Circuit Court for Baltimore City
Case No. T24114012

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 617

September Term, 2025

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IN RE: L.P.

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Reed,
Zic,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Harrell, J.

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Filed: December 9, 2025

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

In April 2025, the Circuit Court for Baltimore City, sitting as a juvenile court, granted a petition for guardianship (with the right to consent to adoption) filed by the Baltimore City Department of Social Services ("the Department"), an appellee, for appellee L.P., then two years and nine months old. L's father, C.K. ("Father"), appellant, appeals from that ruling. S.P., L's mother ("Mother"), did not object to the petition and was deemed to have consented to the termination of her parental rights by operation of law.

Father presents two questions for our review,[1] which we combine and rephrase as:

> Did the juvenile court err in its assessment of the statutory factors or abuse its discretion by determining that exceptional circumstances made the continuation of a parent-child relationship detrimental to the best interests of L?

For the following reasons, we respond "No" to that question and affirm the judgment of the juvenile court.

## FACTS AND PROCEEDINGS

In July 2022, L was born prematurely at Sinai Hospital in Baltimore City.[2] He and Mother tested positive for fentanyl and cocaine.

[1] The questions as posed by Father are:

> I. Whether the juvenile court erred in finding that the Department made reasonable efforts in its discretion in terminating the parental right of father?
>
> II. Whether the juvenile court abused its discretion in finding clear and convincing evidence that there were exceptional circumstances sufficient to terminate the parental rights of Father?

[2] Father's brief states mistakenly that L was born in September 2022. We use the reference date that appears in the record.

When L was born, Father was incarcerated in West Virginia, for convictions of brandishing and assault and battery. He was released the following month.

Mother's plan for L was adoption, and she was working with a social worker to achieve that goal. L was discharged from Sinai to an interim caregiver on 12 August 2022. On 23 August 2022, Father filed an objection to the adoption. Mother withdrew her consent.

On 6 September 2022, the Department filed a Child in Need of Assistance[3] ("CINA") petition for L, with a request for shelter care. After an emergency shelter care hearing conducted over Zoom that both Mother and Father attended with counsel, L was sheltered and placed with Ms. C., his foster parent.

Father identified his sister in West Virginia as a relative resource. The Department explored placement with L's paternal aunt, but the local department rejected ultimately that placement proposal due to an open child protective services case file regarding the aunt, as well as concerns for substance abuse and safety issues within the home.

In December 2022 and January 2023, the juvenile court sustained the allegations of the CINA petition, found that L was a CINA, and committed him to the Department's limited guardianship. At the time of the disposition hearing, Mother's whereabouts were unknown, and Father was incarcerated again in West Virginia, for violating probation and

[3] A "Child in need of assistance" is a "child who requires court intervention because . . . [t]he child has been abused" or "has been neglected," and "[t]he child's parents . . . are unable or unwilling to give proper care and attention to the child and the child's needs." Md. Code, Cts. & Jud. Proc. § 3-801(f).

facing a new charge of theft and drug possession. Father remained in prison for approximately the next fifteen months. He did not reach out to the Department in that time frame because he "was still in jail." In March 2023, the caseworker then assigned to L's case created a service agreement for Mother and Father, which included parenting education, visitation, a home study, attendance at court hearings, substance abuse evaluation, and substance abuse treatment, if necessary.

On 1 June 2023, the court held a review hearing over Zoom that Father's attorney attended. The parties could not reach an agreement on the permanency plan. Consequently, the matter was reset for a contested hearing. Father's attorney appeared for the reset hearing on 26 July 2023, which was continued to September, pending the Department conducting a Family Team Decision Meeting ("FTDM").

The Department held the FTDM on 8 September 2023. It determined to recommend changing L's permanency plan from reunification with either Mother or Father or placement with a relative to custody and guardianship and/or adoption.

On 14 September 2023, the juvenile court held a permanency planning review hearing and modified the permanency plan from reunification with a parent or guardian to adoption or guardianship by a non-relative. Father's attorney was present at the hearing. He took no position on the recommended change in plan.

Father was released from prison in late 2023. He moved in with his mother in West Virginia. A few weeks later, he was arrested for grand larceny. He was jailed briefly, but those charges were dismissed ultimately. After he was released, he lived next door to his

mother for about a month, through around the end of 2023. He did not contact the Department or otherwise make efforts to reunify with L because he was "really . . . strung out" on heroin and methamphetamines.

At the end of January 2024, L's case was assigned to Jade Savage, a family services caseworker with the Department. Around the same time, Father entered an inpatient substance abuse rehabilitation program in Kentucky. After ninety days in inpatient rehabilitation, he spent a month in a sober living program. He met his current wife, J.K. ("Ms. K"), in that program. He and his wife left the program, but remained in Kentucky.

In March 2024, Father reached out to his attorney who, in turn, contacted Ms. Savage and communicated that Father wanted to schedule visits with L, whom he had never met. L was twenty months old at the time.

Ms. Savage facilitated an hour-long virtual visit between Father and L on 28 March 2024. Less than a month later, Ms. Savage facilitated an in-person visit between Father and L at a visitation center in Baltimore City. Father's wife attended with him. During the visit, L needed a diaper change. When Father declined to change L's diaper, Ms. K stepped up to the task.

Meanwhile, earlier in April 2024, the Department filed its petition for guardianship with the right to consent to adoption or long-term care short of adoption ("TPR Petition"). On 9 August 2024, Father objected to the petition. Mother did not file an objection.

While the TPR petition was pending, Father continued to have supervised visits with L. He and Ms. K met with L in person in May, June and July 2024. During the June visit,

Father gagged when L needed his nose wiped or his diaper changed, and Ms. K assumed those tasks. Ms. K told Father he would "have to change a diaper eventually," but he foreswore that would happen.

In August 2024, Father requested a virtual visit because Ms. K was recovering from knee surgery and could not handle the long drive. The visit went well for ten minutes, but then L kept running away from the camera. Also, Father was driving a vehicle during the visit. The visit ended after thirty minutes.

Father and Ms. K visited in person with L in September 2024. They brought bubbles, which L loved. Father brought also a Nerf gun and told L repeatedly to "freeze" while pointing it at him, which seemed to cause L some upset. Father used "foul language" toward Ms. K during the visit.

The next visit occurred in November 2024.[4] Father attended with his mother. That visit ended prematurely because of Father's behavior. Father called L a sissy and stated that he was acting like a "n----r boy" and being "a little b---h." Father's mother told him to stop, causing Father to exclaim, "I'm a grown-ass man and can say whatever I want." Father encouraged L to refer to people walking by outside the visitation center as "monkeys." When L pointed out birds, Father referred to them as "n---a chickens" and encouraged L to repeat those words. Ms. Savage spoke to the security officers at the visitation center about Father's conduct. They advised her to end the visit immediately, which she did.

[4] The record does not disclose why there was no visit in October 2024.

Father visited with L in person on 10 December 2024, without incident. In January 2025, Father notified Ms. Savage that he and his wife had separated and asked Ms. Savage not to provide Ms. K with any information about L's case. He advised also that he would not be able to attend an upcoming visit with L due to car troubles.

Father did not reach out to Ms. Savage to schedule a visit with L in February 2025. On 6 March 2025, Ms. Savage reached out to Father to schedule a visit. Ms. K, who reconciled apparently with Father, responded that he cut his hand at work and was getting surgery the next day. She stated that she would send documentation regarding this, which she did. Ms. Savage followed up with Father on 19 March 2025. He rescheduled the next visit for 22 April 2025, the day after the TPR hearing.

The TPR hearing went forward on 21 April 2025. In its case, the Department called four witnesses: Susan McEachron unit manager at the Department who oversaw the supervisor for L's first caseworker; Father; Ms. C; and Ms. Savage.[5] In addition to the above history of L's involvement with the Department, the following evidence was adduced.

Father testified that he was working full time as a delivery driver for a home improvement store in Kentucky. He earned $850 net each week. He lived with his wife and

[5] Father did not testify separately in his case-in-chief, but the court permitted his attorney to examine him fully when he was called in the Department's case-in-chief "in the interest of efficiency."

her twenty-one-year-old son in a three-bedroom house that they were in the process of purchasing. His home is located a nine-hour drive from Baltimore City.

Father testified that, prior to entering drug rehabilitation at the end of 2023, he was not fit to care for L. He spent much of his adult life in prison, serving a thirteen-year sentence that began when he was seventeen years old, followed by at least three other prison terms.[6]

Father had not been incarcerated or used drugs since the beginning of 2024 when he entered the inpatient drug rehabilitation program. He is prescribed currently an opioid antagonist to curb his cravings and prevent relapse. He is prescribed also an antidepressant and a mood stabilizer to treat depression, bipolar disorder, and schizophrenia.

In addition to L, Father has five other children between the ages of "19 to like 15." They live with their mother, Father's ex-wife. He "call[s] them every month or tr[ies] to every month."

Father and his wife had taken steps to prepare for L to live with them by childproofing the house and looking into daycare options. He explained that if L could not live with him, he still wanted to visit with L. He would "start small and work up[.]" If Father's parental rights were terminated, he believed L would miss out on "[e]xperience and family."

[6] Father's testimony about the dates he was incarcerated was, at times inconsistent.

Father testified that, if he and his wife separated, he would move in with his mother in West Virginia. Because of her age and health issues, he had not provided her name to the Department as a potential resource for L.

Father felt that his visits with L were going well, although he acknowledged that one visit went poorly. He added, "I'm rough[,] you know what I mean? My kids are rough. You know, I play rough[.]" He later clarified that he has "anger issues" and that he sometimes "destabilize[s]" and gets "angry real fast[.]" His medication regimen had been adjusted recently, however, and it seemed to be more effective.

Father said that he had asked Ms. Savage in July 2024 about unsupervised visits, but it was his understanding that the Department rejected that request.

Ms. C testified that L was a normal, active nearly three-year-old boy. He loved playing with balls, trucks, and the family dog, socializing with other children at the playground and at his daycare center, coloring, and eating just about anything. She described his regular routines. His vocabulary was starting to grow, and he was making progress on toilet training. L had accompanied Ms. C and her family on a cruise. L was close with Ms. C's twenty-five-year-old son, who lives with her. Ms. C's daughter, mother, and aunt also interacted regularly with L.

Ms. C said that L was not aware when visits were going to happen with Father, and his behavior did not change before or after the visits. She explained that L is a very friendly child. Initially, Ms. C allowed virtual visits with Father from her home, but she no longer felt "comfortable" with those visits because L walks from room to room with the phone.

Ms. C felt as if Father was "viewing [her] house[,]" and she did not feel "comfortable [with] that."

Ms. Savage testified that her observation of Father's visits with L reflected that Father had "a lot of love for his son." She noted, however, that Ms. K, not Father, engaged in "the nurturing aspects of taking care of [L.]" During the November 2024 visit, Father used "pretty foul language towards his son[.]" Ms. Savage expressed concern about "the nurturing aspect" if L was to be placed in Father's care. She clarified on cross-examination that she did not believe that Father would harm physically L.

Ms. Savage had observed also L in his foster home with Ms. C. She described the home as a "loving environment" where L was able to be active and was nurtured.

According to Ms. Savage, Father requested additional virtual visits with L, but had not requested any additional in-person visits. Because Ms. C was not comfortable facilitating virtual visits at her home with Father, the Department did not allow additional virtual visits.

In closing, the Department argued that the juvenile court could find that Father was unfit, but asked primarily the court to find that exceptional circumstances supported the grant of the TPR petition. It emphasized that Father first met L when he was nearly two years old and had visited inconsistently with him since then. Father had not visited with L at all for over four months prior to the TPR hearing. Although his most recent visit with L had gone smoothly, the prior visit was extremely problematic and caused Ms. Savage to

end the visit early. Also, he made only minimal efforts to increase the number of in-person visits or to transition to unsupervised visits.

L was in Ms. C's care since he was two months old and would turn three in a few months. He was happy and thriving in her care. He considered her and her family to be his family. In contrast, the Department contended that L would have "no feelings about the severance of the relationship between himself and [F]ather." The impact of terminating Father's parental rights would be positive because it would allow L to remain permanently with the person he considered his mother.

The Department maintained that L's long-term stability in the home of Ms. C, his connection with Ms. C and her family, his lack of a significant relationship with Father and his family, and the lack of effort on Father's part to reunify with his son were exceptional circumstances justifying termination of Father's parental rights.

L's attorney concurred with the Department's assessment. Although counsel commended Father's efforts to better himself and his life circumstances, he took the position that it was too late for those changes to justify destabilizing L, who was happy and thriving in the only home he had known.

Father's counsel argued that the Department had not met its burden, by clear and convincing evidence, to show either unfitness or exceptional circumstances. She emphasized that Father's incarceration early in L's life was a barrier to reunification that should not weigh against him and, although he was represented by counsel in the CINA proceedings, he was not able personally to participate meaningfully. Counsel characterized

Father's efforts since his release from incarceration and his recovery from drug addiction as a consistent effort to achieve reunification with L. In response to questioning from the juvenile court, counsel clarified that Father did not wish to rip L from Ms. C's home, but rather be given an opportunity to establish a relationship with him. Even if the outcome was supervised visits between L and Father for the rest of his life, counsel argued that would be preferable to terminating prematurely Father's rights.

The juvenile court ruled from the bench the following day. We will discuss in our analysis the court's findings under the relevant statutory factors. Ultimately, the court ruled that there were exceptional circumstances overcoming the presumption in favor of maintaining parental rights and that it was in L's best interest for Father's parental rights to be terminated.

The court entered a guardianship order to that effect on 25 April 2025. This timely appeal followed.

## STANDARD OF REVIEW

We apply three interrelated standards of review to a juvenile court's determinations in a TPR proceeding. *In re R.S.*, 470 Md. 380, 397 (2020). The court's factual findings are reviewed for clear error. *Id*. Matters of law are reviewed *de novo*, without deference to the juvenile court. *Id*. We review final conclusions for abuse of discretion when they are based on "'sound legal principles' and factual findings that are not clearly erroneous[.]" *Id*. (quoting *In re Yve S.*, 373 Md. 551, 586 (2003)). An abuse of discretion occurs "'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 Adoption/Guardianship No. 3598*, 347 Md. 295, 312 (1997) (cleaned up) (quoting *North v. North*, 102 Md. App. 1, 13 (1994)).

"Legal conclusions of unfitness and exceptional circumstances are reviewed without deference." *In re Adoption/Guardianship of C.E.*, 464 Md. 26, 47 (2019). Our function, however, when reviewing the findings of the juvenile court, '"is not to determine whether, on the evidence, we might have reached a different conclusion."' *In re Adoption/Guardianship of C.A. & D.A.*, 234 Md. App. 30, 46 (2017) (quoting *In re Adoption No. 09598*, 77 Md. App. 511, 518 (1989)). Instead, our function is to decide '"whether there was sufficient evidence – by a clear and convincing standard – to support [the court's] determination that it would be in the best interest of [the child] to terminate the parental rights of [the parent]."' *Id*. (quoting *In re Adoption No. 09598*, 77 Md. App. at 518).

## DISCUSSION

Two competing interests are at stake in termination of parental rights cases. First, "parents have a fundamental right to raise their children and make decisions about their custody and care." *In re Adoption/Guardianship of H.W.*, 460 Md. 201, 215-16 (2018). There is '"a presumption of law and fact – that it is in the best interest of children to remain in the care and custody of their parents."' *Id.* at 216 (quoting *In re Adoption/Guardianship of Rashawn H.*, 402 Md. 477, 495 (2007)). Second, the State has a strong interest in "protect[ing] children[] who cannot protect themselves[] from abuse and neglect."

*Rashawn H.*, 402 Md. at 497. The transcendent standard that governs the balancing of those interests is the best interests of the children. *H.W.*, 460 Md. at 216.

Under Md. Code, Fam. Law ("FL") § 5-323(b), a court may terminate parental rights only after finding that a parent is unfit *or* that exceptional circumstances exist and that continuing the parental relationship is detrimental to a child's best interests:

> If, after consideration of factors as required in this section, 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.

FL § 5-323(d) sets out the non-exclusive list of factors governing that determination. These factors "serve both as the basis for a court's finding (1) whether there are exceptional circumstances that would make a continued parental relationship detrimental to the child's best interest, and (2) whether termination of parental rights is in the child's best interest." *In re Adoption of Ta'Niya C.*, 417 Md. 90, 116 (2010); *Rashawn H.*, 402 Md. at 499 ("[The statutory] factors, though couched as considerations in determining whether termination is in the child's best interest, serve also as criteria for determining the kinds of exceptional circumstances that would suffice to rebut the presumption favoring a continued parental relationship and justify termination of that relationship.").

The juvenile court's ultimate role in a TPR case is

> to give the most careful consideration to the relevant statutory factors, to make specific findings based on the evidence with respect to each of them, and, mindful of the presumption favoring a continuation of the parental

> relationship, determine expressly whether those findings suffice either to show an unfitness on the part of the parent to remain in a parental relationship with the child or to constitute an exceptional circumstance that would make a continuation of the parental relationship detrimental to the best interest of the child, and, if so, how.

*Rashawn H.*, 402 Md. at 501.

**The Juvenile Court's Findings**

Before turning to Father's contentions of error, we set out the court's findings under the FL § 5-323(d) factors and its ultimate ruling.

**(d)(1)**

Subsection (d)(1) requires the juvenile court to consider:

> (i) all services offered to the parent before the child's placement, whether offered by a local department, another agency, or a professional;
>
> (ii) the extent, nature, and timeliness of services offered by a local department to facilitate reunion of the child and parent; and
>
> (iii) the extent to which a local department and parent have fulfilled their obligations under a social services agreement, if any[.]

FL § 5-323(d)(1).

The juvenile court found that no services were offered to Father prior to L being placed because Father was incarcerated out-of-state and L's paternity was in the process of being confirmed. No services were offered to Father until visits commenced in March 2024, after he was released from prison and completed rehabilitation. The juvenile court found that this was reasonable because, by Father's own admission, he was either unable to care for L by reason of his incarceration or unfit to care for L by reason of active substance abuse. Father was represented continuously by counsel during that period.

Father's counsel took no position on the decision to change the permanency plan from reunification to adoption. The juvenile court emphasized also that "reunification" was inappropriate at that time in this case because Father "had never laid eyes on L[] and vice versa. L[] had never seen his father."

The court found that the Department created a service plan for Father in March 2023, while he remained incarcerated in West Virginia. There was no evidence that he signed that plan or worked with the Department to meet those goals. The court noted that Father "found sobriety, found a home, and found a job in roughly that order. Those are all good things." The court had not been "presented with any evidence that there were any additional steps . . . required or taken to provide a reliable environment for his son."

**(d)(2)**

The next factor requires the court to assess "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 four considerations, which we discuss in turn. FL § 5-323(d)(2).

*(i) whether the parent has "maintained regular contact" with the child, the Department, and the child's caregiver, if possible*

The juvenile court found that Father had "nine supervised hour long visits with L[] in 2024." Ms. C "expressed considerable unease regarding [Father] to the point where she discontinued Zoom visits because she didn't want [Father] seeing the inside of her house." The court inferred that this was a "direct result of what happened" at the November 2024 visit and deemed her action reasonable. Father "delegated" "nurturing activities" to others

during his visits. As a result, Father had not engaged in these "fundamental bonding activities[.]" There was no evidence that Father pushed for "additional time with his child such as unsupervised visits or outings beyond the visitation center." Although he expressed a desire to reunify with L, "there was not much follow up by way of action."

In sum, Father "had some regular visits" with L "for a limited interval in 2024[,]" had "been responsive to the Department but not to the point of executing or carrying out a service agreement[,]" and had "deliberately alienated the current caregiver, the person that L[] calls mom."

*(ii) whether the parent is contributing to the child's care and support, if feasible*

The court found that Father had not made any "voluntary contributions" to L's support, but, by the same token, that the Department had not asked Father to make any contributions.

*(iii) the existence of a parental disability*

Father did not have a disability, though he was "a recovering addict who by his testimony has been diagnosed with depression and bipolar disorder but those don't appear at present to be substantial impediments to his daily activities."

*(iv) "whether additional services would be likely to bring about a lasting parental adjustment" that would allow the child to be "returned to the parent" within eighteen months (or longer if the court determined that to be in the child's best interest)*

The juvenile court found that no such services were identified.

**(d)(3)**

The court found that the third factor, which is addressed to certain aggravating factors, including abuse or neglect of a child, was not relevant with respect to Father.

**(d)(iv)**

The fourth factor is addressed to the child's emotional bonds to their biological parents, their siblings, other significant persons in their life, their adjustment, their feelings about the severance of the parent-child relationship, and the projected impact of that severance on their best interests.

The court found that L has "no particular ties or feeling toward [Father] unfortunately." He was a "pleasant man whom L[] has seen nine times in his life and who brings him bubbles." Though L "enjoyed himself" at visits with Father, he had not "formed any particular emotional ties" with him.

L had siblings on Father's side, but did not know that and had "not had the opportunity to form any emotional ties toward those siblings and vice versa." The court was unsure if the siblings were aware of L, but there was no evidence they had ever seen him. Father did "appear to have paternal feelings toward L[], but it doesn't appear that there [is] any reciprocating familial attachment to [Father]."

L was stable in his home with Ms. C, which was "the only home he's really ever known." He was "healthy, happy, well-adjusted with Ms. C[] and hungry. Everyone commented on his appetite."

L was "too young to communicate whatever feelings he might have about the situation," but the evidence established that "[t]here essentially is no parent/child relationship from his perspective." The court recognized that that was not the case from Father's perspective. "[T]erminating parental rights would mostly likely have a positive [e]ffect on the child's well-being."

In concluding that the Department had met its burden to show exceptional circumstances that made continuation of the parent-child relationship detrimental to L's best interest, the court distilled the following from its collective consideration of the statutory factors:

> the lack of any meaningful parent/child relationship, the fact that a permanency plan for adoption has been in place without objection since 2023, the absence of any particular extra efforts on [Father]'s part to show that he's ready to personally assume care for a toddler, the fact that L[] is thriving in his current home and has a strong bond with the current caregiver, and the fact that his entire life has been in that home.

The court reflected also upon Father's conduct at the November 2024 visit with L. Although it made clear that it was not placing "too much emphasis on one day[,]" the court found that Father's racist remarks "seemed designed to undermine L[]'s existing attachment to Ms. C[] who [he] calls mom." Though Father had the right to his opinions and to express them, his doing so was "not consistent with someone who cared about the best interests of his child." Father's conduct was "not necessarily inconsistent with loving his child, but it is against the best interest of his child."

The court found that it was not in L's best interest to remain in legal limbo and that it was in his best interest "that he be adopted by his current caregiver[.]"

**Contentions of Error**

Father argues that the juvenile court erred in two ways. First, under FL § 5-525(e)(1),[7] it clearly erred by finding that the Department made "reasonable efforts" to make it possible for L to "safely return" to Father's home. Second, he contends that, even if that finding was not clearly erroneous, the court abused its discretion by terminating Father's parental rights because the evidence did not suffice to show exceptional circumstances.

**Analysis**

First, as the Department and L point out in their briefs, the juvenile court was not required to make a finding that the Department made "reasonable efforts" to reunify Father and L in ruling on the TPR petition. In a CINA proceeding, the juvenile court must make ongoing findings of the reasonableness of the Department's efforts to reunify parent and child. FL § 5-525(e)(1). In a guardianship proceeding, however, the juvenile court must find "whether reasonable efforts have been made *to finalize the child's permanency plan*[.]" FL § 5-324(a)(1). L's permanency plan for over eighteen months prior to the TPR hearing was adoption or guardianship with a non-relative. That was the permanency plan that the Department was attempting to finalize. Father does not challenge the reasonableness of the Department's efforts to achieve that goal.

The juvenile court *was* obligated to consider, among the other FL § 5-323(d) factors, "the extent, nature, and timeliness of services offered" by the Department to facilitate

[7] Father's brief cites mistakenly to FL § 5-525(d)(1).

reunification. FL § 5-323(d)(1)(ii). Here, the juvenile court found that the Department reasonably did not extend services to Father while he remained incarcerated nearly continuously out-of-state for the first year and several months of L's life. *See C.A. & D.A.*, 234 Md. App. at 54-55 (recognizing that, while a parent is incarcerated, "any provision of services toward reunification" may be "futile" because "no amount of services [will] alleviate[] th[at] primary obstacle"). It did create a service plan, but the goals contained in that plan were not achievable practically by Father until such time as he was released.

Father contends that this was woefully insufficient, relying upon our decision in *In re Adoption/Guardianship Nos. CAA92-10852 and CAA92-10853*, 103 Md. App. 1 (1994). There, we reversed the grant of a TPR petition for twin boys because the evidence established that the local department made virtually no effort to communicate directly with their father, who lived locally and was not incarcerated, or to offer him any services. *Id*. at 16-17. We were concerned also that the local department had determined to change the children's permanency plan to adoption when they were just two months old and failed to investigate father's mother as a relative resource, despite father identifying her to the local department when the children were infants. *Id*. at 19.

Here, in contrast, Father was represented by counsel throughout the CINA proceedings and was aware of the status of L's case. The Department did not seek to change L's permanency plan until L was more than a year old. Father's counsel was present at the permanency planning review hearing and took no position on the modification of the plan. After Father was released from incarceration, he did not reach out immediately to the

Department, entering instead drug rehabilitation in another state. When he reconnected with the Department in March 2024, Ms. Savage arranged promptly for visits to begin and coordinated actively those visits with Father up until the TPR hearing. By then, he completed drug rehabilitation, had housing, and was employed full-time. Father does not point to other services that the Department could have or should have provided to him at that time, beyond increasing the number of visits. The juvenile court found, however, that Father did not pursue actively additional visits.

We perceive no error in the court's findings under the FL § 5-323(d)(1) factor, which reflect that the Department offered minimal services until Father was released from prison and available to receive them. In any event, the provision of reunification services to Father is but one factor among the FL § 5-323(d) factors that the court must consider in assessing whether exceptional circumstances exist and whether termination of parental rights serves the child's best interests.

Turning to the juvenile court's ultimate finding of exceptional circumstances, Father argues that the juvenile court abused its discretion by focusing upon the length of time that L was in care and his bond with Ms. C. He asserts that this was impermissible under the Supreme Court of Maryland's decision in *In re Adoption/Guardianship of Alonza D.*, 412 Md. 442 (2010). There, despite a well-established and close father-child relationship and the father's consistent efforts to achieve reunification, the juvenile court terminated parental rights based primarily upon the length of time the child was placed with his foster parent and the loving and bonded relationship established in her home. *Id*. at 444-45, 460.

In this case, however, the court's primary focus was not upon L's ties to Ms. C, but upon his lack of ties to Father. The court emphasized that Father was a stranger to L. It was this lack of any parental bond, from L's perspective, that the court weighed heavily in reaching its ultimate determination.

Relatedly, and unlike in *Alonza D.*, the court considered appropriately Father's lack of meaningful efforts to increase his contact with his son upon his release. Father chose to settle in a location that was a nine-hour drive from his son. Aside from requesting additional virtual visits[8] in 2025 – when he did not see L in person for the four months prior to the TPR hearing – Father did not seek otherwise to increase in-person visits or to take full advantage of the visits he did receive. Consequently, Father spent just seven hours in-person with L over more than a year and declined to perform basic caregiving functions during those visits, instead leaving to his wife to assume those responsibilities. Father demonstrated also behaviors inconsistent with his son's best interests during one of those visits. For those reasons, the juvenile court concluded that the likelihood that Father would forge a sturdier bond with his son in the near term was low.

In *Rashawn H.*, 402 Md. at 501, the Supreme Court of Maryland recognized that a child's childhood is finite and, therefore, time is of the essence. *See id.* (observing that "children have a right to reasonable stability in their lives and . . . permanent foster care is

[8] The juvenile court found that Ms. C's unwillingness to facilitate these visits from her home was reasonable. We note that even if virtual visits had been facilitated at another location, virtual visits with a two-year-old were unlikely to bring about an improvement in L's bond with Father.

generally not a preferred option"). "A critical factor in determining what is in the best interest of a child is the desire for permanency in the child's life." *In re Adoption of Jayden G.*, 433 Md. 50, 82 (2013). "Long periods of foster care are harmful to the children and prevent them from reaching their full potential." *Id*. at 83 (cleaned up).

Maintaining indefinitely Father's parental rights while he attempts to establish gradually a paternal bond with L would place L's "status in a state of suspended animation until a future date that may never occur." *C.A. & D.A.*, 234 Md. App. at 56. The juvenile court did not abuse its broad discretion in ruling that that would not serve L's best interests and in granting the TPR petition. *See In re Karl H.*, 394 Md. 402, 416 (2006) (explaining that, where there is a "conflict between the rights of the parents or legal guardian and those of the child, the child's best interest shall take precedence" (cleaned up)); *accord Rashawn H.*, 402 Md. at 497.

**JUDGMENT OF THE CIRCUIT FOR BALTIMORE CITY, SITTING AS A JUVENILE COURT, AFFIRMED. COSTS TO BE PAID BY APPELLANT.**