

Circuit Court for Baltimore County
Case No. C-03-JV-24-000315

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 512

September Term, 2025

IN RE: F.M.

Berger,
Shaw,
Raker, Irma S.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Shaw, J.

Filed: November 18, 2025

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

This appeal arises from an order of the Circuit Court for Baltimore County that amended the permanency plan of F.M., a Child in Need of Assistance (“CINA”), who was committed to the care of the Baltimore County Department of Social Services (the “Department”). The court’s order changed the permanency plan from one of sole reunification with parent(s) to a concurrent plan that added custody and guardianship to a relative or non-relative, and Appellant was ordered to submit to a parenting capacity evaluation. Appellant timely appealed and presents two questions for our review, which we have rephrased:¹

1. Did the trial court abuse its discretion when it changed F.M.’s permanency plan of reunification to a concurrent plan that included placement with a relative for custody and guardianship with a non-relative?
2. Did the trial court abuse its discretion by ordering Mother to submit to a parenting evaluation?

We hold that the circuit court did not abuse its discretion, and accordingly, we affirm the judgment.

¹Appellant argues in her brief that the court abused its discretion, which is the appropriate standard for reviewing a juvenile court’s ultimate decision. Appellant’s original questions were:

1. Did the trial court commit error when it changed F.M.’s permanency plan of reunification to a concurrent plan that included placement with a relative for custody and guardianship with a non-relative?
2. Did the trial court err by ordering Mother to submit to a parenting evaluation?

BACKGROUND

The background facts are derived from the record in this case, which includes the Department’s reports, agreements, court orders, and the amended CINA petition, which were admitted into evidence, or are otherwise, a part of the proceedings.

In September 2009, F.M. was born to L.M. (“Mother”) and to T.M. (“Father”). F.M. initially lived with both parents and her siblings in Maryland and then in South Carolina for approximately seven years. While residing in South Carolina, Mother and Father separated for one year and later reconciled. Father then developed medical issues that required inpatient physical rehabilitation, and Mother and Father again separated. Mother relocated to Maryland with F.M. and her siblings. In 2020, Mother was awarded sole legal custody of the children, and Father was awarded visitation rights.

In 2022, while F.M. was living in Baltimore County with Mother and her siblings, the Department began assisting the family. Department workers responded to the family residence after receiving a report that alleged “sexual abuse of F.M. by a close family friend.” Mother did not believe the allegation. Initially, F.M. was removed from the home because of her disclosure of sexual abuse and Mother’s noncompliance with the Department’s no contact safety plan. F.M. was later returned to the home.

In February 2024, the Department responded to the family residence after receiving a report of sexual abuse of F.M. by her stepfather Mr. G.² A forensic interview was

² Mother and Mr. G began a relationship and cohabitation in or around 2019. The record does not indicate whether they are legally married, but Mr. G has been identified by others as F.M.’s stepfather. The two share and co-parent F.M.’s younger sibling.

conducted with F.M., and a criminal investigation was initiated. During the forensic interview, F.M. stated that, over a period of several months, Mr. G touched her in a sexual manner; there were “multiple instances of digital penetration”; and he made sexual remarks to her in the home. F.M. stated that she previously reported these instances to her older sibling and her mother. Mother initially supported F.M.’s disclosures. The Department and Mother agreed to a safety plan of no contact between F.M. and Mr. G. F.M. was referred for a Sexual Assault Forensic Exam.

From February 2024 to March 2024, Mother repeatedly contacted the assigned social worker stating she disbelieved the allegations, and that F.M. was “making up the allegations for attention.” During an intake interview for trauma informed therapy, F.M. disclosed to her therapist that Mr. G digitally penetrated her, and that there was a prior instance of sexual abuse by a family friend. Mother told the therapist that F.M. was “lying about the abuse.” Mother also stated to the Department that F.M. was in need of a mental health evaluation because of her previous diagnoses, including disruptive mood dysregulation disorder, PTSD, ADHD, and social anxiety.

The Department conducted an unannounced home visit on March 20 to discuss a matter regarding F.M.’s older sibling and observed Mr. G “sitting on the couch.” Mother stated to the Department worker that Mr. G had resided in the home for the past three weeks, and that she would not ask him to leave the residence.³ She also reiterated her prior statements that F.M.’s disclosures were false. When the Department social worker spoke

³ Mother denied making these statements to the department worker.

with F.M., F.M. reported that her statements were true, but Mother did not believe her. F.M. did not report any further instances of sexual abuse but stated as a measure of protection that she remained with another family member when Mr. G was in the home. Mother stated she has tried to ensure F.M. was never alone with Mr. G. Thereafter, the social worker attempted to discuss safety measures for F.M. with Mother but was asked to leave the home. Mother, later agreed, after a second attempt to a new safety plan.⁴ Pursuant to the safety plan, F.M. was removed from the home and placed in shelter care with a paternal relative, Ms. V. Father was hospitalized in North Carolina and could not be a placement resource.

On March 27, the Department social worker interviewed Mr. G, and he stated he did not reside in the home prior to F.M.’s removal, but he visited a few times. He denied the allegations of sexual abuse.

The Department filed a CINA petition on March 28 and filed an amended petition on July 24. At the conclusion of a scheduled hearing, the court determined⁵ that F.M. was a CINA. At the disposition hearing, Mother recommended F.M. return home under an order of protective supervision (“OPS”) with no unsupervised contact between F.M. and

⁴ During the Department social worker’s first attempt to review a safety plan, Mother told her to leave the home. The social worker complied, got in her car, and called the police.

⁵ The adjudication and disposition hearings concerning the Department’s CINA petition were postponed twice by the parties between April and May 2024. The parties met on June 3, 2024, and scheduled the adjudication hearing for July 24, 2024.

Mr. G. She stated, because their residence is the family home⁶, “[s]he cannot guarantee that because they coparent and share a child, that he would never be allowed, . . . by the grandfather to, at least, come to the home to either pick up his child, the 6-year-old autistic child, or come to see his child.” The court denied Mother’s request and ordered that F.M. be committed to the Department. F.M. was placed with Ms. V. and she has lived with her since her removal. The court ordered that there would be no contact between F.M. and Mr. G, and that F.M. submit to a mental health evaluation. Mother was ordered to engage in parenting classes and therapy. She was also encouraged to utilize housing assistance from the Department because she retained “no interest” in the home where she lived and such efforts would “expedite reunification.” She was awarded supervised visits with F.M.

Between July and September 2024, Ms. V. and the Department worked to assist F.M. in adjusting to her placement. Ms. V. stated that she would not be a long-term placement for F.M. In response, the Department began exploring potential foster homes. F.M. began therapy, completed a psychiatric evaluation, and was referred for an autism evaluation. F.M. expressed a desire to be with Mother and her family, and Mother remained in constant communication with F.M. and the Department.

On September 27, 2024, an initial review hearing was held. Mother, again, recommended that F.M. be returned home under an OPS, and requested unsupervised visits between Mother and F.M. The Department recommended continuing the commitment with

⁶ During this time, Mother and her children resided in a home owned by Mr. G’s father, which would be later inherited by Mother and Mr. G’s shared son. The house is next door to Mr. G’s father. Mother also received disability income and expressed she was not in a position to move nor willing to move during the hearing.

a sole permanency plan of reunification. The court reviewed the Department’s proffered September 9, 2024, amended court report and the Family Team Decision Meeting notes provided by Mother, and ordered that F.M. remained committed to the Department with a permanency plan of reunification with her parent(s). Mother was granted unsupervised visitation with F.M. in the community and ordered to complete family therapy.⁷

Between October 2024 to March 2025, F.M. continued to live with Ms. V., who, again, expressed that she would not be a permanent placement for F.M. F.M. adjusted to her placement but expressed a desire to return home to Mother. Based on the Department’s “suspicions of cognitive” delay in F.M., her ability to make informed decisions because F.M. “presented younger than her chronological age” and the family’s history of autism, the Department continued to seek out resources for a neuropsychological evaluation for F.M.

Mother attended family therapy with F.M. but remained consistent in her disbelief about the allegations. In January 2025, Mother stated to the Department that Mr. G lived in the home and would remain in the home because the two co-parent a younger child. She stated she would not leave the residence and that Mr. G “has done nothing wrong⁸.” Mother continued unsupervised visits with F.M., but during one visit, she held a telephone

⁷ Mother at this time had completed the parenting classes ordered by the court.

⁸ In March 2025, the criminal investigation of the sexual abuse of F.M. unveiled male DNA in its forensic examination results. A search warrant was placed for the DNA of Mr. G. Mr. G’s DNA was retained but the results were pending at the time of the hearing.

conversation with Mr. G while in proximity to F.M. Also, therapy sessions for Mother and F.M. were discontinued because of discrepancies in Mother’s attendance and engagement.⁹

A permanency plan review hearing was held on April 9, 2025.¹⁰ The Department recommended the amendment of F.M.’s permanency plan to reunification concurrent with placement with a relative or nonrelative for custody and guardianship and that Mother submit to a parental capacity evaluation. It requested the court continue F.M.’s commitment to the Department, Mother’s unsupervised visitations, and the safety plan of no contact between F.M. and Mr. G because Mother’s living arrangement still remained the same. The Department offered its March 24, 2025 addendum report and December 6, 2024 report as evidence, which the court accepted.

I’m F.M.’s counsel and Mother opposed the recommendation. They requested the court continue with a sole permanency plan of reunification and that F.M. be returned home. F.M.’s counsel expressed that F.M. understood the issues in the case and her choice, in part, to be returned home was because of her bond and consistent communication with Mother. F.M.’s counsel also noted that, if returned home, F.M. could protect herself within the home. Mother stated her circumstances do not allow her to change her housing, but she felt that she can maintain an appropriate safety plan of supervised contact between F.M.

⁹ Mother disputes this reasoning for the discontinuation of family therapy stating missed appointments resulted from illness.

¹⁰ The hearing was originally scheduled for December 2024 but postponed due to discrepancies with discovery and the incompleteness of F.M.’s evaluation for autism. It was then set for January 2025, and ultimately postponed to April 2025 for F.M.’s counsel shared concerns regarding F.M.’s ability to consider judgment considering the incomplete evaluation for autism and her therapist’s report of “stimming” behavior during sessions. Father died prior to the hearing date.

and Mr. G within the home. Mother also opposed submitting to a parental capacity evaluation.

The court, following its review of the evidence and the recommendations of the parties, found that it was in F.M.’s best interest to adopt the Department’s recommendation and to amend the permanency plan. The court also ordered Mother to submit to a parental capacity evaluation. Mother timely appealed.

STANDARD OF REVIEW

Section 12-303(3)(x) of the Maryland Courts & Judicial Proceedings Article provides that “an order changing a permanency plan is immediately appealable . . . [i]f the change could deprive a parent of the fundamental right to [the] care and custody of his or her child, whether immediately or in the future [.]” *In re D.M., J.M.*, 250 Md. App. 541, 555-56 (2021) (quoting *In re Karl H.*, 394 Md. 402, 430 (2006)). We review a juvenile court’s factual findings for clear error, its legal findings “without deference . . . unless the error is harmless,” and its “ultimate conclusion” for an abuse of discretion. *In re Adoption/Guardianship of H.W.*, 460 Md. 201, 214 (2018). A trial court’s “overall determination” on the amendment of a permanency plan is reviewed under an “abuse of discretion.” *In re Yve S.*, 373 Md. 551, 583 (2003). An abuse of discretion is a decision “‘where no reasonable person would take the view adopted by the [trial] court,’ or when the court acts ‘without reference to any guiding rules or principles.’” *In re Yve S.*, 373 Md. 551, 583 (2003) (quoting *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 312 (1997)).

DISCUSSION

I. The court did not abuse its discretion in amending F.M.’s permanency plan.

Mother argues the court’s amendment of F.M.’s permanency plan to a concurrent plan was an abuse of discretion and not in F.M.’s best interest. Mother contends that the evidence presented was insufficient to support a concurrent plan. Specifically, Mother argues the Department’s inability to provide an alternate placement resource or guardian for F.M., and F.M. and Mother’s commitment to reunification supported a plan of reunification. According to Mother, the concerns about F.M.’s safety and the potential diagnosis of autism were speculative and not indicative of Mother’s ability to protect F.M. or F.M.’s ability to protect herself.

The Department contends that the court did not abuse its discretion and acted in the best interest of F.M. The Department argues that there were “extreme safety concerns” associated with returning F.M. to the home. Mother’s continued disbelief that “[Mr. G] sexually abused F.M. despite [her] repeated and consistent disclosures,” and Mother’s inability to ensure F.M. would have no contact with Mr. G supported the court’s determination. The Department also argues that Mother failed to demonstrate that the court’s decision was “clearly against the logic and effect of facts and inferences before the court.”

A permanency plan is “an integral part of the statutory scheme designed to expedite the movement of Maryland’s children from foster care to a permanent living, and hopefully, family arrangement.” *In re D.M.*, 250 Md. App. at 561 (2021) (quoting *In re Adoption of Jayden G.*, 433 Md. 50, 55 (2013) (citation omitted). It “set[s] the tone” and provides a goal for the parties and the court to commit to and work towards. *In re D.M.*, 250 Md. at

561 (citing *In re Damon M.*, 362 Md. 429, 436 (2001)). “In developing a permanency plan, the juvenile court is to give primary consideration to the ‘best interests of the child.’” *In re Andre J.*, 223 Md. App. 305, 321 (2015) (quoting *In re Ashley S.*, 431 Md. 678, 686 (2013)). A juvenile court retains “broad statutory authority” when acting in the child’s best interest. *In re D.M.*, 250 Md. App. 541, 566 (2021) (citing *In re Danielle B.*, 78 Md. App. 41, 68 (1989)).

“To the extent consistent with the best interest of the child,” a permanency plan is developed with the following “descending order of priority”: 1) reunification with the parent or guardian (unless the department is the guardian); 2) placement with a relative for adoption or custody and guardianship; 3) adoption by a nonrelative; 4) custody and guardianship by a nonrelative; or 5) for a child of at least sixteen years of age, a planned permanent living arrangement. FAM. LAW § 5-525(f)(2)(i-iv); CTS. & JUD. PRO. § 3-823(e)(1-2). The court in its determination must consider the following factors set forth in section 5-525(f)(1) of the Maryland Family Law Article:

- (i) the child's ability to be safe and healthy in the home of the child's parent;
- (ii) the child's attachment and emotional ties to the child's natural parents and siblings;
- (iii) the child's emotional attachment to the child's current caregiver and the caregiver's family;
- (iv) the length of time the child has resided with the current caregiver;
- (v) the potential emotional, developmental, and educational harm to the child if moved from the child's current placement; and
- (vi) the potential harm to the child by remaining in State custody for an excessive period of time.

See CTS. & JUD. PROC. § 3-823(e)(2). The permanency plan must be reviewed by the court “at least every six months[.]” FAM. LAW § 5-525(h)(1); CTS. & JUD. PRO. § 3-816.2(a)(1);

Maryland Rule 11-219(a)(1), (e)(2)(A). During this time, the Department must make reasonable efforts toward producing a “permanent placement for the child within twenty-four months after the initial placement.” CTS. & JUD. PROC. § 3-823(h)(5).

A court’s periodic review of the child’s permanency plan assists in “determin[ing] progress and whether, due to historical and contemporary circumstances, [the plan] should be changed.” *In re I.Q.*, 264 Md. App. 265, 307 (2025) (quoting *In re Yve S.*, 373 Md. at 582). When a court holds a permanency plan review hearing, it must examine the following measures and:

- (i) Determine the continuing necessity for and appropriateness of the commitment;
- (ii) Determine and document in its order whether reasonable efforts have been made to finalize the permanency plan that is in effect;
- (iii) Determine the appropriateness of and the extent of compliance with the case plan for the child;
- (iv) Determine the extent of progress that has been made toward alleviating or mitigating the causes necessitating commitment;
- (v) Project a reasonable date by which a child in placement may be returned home, placed in a [pre-adoptive] home, or placed under a legal guardianship;
- (vi) Evaluate the safety of the child and take necessary measures to protect the child;
- (vii) *Change the permanency plan if a change in the permanency plan would be in the child's best interest; and*
- (viii) For a child with a developmental disability, direct the provision of services to obtain ongoing care, if any, needed after the court's jurisdiction ends.

CTS. & JUD. PROC. § 3-823(h)(1-2) (emphasis added); CTS. & JUD. PROC. § 3-816.2(a)(2).

If the court considers changing a child’s permanency plan, it must reconsider the statutory factors set forth in section 5-525(f)(1) of the Maryland Family Law Article. The court must also, “in deciding a permanency plan for a child who has been declared a CINA because of a parent's abuse or neglect[,] . . . remain mindful that custody may not be granted

to the parent unless [there is] a specific finding that there is no likelihood of further abuse or neglect in the parent's custody.” *In re Andre J.*, 223 Md. App. at 325 (citing *In re Shirley B.*, 419 Md. 1, 21–22 (2011)); FAM. LAW § 9-101(a-b).

Here, the court, in its review, considered the March 24, 2025, and December 6, 2024 court reports proffered by the Department, the history of the case, the proposed permanency plans by the parties, the absence of F.M.’s father, and the services, referrals, and assistance provided by the Department as reasonable efforts. In evaluating the factors set forth in section § 5-525(f)(1) of the Maryland Family Law Article, the court acknowledged the efforts of Mother in cooperating with the Department and the “attachment and emotional ties” between F.M. and Mother. FAM. LAW § 5-525(f)(1)(ii). Specifically, Mother and F.M. shared an improved bond and had maintained consistent communication. The court also considered F.M.’s repeated requests to return home as a factor but noted that her preference was not the “sole determinant” in its decision. *In re Andre*, 223 Md. App. at 324-25; *Leary v. Leary*, 97 Md. App. 26, 48 (1993) *abrogated by Fox v. Wills*, 390 Md. 620 (2006) (quoting *Ross v. Pick*, 199 Md. 341, 353 (1952)) (“The desires of the child are consulted, not because of any legal rights to decide the question of custody, but because the court should know them in order to be better able to exercise its discretion wisely.”).

In evaluating factors three, four, and five, the court considered the temporary placement of F.M. with Ms. V., which had lasted more than a year. The court considered that Ms. V had indicated that she would not be a permanent placement, and that F.M. feared a potential placement in foster care. The court noted that there was no expressed urgency for F.M. to

be removed from the home at that time. In addition, F.M. had shown improvement in her well-being and education within her temporary placement.

While examining these circumstances, the court focused on the “extreme safety concerns,” including whether F.M. would be safe from further abuse if returned home. *See In re Shirley B.*, 419 Md. at 33–34 (“While we acknowledge that [petitioner] had been largely cooperative with the Department, we must balance her interests with the Children's health and safety . . . ‘the child's ability to be safe and healthy in the home of the child's parent’ [is] an integral factor in determining the permanency plan.”). The court stated that the matter was very much “in the same situation as [they] were at the time of removal.” At the time of the hearing, Mother was dependent on disability income, she was still living in the home owned by Mr. G’s father, with their shared child and had not explored other housing options. Additionally, there was an ongoing criminal investigation involving Mr. G, who was possibly residing in the home.

The court, also, considered the past conduct of Mother. *See In re D.M.*, 250 Md. App. at 568 (2021) (quoting *In re Adoption of Quintline B. & Shellariece B.*, 219 Md. App. 187, 197 (2014)) (“[W]here the health and safety of [a] child is of concern, the court may look to past conduct to predict future conduct.”). Mother repeatedly indicated her disbelief of F.M.’s disclosures of sexual abuse by her stepfather and did not “consider the validity of the allegations.” She also violated the no contact safety plan twice.

The court noted the uncertainty of the results of F.M.’s pending neuropsychological evaluation for autism and its impact on her ability to have “considered judgment” and to self-protect. Mother argues these concerns are “speculative,” however, the record reflects

F.M. showed behaviors associated with cognitive delay when observed by F.M.’s therapist and the Department.

The court delivered its oral ruling as follows:

The Court further finds, for those reasons as mentioned, we are much in the same situation as we were at the time of removal, and that the Court further finds that in light of . . . relevant Maryland law, the Court has considered appropriate . . . or all of the possible permanency plans, including reunification with a parent, and these are in descending order of priority.

The Court does find . . . that, as I’ve stated, that there have been reasonable efforts made by the Department.

And the Court further finds . . . that a continuation of the child in the child’s home or placement is contrary to the child’s welfare and is not now possible to return to child [sic] to that placement.

And for those reasons the Court adopts a permanency plan to be reunification with the parent, concurrent with placement for a relative for custody and guardianship or guardianship by a nonrelative.

In our view, the record fully supports the court’s determination. Throughout the history of the case, there were concerns about whether F.M. could be returned to a safe home, which included F.M.’s disclosure of multiple sexual abuse incidences; her mother’s disbelief and failure to prevent exposure to the abuser; and F.M.’s potential vulnerabilities. Despite the efforts of the Department, safety concerns remained. Given the uncertainties, the court’s amendment to F.M.’s permanency plan promoted progression towards “a timely, permanent placement for [F.M.] consistent with [F.M.]’s best interests.” CTS. & JUD. PRO. § 3-802(a)(7).

II. The court did not abuse its discretion in ordering a parental capacity evaluation for Mother.

Mother argues the court erred when it required her to submit to a parenting capacity evaluation and she asserts that the evaluation was unwarranted. Mother argues that the Department was amenable to her non-participation in the evaluation and that the Department's sole concern was that it be credited with making reasonable efforts.

The Department argues that the court acted within its discretion in ordering a parental capacity evaluation. The Department contends that the evaluation could provide insight into Mother's beliefs and certain behaviors that appear to hinder reunification.

In CINA proceedings, the court is required to provide “a program of services and treatment consistent with the child's best interest.” CTS. & JUD. PROC. § 3-802(a)(2). The court “holds parents of children found to be in need of assistance responsible for remedying the circumstances that required the court's intervention.” *Id.* § 3-802(a)(4). A court, therefore, “may order . . . a study concerning the child, the child's family, the child's environment, and other matters relevant to the disposition of the case.” CTS. & JUD. PROC. § 3-816(a). “As part of the study . . . the court may order that the child, any parent . . . be examined . . . by a physician, psychiatrist, psychologist, or other professionally qualified person.” *Id.* § 3-816(b)(1).

The court, here, in its review of the evidence, found that Mother was not actively engaged in nor consistently attending court ordered family therapy sessions, and that she was later discharged. There were, also, significant safety concerns attendant to returning F.M. to Mother's care. Under these circumstances, a parental capacity evaluation could be extremely helpful to the court in providing additional services and treatment.

We hold that the court did not abuse its discretion in ordering Mother to submit to a parental capacity evaluation as such an evaluation was clearly relevant to the disposition of the case and the provision of appropriate services and treatment. In addition, the results of the evaluation could meaningfully assist in the reunification sought by Mother.

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