petition and termination of parental rights, allowing the Respondent to be free for adoption.

That after considering all of the factors enumerated under Section 5-323(d) of the Family Law Article of Maryland Annotated Code, the Court finds by clear and convincing evidence:

Family Law Article, Section 5-323(d)(1)(i)

All services offered to the parent before the child’s placement, whether offered by a local department, another agency, or a professional:

Services were offered to the mother and the father prior to placement of the child. Those services were testified to by the Department’s Workers and contained in the Court Reports of both the child’s case and the Mother’s case. First looking at the Mother, prior to the child being placed the Mother and the child were placed in Mother-Baby

²¹ The Department was not aware of Father’s incarceration in the District of Columbia until the TPR hearing.

programs. Due to the Mother’s escalating behaviors and from concerns about her parenting and interactions with the child, the decision was made to place the Mother in a diagnostic placement and the child was placed into the Department’s care at that point. As to the Father, prior to the child’s placement he was either detained or receiving services through his criminal case in Washington, D.C.

Family Law Article, Section 5-323(d)(1)(ii)

The extent, nature, and timeliness of services offered by a local department to facilitate reunion of the child and parent:

The Court finds that the Department rendered services to facilitate reunion of the child and parents, particularly as to the Mother. Starting with the Father, because of his status of being incarcerated, then at times in half-way/transitional housing through his criminal case, then re-incarcerated, the Department had difficulty tracking his status and coordinating with his various workers who were providing services through his criminal case. It appeared he was receiving mental health services and other services through his criminal case, but the Department’s witness Ms. Rawley testified that there were difficulties communicating and coordinating with those providers and various workers. Turning to the Mother, the Court notes that this case is a little different in that you have the Mother who is also a CINA child and who, at the conclusion of the trial, was still a minor. While the Court feels that services could have been more intense, providing services were complicated by the Mother’s frequent running-away behavior (i.e. going “AWOL”) and her multiple placements. The Court does also find that there were services the Mother should have received as a CINA child herself, but that she did not because essentially one worker was thinking the other worker would be working on it. However, the Court recognizes that reasonable efforts had always been found in both the child’s case and in the Mother’s case. The Department did consistently refer the Mother for mental health services and the Mother did complete a parenting class based upon a referral made by the Department. Additionally, both the Department and the child’s foster parents regularly facilitated visitation between the Mother and the child when the Mother was available.

Family Law Article, Section 5-323(d)(1)(iii)

The extent to which a local department and parent have fulfilled their obligations under a social services agreement, if any:

The evidence shows, and there was no dispute, that there was no service agreements between the Department and either parent. As to the Father, the Department's witness Ms. Rawley testified that initially she tried to discuss services and enter into a service agreement with the Father, but the Father's mother intervened because the Father was a minor at the time and a service agreement was never produced. Similarly, the Mother indicated that she wanted to have her attorney review the Service Agreement. The Department did not receive the draft service agreement back from the Mother. The Department acknowledged that after the initial attempts were made, it did not go back and make further attempts to re-engage in obtaining a service agreement with either parent.

Family Law Article, Section 5-323(d)(2)(i)(1), (2), and (3)

The results of the parent's effort to adjust the parent's circumstances, condition, or conduct to make it in the child's best interests for the child to be returned to the parent's home, including: the extent to which the parent has maintained regular contact with: the child; the local department to which the child is committed; and if feasible, the child's caregiver:

That neither parent has been able to adjust their circumstances, conduct, or condition to make it in the best interest of the Respondent to return home. Initially the Mother maintained pretty regular contact with the Department, but at some point she would be away from her placement and the Department would lose contact. However, the Mother would still contact the child's foster parent to inquire as to how the child was doing and to coordinate a monthly visit with the child. Because of the Mother's frequent AWOL's and changes in placement she had not regularly participated in services because of her unavailability. There was a period of time where the Mother had been in a placement for several months and did receive mental health services, but over the course of this case and the course of the child's life sufficient progress was not made toward reunification during this time. The Father has been in and out of incarceration and he has had a few visits, but had not visited with the child regularly nor had he kept in regular contact with the Department or with the child's foster parent. Ms. Rawley testified that the Father had reportedly been

receiving services through his Washington, D.C. criminal case; but that she was not able to obtain information as to the nature and extent of these services.

Family Law Article, Section 5-323(d)(2)(ii)

The parent's contribution to a reasonable part of the child's care and support, if the parent is financially able to do so:

That the Court finds that both parents at some point provided some contribution, mostly in the form of gifts to the child, but because of the parents young ages and circumstances they were not reasonably able to contribute on a regular or sustained basis.

Family Law Article, Section 5-323(d)(2)(iii)

The existence of a parental disability that makes the parent consistently unable to care for the child's immediate and ongoing physical or psychological needs for long periods of time:

That there was no testimony that either the Mother or the Father suffered from a disability such that it would make them consistently unable to care for the child's immediate and ongoing physical or psychological needs for long periods of time. There were examples of poor behavior and non-compliance by the Mother, but nothing that supports an affirmative finding as to this factor.

Family Law Article, Section 5-323(d)(2)(iv)

Whether additional services would be likely to bring about a lasting parental adjustment so that the child could be returned to the parent within an ascertainable time not to exceed 18 months from the date of placement unless the juvenile court makes a specific finding that it is in the child's best interests to extend the time for a specified period:

That additional services would **not** be likely to bring about a lasting parental adjustment so that the child could be returned to the Mother or the Father within an ascertainable time. The Respondent has been in the care and custody of the Department for almost **four** years (the child has been in care for approximately 46 months). It is clearly beyond the 18 months from the time of placement. It is also well beyond [the] federal and statutory timeframe[s] wherein if a child is in care for fifteen of the past twenty-two months the Court is required

to change the child’s plan to Adoption unless there are compelling reasons not to do so. There are not compelling factors to do so, and the Court finds that additional services would **not** bring about lasting change nor would it put either parent in a position to bring about reunification of the child. While the Court notes that the Mother has shown improvement recently, it is not enough to convince the Court that any further extension of time would bring about lasting change toward reunification with the child. And the Court further finds that because of the Father’s periods of incarceration he failed to adjust his behaviors to bring about lasting change to allow for reunification in the imminent or foreseeable future.

Family Law Article, Section 5-323(d)(3)(i)

Whether the parent has abused or neglected the child or a minor and the seriousness of the abuse or neglect:

That there was no evidence presented indicating that either the Mother or the Father abused the child or a minor child. The Court also finds that there is no per se testimony of neglect; but given the Mother’s inability to maintain a placement, her frequent AWOL’s, and her inconsistency with services, and given the Father’s involvement in his Washington, D.C. criminal case and incarcerations resultant therein, neither parent was in a position or had the ability to care for the child which led to the child coming into foster care.

* * *

Family Law Article, Section 5-323(d)(4)(i)

The child's emotional ties with and feelings toward the child's parents, the child's siblings, and others who may affect the child's best interests significantly:

That the Court finds there [are] really no emotional or physical ties to the Father who has seen the child maybe seven times or so over the course of the child’s almost four years in care. And most of the times when the Father had visits with the child, it was at the beginning of the case. Testimony by the Department’s worker Ms. Rawley did indicate that the visits between the Father and the child did go well. However, his incarceration and involvement with his Washington, D.C. criminal case limited his availability to meaningfully participate in regular visitation. As to the Mother, the Court finds that the

Respondent certainly knows the Mother and that at times there have been consistent visitation between the Mother and the child. However, there have also been times when the visits have been very inconsistent. There just has not been enough consistency for a significant bond to form between the child and her Mother. No evidence was offered as to any relationship the child has with her sibling.

Family Law Article, Section 5-323(d)(4)(ii)1, 2, 3, and 4

The child's adjustment [to] community; home; placement; and school:

That the evidence presented, primarily through the testimony of the foster parents and the Department's worker Ms. Rawley shows that the Respondent is well adjusted to her community, home, placement, and daycare/school. The child has been with her foster and pre-adoptive resource parents [the H.'s] for almost the entire time the child has been in care, which is almost the entirety of the child's life. Both Mr. and Mrs. [H.] testified about their and the child's significant involvement in church, community, school activities and with extended family members; and this Court finds the child to be well adjusted to her community, home, placement, and school while with Mr. and Mrs. [H.].

Family Law Article, Section 5-323(d)(4)(iii)

The child's feelings about severance of the parent-child relationship:

That the child's feelings about severance of the parent-child relationship can be inferred through her counsel's position and argument for termination of parental rights as well as through the evidence and testimony of witnesses. The child just turned four years old and has been with her foster parents, who are an adoptive resource, since she was only two months old. She calls Mr. [H.] and Mrs. [H.] "Mommy" and "Daddy." While the child has had some contact with the Father and more frequent and regular contact with the Mother, all visits have been supervised and there is scant evidence that either parent was ever seen by the child to be in a parental role. The evidence suggests and supports that the child sees Mr. and Mrs. [H.] as in the parental role. It would be in the best interest of the child to sever parental rights.

Family Law Article, Section 5-323(d)(4)(iv)

The likely impact of terminating parental rights on the child's well-being:

That the likely impact of terminating parental rights on the child's well-being would overwhelmingly be positive. Testimony and evidence clearly indicate that the Father has had a minor role in the child's life due to his incarceration and participation in housing and services related to his Washington, D.C. criminal case. The Father was not even present for the trial in this matter due to his incarceration. And as to the Mother, despite services either offered, provided and participated in by the Mother, the Mother has not been able to put herself in a position to appropriately care for the Respondent, or to even move beyond supervised visitation.

That the following efforts were made, following the placement of the child into foster care, to finalize the child's permanency plan: The Court takes Judicial Notice of the prior reasonable effort findings of the Court prior permanency planning and review hearings in CINA-16-0076 hearings when the plan was reunification. The Court also takes Judicial Notice of the prior reasonable effort[] findings made by the Court at the permanency planning and review hearings in CINA-16-0076 once the plan was changed to termination of parental rights and adoption. The Court further takes Judicial Notice of the reasonable effort findings by the Court in the Mother's case, CINA-15-0187, both when the Mother's plan was reunification with her mother and then subsequently changed to Another Planned Permanent Living Arrangement. The Court further finds that the Department has exerted reasonable efforts to finalize the permanency plan of adoption by filing a petition for guardianship and prosecuting the petition for guardianship. That the efforts by the Department were reasonable because they allowed the Respondent to remain in a placement where she is safe and well-cared for, the Department offered and monitored services for the [M]other in attempts toward reunification, and the Department attempted to coordinate with the Father's service providers through his Washington, D.C. criminal case.

In conclusion, the court observed:

Looking first at parental unfitness, the Court struggled because on the one hand it is not saying that the parents are fit, but on the other hand it does not feel it can say they are unfit either. The Court queries, particularly as to

the Mother, that what child is fit at age fourteen, when she had the child, to parent a child. Even now the Mother is only seventeen years old. The Court finds that both parents were unprepared, under-prepared, and just did not have the tools to be in a parenting capacity. As to a finding of extraordinary circumstances, having considered all the foregoing factual determinations the Court finds by **clear and convincing evidence** that the facts demonstrate **extraordinary circumstances** such that it is in the child’s best interest for the Mother and the Father’s parental rights to be severed. The Court finds that such circumstances include the child being placed with Mr. and Mrs. [H.] for almost the entirety of her four year life; and that it would be extremely detrimental and utterly traumatizing for the child to be separated from Mr. and Mrs. [H.]. Neither parent has made sufficient progress in the almost four years that the child has been in care to be in a position to have the child reunified with either of them. The child needs the permanency that can be found through adoption by [the H.’s].

Mother and Father timely appealed.

DISCUSSION

I.

STANDARD OF REVIEW

We review a juvenile court’s termination of parental rights “simultaneously apply[ing] three different levels of review.” *In re Shirley B.*, 419 Md. 1, 18 (2011). We review the juvenile court’s factual findings under a clearly erroneous standard, but we give no deference to the court’s conclusions of law. *In re Adoption/Guardianship of Amber R.*, 417 Md. 701, 708 (2011). We do not disturb the court’s ultimate conclusion unless “there has been a clear abuse of discretion.” *In re Adoption/Guardianship of Ta’Niya C.*, 417 Md. 90, 100 (2010) (quoting *In re Adoption/Guardianship of Victor A.*, 386 Md. 288, 297 (2005)).

II.

PARENTAL RIGHTS

Parents have a “fundamental and constitutional right to raise their children.” *In re Karl H.*, 394 Md. 402, 414 (2006); *see also In re Adoption/Guardianship of Rashawn H.*, 402 Md. 477, 495 (2007). That right creates a presumption “that it is in the best interest of children to remain in the care and custody of their parents.” *Rashawn H.*, 402 Md. at 495. The juvenile court must therefore balance “a parent’s right to custody of his or her children . . . ‘against the fundamental right and responsibility of the State to protect children, who cannot protect themselves, from abuse and neglect.’” *Amber R.*, 417 Md. at 709 (quoting *Rashawn H.*, 402 Md. at 497).

Notwithstanding the presumption in favor of the parent, “the right of a parent to make decisions regarding the care, custody, and control of their children may be taken away where (1) the parent is deemed unfit, or extraordinary circumstances exist that would make a continued relationship between parent and child detrimental to the child, and (2) the child’s best interests would be served by ending the parental relationship.” *In re Adoption/Guardianship of Jasmine D.*, 217 Md. App. 718, 734 (2014). While it is true that a permanency plan is “designed to expedite the movement of Maryland’s children from foster care to a permanent living, and hopefully, family arrangement[,]” reunification with the parent is not always the appropriate or only goal. *See In re Damon M.*, 362 Md. 429, 436 (2001).

Section 5-323(b) of the Family Law Article provides:

If, after consideration of factors as required in this section,^[22] a juvenile court finds by clear and convincing evidence that a parent is unfit to remain in a parental relationship with the child or that exceptional circumstances exist that would make a continuation of the parental relationship detrimental to the best interests of the child such that terminating the rights of the parent is in a child’s best interests, the juvenile court may grant guardianship of the child without consent otherwise required under this subtitle and over the child’s objection.

Here, the juvenile court’s application and assessment of each of these factors was firmly grounded in the evidence, properly considering the best interests of N.J. There is ample evidence supporting the court’s decision to grant the Department’s guardianship petition and terminate her parental relationships with Mother and Father.

III.

REASONABLE EFFORTS ON BEHALF OF MOTHER AND FATHER

Maryland law requires that that the Department make “reasonable efforts . . . to preserve and reunify families[.]” FL § 5-525(e)(1).²³ As stated by the Court of Appeals:

a reasonable level of those services, designed to address both the root causes and the effect of the problem, must be offered—educational services,

²² The factors are listed in FL § 5-323(d), and the juvenile court considered these factors when it made its decision.

²³ FL § 5-525(e)(1) provides:

Unless a court orders that reasonable efforts are not required under § 3-812 of the Courts Article or § 5-323 of this title, reasonable efforts shall be made to preserve and reunify families:

- (i) prior to the placement of a child in an out-of-home placement, to prevent or eliminate the need for removing the child from the child’s home; and
- (ii) to make it possible for a child to safely return to the child’s home.

vocational training, assistance in finding suitable housing and employment, teaching basic parental and daily living skills, therapy to deal with illnesses, disorders, addictions, and other disabilities suffered by the parent or the child, counseling designed to restore or strengthen bonding between parent and child, as relevant.

Rashawn H., 402 Md. at 500. In addition,

[t]he court is required to consider the timeliness, nature, and extent of the services offered by [the Department] or other support agencies, the social service agreements between [the Department] 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.

Id.

The Department’s obligation to the parents, however, is not limitless. “In determining the reasonable efforts to be made and in making the reasonable efforts . . . *the child’s safety and health shall be the primary concern.*” FL § 5-525(e)(2) (emphasis added).

A.

THE DEPARTMENT’S REASONABLE EFFORTS FOR MOTHER

Citing to *Rashawn H.*, 402 Md. at 500, Mother enumerates the services that the Department should offer parents: “educational services, vocational training, assistance in finding suitable housing and employment, teaching basic parental and daily living skills, therapy to deal with illnesses, disorders, addictions, and other disabilities suffered by the parent or the child, counseling designed to restore or strengthen bonding between parent and child, as relevant.”

The record reflects that during the almost four years that N.J. was a CINA, these services were provided to Mother:

- Educational Services – The Department monitored Mother’s attendance at school, however, Mother had behavior issues at school, often failed to attend school, and eventually dropped out after tenth grade. In October 2017, the Department also sent Mother to the highest therapeutic setting for foster youth in the public school system;
- Vocational Training/Employment – Mother attended Prince George’s County Summer Youth Employment program. Otherwise, Mother, a minor, was a full-time student until she dropped out;
- Assistance in Finding Suitable Housing – As a CINA, the Department placed Mother in a multitude of therapeutic, diagnostic, respite, and foster homes. Her frequent moves resulted from her failure to abide by rules, her physical altercations with other residents, her threats to foster parents, and that she went AWOL;
- Teaching Basic Parenting and Daily Living Skills – The Department initially placed Mother and N.J. in a mother-baby program. The Department also sent Mother to a parenting class that she completed, referred her for in-home parenting and parenting classes, and routinely instructed her on parenting skills during her visits with N.J.;
- Therapy to Deal with Illnesses, Disorders, Addictions, and Other Disabilities – The Department made several referrals to mental health care for Mother; however, she was inconsistent and did not follow the recommendations of mental health service providers. Mother attended weekly therapy and monthly sessions with a psychiatrist. She was diagnosed with major depressive disorder and was on a medication regimen; and
- Counseling Designed to Restore or Strengthen Bonding between Parent and Child – The Department facilitated Mother’s weekly visits with N.J. She was scheduled for a bonding assessment but did not participate.

The juvenile court carefully reviewed these actions and determined that the Department had made reasonable efforts to provide Mother with the services she needed.

We agree.

In support of her argument that the Department did not make a reasonable effort to provide services to her, Mother argues that her placements were inadequate. She contends that she was recommended to The Children’s Home even though that required N.J. to be removed from her; that she was not placed in a mother-baby home after she left The Children’s Home “even though the diagnostic center recommended hands-on parenting,” and that she was not placed in a “therapeutic placement that would offer her mentoring and support,” and instead was placed in “a disastrous series of group homes, respite placements, and inappropriate regular foster placements followed.”

In making this argument, Mother cherry-picks some facts while ignoring others. While it is correct that Mother was placed in The Children’s Home without N.J., she was placed there because she did not follow directives at the PLC, her prior placement, and because the Department felt that placement at The Children’s Home was necessary to address her “intensifying instability” and mental health needs.

The Department initially placed her with N.J. in homes that offered parenting assistance. N.J. was removed from Mother only after the Department had serious concerns about N.J.’s health. As N.J. points out in her brief, had Mother been responsive to her needs, N.J. would not have been placed in foster care. Mother’s first caseworker stated that she did not believe it was appropriate to place N.J. with Mother in a mother-baby program because she did not believe Mother was sufficiently stable, given her AWOLs and the fact that she was not following her mental health requirements.

Further, contrary to Mother’s assertion, when Mother left The Children’s Home, Mother’s case manager/therapist did not recommend N.J. be placed with her, but that

Mother should instead have frequent visits with N.J. Finally, Mother was frequently moved because she continuously refused to follow orders, went AWOL, threatened her foster parents, and had physically fought with other residents of the home. Again, contrary to Mother's claims, Mother was placed at multiple different therapeutic homes. In August 2017, the Department could not get a therapeutic placement that was willing to accept Mother and in June 2019, Mother refused to be placed in a therapeutic home.

Mother contends that the Department's efforts were insufficient because it allowed the same caseworker to work on behalf of both Mother and N.J., implying that her first caseworker was removed because she had a conflict of interest. To the contrary, Mother's first caseworker testified that a new caseworker was assigned, not because of a conflict of interest, but because of her large caseload. In any event, the new caseworker was assigned around February 2017, and N.J. remained a CINA for approximately two more years.

Mother also attempts to create the impression that her second caseworker was not invested in her case. Mother claims that the caseworker was ignorant of Arrow's recommendations regarding Mother's history of trauma and how therapy and parenting training would have helped her. Mother also claims that the caseworker did not recall referring Mother to parenting classes or remember Mother's visits that the caseworker had supervised. Individually or collectively, these allegations do not diminish the Department's efforts made on Mother's behalf that are reflected in the record. Further, as Mother's first caseworker testified, "[t]here were no agencies that targeted trauma focus other than on the mental health side and that was included in the recommendation." In addition, although Mother's second caseworker's recollection of particular visits needed to

be refreshed with her notes, her testimony reflected an impressive understanding about and knowledge of Mother’s case, Mother’s placements, the services provided on her behalf, and Mother’s behavior at the various homes.

Mother further complains that the Department caseworkers “seemed to view [their] role as one to help N.J., not [Mother]” and baldly claims that it was not a priority for N.J. to be placed with Mother. If true, those decisions were consistent with N.J.’s best interests. *See Rashawn H.*, 402 Md. at 500; FL § 5-525(e)(2).

Mother also faults the Department for the occasions when a requested placement was not available. The Department’s obligation to provide services is not unlimited. *See Rashawn H.*, 402 Md. at 500-01. “[T]he State’s ability to provide adequate services is constrained by its staff and dollar limitations[;] therefore, the State must put forth reasonable efforts **given its available staff and financial resources** to maintain the legal bond between parent and child.” *Shirley B.*, 419 Md. at 26 (quotation omitted). We are satisfied from this record that the Department did just that.

Mother baldly claims that the Department “was armed with information regarding specific services to assist [Mother], which accounted for her cognitive limitations and young age, [and the Department] did not offer services to [Mother] that employed these recommendations,” but fails to state what should have been done that was not done on her behalf. Mother claims that the Department “did not allow [Mother] to take part in N.J.’s infants and toddlers evaluation[,]” but fails to cite to the record or provide any support for her assertion.

Mother faults the Department for failing to make referrals for hands-on parenting training and trauma-informed parenting training, not assisting Mother in attending N.J.’s medical appointments, and not providing sufficient psychiatric or psychological evaluations and therapeutic placements. As we stated above, the record reflects that the Department provided parenting assistance to Mother as well as regular and consistent therapy, at least one evaluation, and multiple therapeutic placements.

The Department did not, as Mother argues, leave her “adrift without her child and without any assistance for how to get her child back” and does not bear the responsibility for the court’s conclusion that Mother is “unprepared, under-prepared, and without sufficient tools to parent her child[.]” Rather, the Department provided multiple services to Mother and attempted to provide more, but they were stymied by the Mother’s actions. The difficulties caused by the Mother are not attributable to the Department. *See In re Adoption/Guardianship of K’Amora K.*, 218 Md. App. 287, 307 (2014) (“[A] parent’s actions and failures to act both can bear on . . . the question of whether continuing the parent-child relationship serves the child’s best interests.”).

The juvenile court did acknowledge that “services could have been more intense,” and that “there were services the Mother should have received as a CINA child herself, but that she did not because essentially one worker was thinking the other worker would be working on it.” Contrary to Mother’s claims, however, the court did not “struggle[] with [this] factor” or “rel[y] on equivocation to avoid sanctioning the department.” Rather, the court appropriately blamed the problem in providing services to Mother on Mother, not the

Department. As stated by the court, “providing services were complicated by the Mother’s frequent running-away behavior (i.e. going ‘AWOL’) and multiple placements.”

As the Court of Appeals has stated,

The State is not obliged to find employment for the parent, to find and pay for permanent and suitable housing for the family, to bring the parent out of poverty, or to cure or ameliorate any disability that prevents the parent from being able to care for the child. It must provide reasonable assistance in helping the parent to achieve those goals, but its duty to protect the health and safety of the child is not lessened and cannot be cast aside if the parent, despite that assistance, remains unable or unwilling to provide appropriate care.

Rashawn H., 402 Md. at 500-01. Here, unlike *In re Adoption/Guardianship Nos. J9610436 and J9711031*, 368 Md. 666 (2002), cited by Mother, the record reflects that the Department specifically tailored its efforts to meet Mother’s needs and that the Department made a reasonable effort to provide services for her that were geared toward reunification.²⁴

B.

THE DEPARTMENT’S REASONABLE EFFORTS FOR FATHER

Father claims the Department failed to provide reasonable efforts to help him to achieve reunification. Citing to *In re Adoption/Guardianship Nos. CAA92-10852 & CAA92-10853*, 103 Md. App. 1 (1994), Father argues that the Department: (1) “made little attempt to contact [him] directly”; (2) “did not directly provide any services or make real inquiry into the status of any services [he] was receiving from other providers through Parole and Probation”; and (3) insufficiently monitored his case. Father also argues that

²⁴ The juvenile court stated that Mother completed a parenting class and received mental health services as well as visitation with N.J. The record reflects that she received more services than those the court mentioned.

he received no services between November 2018 and November 2019 when he was not in prison; and that he only visited with N.J. when he asked the Department to set it up.

Father's recitation of the facts is self-servingly selective. In contrast to *Adoption/Guardianship Nos. CAA92-10852 & CAA92-10853*, 103 Md. App. at 16-17, where the Department did not have contact with the father, made no attempt to locate him, and did not offer any services to him, the record here shows that the Department arranged for visitation with N.J. with Father when he was not incarcerated and monitored the services he was receiving while incarcerated to make sure he was receiving necessary services.

When N.J. was first placed in the case of the Department, the Department explored whether Father and his mother could care for N.J., but Father's mother explained that she was not in a position to care for N.J. Before he was incarcerated, Father had two visits with N.J. When he was incarcerated, he had fewer than ten supervised telephone calls with N.J.

When Father was in prison, the Department spoke with him about receiving court-ordered services, a psychological evaluation, and following recommendations for counseling, medication, and education, but he stated that he was already receiving some services through the criminal system and that he was trying to enroll in a training program. As a result, the Department focused on visitation and transportation. While incarcerated, he attended school, received one-on-one special education, and participated in weekly individual therapy and peer group substance abuse therapy.

At times, the Department had difficulty contacting Father when he was incarcerated because he moved often²⁵ and because he did not always consent to the Department contacting the criminal authorities to learn the progress of his criminal cases.²⁶ But the Department contacted Father’s mother and caseworkers in the prisons where he was located, including Texas and D.C. After Father was transferred to the District of Columbia Department of Correction, the Department was unable to obtain any current information about Father because he used his mother’s inactive telephone number as his contact number.

When Father was moved to a halfway house in D.C., he called the Department on three occasions and told them that he was in a drug treatment program, but would not tell them the name of the program. He asked that N.J. be brought to him, but the Department was not permitted to bring N.J. to an undisclosed location and Father was not permitted to travel outside of D.C. or to tell the Department the address of his halfway house. Father asked the Department to bring N.J. to his mother’s house for a visit but the Department did not agree because the case worker “did not think it would be in the best interest of [N.J.] to bring her to an unfamiliar home and [expose] her to unfamiliar people.”

In December 2018, the Department offered Father supervised visits with N.J. He had two visits in early 2019 and also spoke with her over the telephone. The Department

²⁵ According to the Department’s caseworker, Father was initially in D.C., then was transferred to Virginia, then D.C., then Texas, then to New Jersey, and then back to D.C.

²⁶ Father consented in 2016, but not in 2018. A consent is good for one year.

provided transportation for the visits and also provided visits and transportation for Father’s mother.

All told, we are satisfied that the record supports the juvenile court’s conclusion that the Department made a reasonable effort to provide services for Father that were geared toward reunification.

C.

OTHER CONSIDERATIONS

As N.J. points out in her brief, the amount of reasonable efforts made on Mother’s and Father’s behalf are not the only criteria that a court considers at a TPR hearing. Thus, even if we were to conclude that the Department did not make reasonable efforts on Mother’s and Father’s behalf, we would still affirm the juvenile court’s decision, because the totality of the factors indicate that the court did not abuse its discretion when it granted the Department’s Petition and terminated Mother’s and Father’s parental rights. *See* FL § 5-323(d).

III.

EXCEPTIONAL CIRCUMSTANCES

Both Mother and Father contend that no exceptional circumstances existed that warranted terminating their parental rights. Again, we disagree.

Courts examine the factors set out in FL § 5-323(d) to determine if termination of the parents’ rights is in the child’s best interest and to determine whether “exceptional circumstances” exist. *In re Adoption/Guardianship of C.E.*, 464 Md. 26, 50 (2019). In addition to these factors, “courts may consider ‘such parental characteristics as age,

stability, and the capacity and interest of a parent to provide for the emotional, social, moral, material, and educational needs of the child” *Ta’Niya C.*, 417 Md. at 104 n.11 (citation omitted). Other relevant criteria include:

the length of time that the child has been with [her] 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.

In re Adoption/Guardianship of H.W., 460 Md. 201, 221-22 (2018) (quotation omitted).

Here, the juvenile court carefully examined the statutory factors as well as the other relevant factors and concluded that:

the facts demonstrate **extraordinary circumstances** such that it is in the child’s best interest for the Mother and the Father’s parental rights to be severed. The Court finds that such circumstances include the child being placed with Mr. and Mrs. [H.] for almost the entirety of her four year life; and that it would be extremely detrimental and utterly traumatizing for the child to be separated from Mr. and Mrs. [H.]. Neither parent has made sufficient progress in the almost four years that the child has been in care to be in a position to have the child reunified with either of them. The child needs the permanency that can be found through adoption by [the H.’s].

According to Mother, she was never afforded the presumption that she was a fit parent and that it was in N.J.’s best interest to be placed with her. Mother further contends that neither the length of time spent in the foster home nor her age can be the sole determining factor in the court’s decision. Additionally, Mother contends that the length of time that N.J. spent in foster care was not the product of her “inattention or unwillingness

to be a mother.” Finally, Mother contends that there was no evidence to support the court’s conclusion that moving N.J. from the H.’s would be detrimental to her.

Similarly, Father argues the court improperly focused on N.J.’s bond with the H.’s and the length of time she spent with them and reiterates his claim that the Department did not do enough to provide services for him. Father additionally contends that he should have had the opportunity to work towards reunification, that there was no evidence that a continued relationship with N.J. would have been detrimental to her, and that the court failed to consider returning N.J. to her parents.

Here, unlike in *In re Adoption/Guardianship of Alonza D., Jr.*, 412 Md. 442, 467 (2010), cited by both Mother and Father, the juvenile court did not conclude that exceptional circumstances based on only the length of time N.J. spent with the H.’s, her bond with the H.’s, or Mother’s age. Rather, the juvenile looked at the totality of the circumstances. Specifically, the court considered that N.J. had been with the H.’s since she was three months old; N.J. and the H.’s had a very strong bond; Mother gave birth to N.J. when she was only 13; and at the time of the TPR hearing, Mother was only 17 years old. The court also considered that in the nearly four years that N.J. had been under the jurisdiction of the Department, neither Mother nor Father made any progress toward creating a stable environment that would serve N.J.’s best interests. Further, the court was correct in considering N.J.’s emotional ties to the H.’s. *See In re Adoption/Guardianship of Jayden G.*, 433 Md. 50, 102 (2013) (“the juvenile court was required to consider [the child’s] emotional attachment to his foster parents and the impact terminating parental rights would likely have on his well-being”).

N.J. was initially placed with Mother and was removed only after Mother demonstrated that she could not properly care for N.J. By then the Department reasonably became concerned about N.J.’s welfare. Mother then moved from home to home because she would not comply with the protocols and requirements, went AWOL, and got into physical altercations. Mother also did not participate in the bonding assessment. At the time of the juvenile court’s decision, when Mother telephoned N.J., N.J. needed encouragement to speak with her. When Mother visited N.J., Mother did not know how to engage with her and was “on her cell telephone in conversation, taking pictures and [N.J. was] playing by herself.” After the visits, sometimes N.J. was happy, but sometimes she sat alone for 30 minutes afterwards without explanation.

As to Father, Mother accused him of sexual abuse when she was at the hospital giving birth to N.J. Later, she contended that he was threatening her and that he was affiliated with a gang. The record reflects that, he spent the majority of N.J.’s life in prison. When he was not in prison, the record shows that Father “continue[d] to make bad decisions as it pertain[ed] to being in the company of negative peers” and that he “was caught shoplifting with friends at a Virginia mall.” We are satisfied that the record amply reflects that neither Mother nor Father could provide an appropriate environment for N.J.

Based on the totality of the circumstances shown by the extensive record in this case, we conclude that the juvenile court did not abuse its discretion in finding that exceptional circumstances existed to terminate Mother’s and Father’s parental rights.

IV.

MOTHER AND FATHER’S REQUESTS FOR MORE TIME

Citing no supporting case law, Mother argues that since she was still a minor at the time of the TPR, the court:

should have found that [Mother] had made efforts to adjust and significant progress given her young age when her child came into the department’s custody. It was reasonable to believe [Mother], as she grew older, and with proper targeted services in place, was on the path to correcting any issues related to her parenting.

In support of her argument, Mother again incorrectly blames the Department for allegedly failing to provide sufficient services on her behalf or find appropriate placements for her, failing to acknowledge that she moved often because of her actions and that she, in fact, was placed in multiple therapeutic homes.²⁷ She contends that she has been making progress recently and that the court erred in not allowing her more time. Similarly, Father claims that no testimony was offered that indicated that it would be contrary to N.J.’s best interests *in time* to reunite her with Father. (Emphasis added).

As the Court of Appeals has stated:

A critical factor in determining what is in the best interest of a child is the desire for permanency in the child’s life. Permanency for children means having constant, loving parents, knowing that their home will always be their home; that their brothers and sisters will always be near; and that their neighborhoods and schools are familiar places.

Jayden G., 433 Md. at 82-83 (cleaned up).

²⁷ When discussing those placements that she felt were appropriate, she contends that there, she was “less frequently on AWOL status[.]” acknowledging that she still failed to do what she needed to do.

The juvenile court’s decision terminating Mother and Father’s parental rights to allow N.J. to be adopted by the H.’s was a decision made in N.J.’s best interest to allow her to continue to live in a safe and nurturing environment. She had already been in limbo for four years; she deserves stability. Mother may indeed continue to improve and eventually be at the point where she could effectively care for N.J., and we hope she does. As N.J.’s caseworker testified, Mother’s parenting and bonding with N.J. has improved, but “not enough to alter the plan.” She still needs to be redirected and is still not stable. For his part, Father only recently was released from prison, and there was no evidence to suggest that he would be ready to be reunited with N.J. in the foreseeable future.

Simply put, it is not in N.J.’s best interest to wait and see if Mother and Father progress to the point where they could provide a safe and stable home for N.J. We have no basis to question the juvenile court’s finding that it would be “extremely detrimental and utterly traumatizing for the child to be separated from Mr. and Mrs. [H.]” at this time. *See K’Amora K.*, 218 Md. App. at 311 (quoting *Alonza D.*, 412 Md. at 469-70 (Harrell, J., dissenting) (“A child is entitled to whatever stability in a loving and supportive familial environment that society can muster when parents are unwilling to provide it. [Mother’s] creation of the opportunity for such an environment to unfold as it has, allowing the vacuum to continue for eight years, but desiring to unsettle what has been established or leave its continuation in doubt, cannot be tolerated or allowed.”)).

For all of the reasons stated above, we hold that the juvenile court did not abuse its discretion in granting the Department’s Petition.

**JUDGMENT OF THE CIRCUIT COURT
FOR PRINCE GEORGE’S COUNTY
AFFIRMED; COSTS TO BE EQUALLY
SPLIT BETWEEN APPELLANTS.**