Circuit Court for Montgomery County
Case Nos. 06-I-19-000106, 107, 108, 109, 110

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

Nos. 715, 716, 717, 718, 719

September Term, 2022

IN RE: Z.A., A.A., K.A., K.P., T.P.

Wells, C.J.,
Graeff,
Arthur,

JJ.

Opinion by Wells, C.J.

Filed: November 28, 2022

In July 2019, the Circuit Court for Montgomery County, sitting as a juvenile court, found five children to be children in need of assistance ("CINA"), after appellant, Ms. B ("Mother") gave birth to one of the children who then tested positive for phencyclidine ("PCP"). Following several permanency plan review hearings, upon the request from appellee, the Montgomery County Department of Health and Human Services, ("the Department"), the circuit court changed the permanency plan from reunification with Mother, to adoption for four of the children, and to custody and guardianship with a relative for the other child. Mother appeals the circuit court's order, and raises two questions for our review:

> 1. Did the court commit error when it found that the [D]epartment made reasonable efforts to facilitate reunification between [Mother] and her children when the Department did not offer services to address her cognitive limitations and there was inadequate evidence to show such services would be futile?
>
> 2. Did the court err in changing the permanency plans away from reunification with [Mother] where the statutory factors did not support such a change and changing the plans was against the best interest of the children?

For the foregoing reasons, we affirm on both issues.

FACTUAL AND PROCEDURAL BACKGROUND

CINA Petition and Disposition

Mother is the mother to the five children at issue in this appeal, two girls (A.A. and K.A.), and three boys (T.P., K.P., and Z.A.). The boys' current ages are: T.P., seventeen; K.P., nine; and Z.A., three. The girls' current ages are, A.A., four; and K.A., five. On July 5, 2019, Mother gave birth to Z.A., who tested positive for PCP and showed symptoms of

withdrawal. While the other four children had been living with Mother, upon Z.A.'s birth, K.A. and A.A. went to live temporarily with Mr. A, their father, while K.P. and T.P. went to live with their maternal grandmother.[1] A.A. and K.P. had also both tested positive for PCP at birth, and Mother admitted to using PCP during her pregnancy with Z.A.

Soon after Z.A.'s birth, the Department began a Risk of Harm assessment. When the hospital discharged Z.A., Mother was indecisive as to her plan for Z.A. There was also a concern that Mr. A, who had a history of domestic violence against Mother, had made threats toward Mother. After Mother learned that the Department was planning to place Z.A. in shelter care, she refused to further cooperate in safety planning for her older children. On July 10, 2019, Mother retrieved K.P. and T.P. from her mother's house, where they were staying.

According to a friend, Mr. A had gone to Mother's house on the night of the 10th and "banged on the doors and windows and threated her while [T.P.] and [K.P.] were in the home." Mother did not disclose this to the Department, believing that it was not necessary to inform the Department. Mr. A claimed that he had gone to the home just to retrieve personal belongings and Mother would not let him in. The Department interviewed K.P., who was six years old at the time, and K.P. told the Department that Mr. A lived with them in the home, and that Mr. A had struck him and T.P. and had been abusive towards Mother. Both Mother and Mr. A deny that Mr. A resides in the home and when interviewed, T.P. did not disclose any abuse by Mr. A.

[1] K.P. and T.P.'s father passed away in 2013.

Due to the concerns regarding Mr. A's presence in the home, Mother's criminal history which included convictions for possession of marijuana, second-degree assault, disorderly conduct, and resisting arrest, and Mother's history of substance use, the Department filed a Child in Need of Assistance (hereinafter "CINA") petition concerning all five of the children. At adjudication, Mother denied that the allegations contained in the CINA petition were true but agreed that the court would be able to sustain the allegations based on the preponderance of the evidence. The court subsequently sustained the allegations in the petition and found it contrary for Z.A. to remain in the home "due to [M]other and [Mr. A]'s substance abuse history." The court then found all five children to be CINAs.

The court ordered all five children to be placed in foster care pending placement with relatives in North Carolina upon the completion of ICPC[2] home studies. In February 2020, the ICPC study was completed for the boys allowing them to be placed with the B. family in North Carolina. A.A. and K.A. were living in separate placements in Maryland awaiting the completion of the home study for their future placement with the S. family, also in North Carolina. Meanwhile, Mother was working towards reunification. Mother had completed Act II, a substance abuse program, and had been participating in group and individual therapy. Mother was also working, had secured housing, and was visiting with

[2] ICPC stands for "Interstate Compact on the Placement of Children" and is intended to "facilitate interstate adoption and maximize the number of 'acceptable homes for children in need of placement.'" *In re R.S.*, 470 Md. 380, 400 (2020) (quoting *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 314 (1997)); *see also* Family Law § 5-602.

the children consistently. Yet the court wanted to see a longer period of sobriety from Mother before reunification and approved moving the children to North Carolina.

Permanency Plan Hearings

The court held the first permanency plan hearing on June 22, 2020. By that time, Z.A., K.P., and T.P. had been living in North Carolina for four months while A.A. remained with her foster care resource and K.A. was in a new placement. A.A. and K.A. were reported to be doing well in their placements.

While Mother had participated in some substance abuse treatments in the prior year, she had tested positive for PCP several times between August and December 2019. Mother expressed interest in participating in a 30-day inpatient substance abuse program. The court said it was "heartened" by her willingness to participate in the program. The court maintained the permanency plan of reunification for all five children.

The court held another review hearing on October 9, 2020. At that hearing, the court found that although Mother had "demonstrated some compliance to the court order, her engagement in services . . . has been sporadic due to transportation issues and lapse in her insurance." The court found that her visits had become "more consistent," but there was indication that she and Mr. A were "still using illegal substances[.]" The court further found that due to the children's various educational, therapeutic, behavioral, and emotional needs, there was a concern about Mother's ability to properly care for them, as during visits with the children she appeared "overwhelmed" and "frustrated." The court still found that the current plan of reunification was appropriate. Regarding Mother's progress, the court found that while Mother had made "substantial progress" by attending an inpatient substance

treatment program[,]" and securing stable housing, the "[s]ubstance treatment has not been sufficient enough to alleviate or mitigate the causes necessitating the court's jurisdiction[.]"The court found that "she still has not been able to fully address her substance abuse issues" but "through no fault of her own." Regarding the children, the court found that the boys were "thriving" in their placement in North Carolina, and K.A. and A.A. were "thriving" in their respective foster care placements. The court ordered that the girls should be placed with the S. family in North Carolina. Finally, the court maintained the current plan of reunification for all children.

The next review hearing was held on July 28, 2021. At this hearing, the Department requested that the permanency plan for all children be changed from reunification to custody and guardianship. Since the previous hearing, the foster mother for the girls had developed health problems, so the girls returned to Maryland for foster care placement with Ms. M.B. At the hearing, Ms. M.B. testified regarding various behavioral issues stemming from an in person visit with Mother.

The court made several important observations. While the court noted that Mother was making progress in treating her substance abuse, and participating in weekly urinalysis, both Mother's psychiatrist and therapist expressed concern about Mother's "intellectual limitations." The court further noted that those concerns "also include her capacity to cooperate with her children's caregivers in maintaining communication with her children." The court ordered Mother to undergo a psychological evaluation that would include IQ testing "to assess for cognitive limitations." Despite the Department's push to change the permanency plan, the court again maintained the current plan of reunification.

Psychological Examination

Mother underwent a psychological examination by Dr. Katherine Martin on October 20, 2021. Dr. Martin diagnosed Mother with "PCP use disorder." Particularly concerning to Dr. Martin was Mother's history of periods of abstinence followed by periods of relapse, and "[Mother]'s acknowledgement that she has a long history of relying on substance use to manage stress." Dr. Martin further noted that she was also concerned with Mother's "cognitive and intellectual functioning, and how her intellection limitations may interfere with her ability to learn and implement skills." When asked to expound on Dr. Martin's finding that Mother has "very limited insight[,]"[3] Dr. Martin stated:

> She never mentioned that [the children] were having any difficulties at all, and that was a concern for me in terms of this issue of insight, in terms of her understanding, her comprehension of the breadth and depth of the children's needs, and what did that mean, what was the implication of that from my perspective with regards to her ability to manage five children with, with considerable needs.

On Mother's cognitive limitations, Dr. Martin further testified that Mother had an IQ of 78, which falls in the seventh percentile in the below average range. Dr. Martin described the ways in which those with below average intellectual abilities may struggle with parenting. Regarding Mother specifically, Dr. Martin noted:

> So, if [Mother] were to take all the recommendations to heart, and of the most concerning is both abstaining from substances, as well as understanding how to manage the complex needs of the children, I would have concerns about the vulnerability of [Mother] becoming overwhelmed by the demands of five very high need children.

[3] Dr. Martin explained that "insight" is "an individual's ability to understand the nature of their own difficulties, understand the source and cause and influences of their own difficulties, and an understanding of how they impact making substantial change to address the difficulties they're experiencing."

> . . .
> The children's needs aren't going to go away. The children have these high needs, and so, my concern would be her ability long-term to be able to continue to implement all the services for the children and manage all of those demands for many children with a lot of needs.

Finally, in her written report, Dr. Martin made the following pertinent observations on Mother's ability to parent:

> Results indicate that [Mother] appears to lack confidence in her parenting abilities and she endorses some parenting ideas that place her at risk for dysfunctional parenting, including child abuse and neglect. Specifically, [Mother] appears to have a limited understanding of appropriate expectations for her children. She may lack good knowledge of appropriate expectations of children at each stage of development. [Mother] is at risk for inaccurately perceiving the skills and abilities in each of her children, and she may have demands and expectations for them that they are not yet emotionally, physically, or intellectually ready to perform. Having children with significant developmental, emotional, and behavioral delays may magnify these difficulties.

Trial Court's Judgment

The final review hearing took place on March 15, April 29, and May 27, 2022. Before the court was the Department's request that the permanency plan be changed from reunification to custody and guardianship by a relative for T.P., and adoption by relatives for K.P. and Z.A. and by non-relatives for the girls.[4] The court ultimately agreed with the Department and changed the permanency plan for all five children. In its order, the court made the following finding:

[4] In what the court referred to as an "unusual position," the court noted that counsel for the two eldest boys, T.P. and K.P., did not support changing the permanency plan away from reunification. The court simply stated: "The [c]ourt believes that the boys would be best served by remaining together. This may not be possible once [T.P.] turns 18, but it is best for the time being."

> [Mother]'s cognitive limitations, when considered in the light of these children's needs, are a cause of great concern. These limitations cannot be ignored, and Dr. Martin[] specifically testified that they impair [Mother]'s ability to learn (and adapt) regarding the children's needs. These limitations are permanent, and no progress seems possible. [Mother] does not seem to have insight into these limitations. This [c]ourt does not wish to be insulting to [Mother]. As noted in several points of this Opinion, the [c]ourt has great admiration for the steps [Mother] has taken in her recovery. But the fact is that each of these children are in desperate need of the attention and consistency they receive in their current placements. The [c]ourt is not convinced that [Mother] can provide this attention and consistency to these children on a full time basis, nor is the [c]ourt convinced that progress has been made or could be made in the future.

The court then went through the required factors under Family Law § 5-525(f)(1). The court further noted that the case was "particularly difficult" because of Mother's "significant efforts to become and remain clean and sober." However, the court found that the children's needs, which were "extraordinary," were "likely [to] exceed the ability of [Mother] to care for them." The court grounded its judgment in the "simple reality that [Mother's limitations] described by Dr. Martin prevent [Mother] from fully meeting the extraordinary needs of these children." In the court's judgment, Mother's limitations were "permanent, and no progress seems possible." The court then ordered that the permanency plan be changed from reunification to adoption for K.P, Z.A., and the girls, and to custody and guardianship by a relative for T.P. Mother filed this timely appeal.

STANDARD OF REVIEW

Our review is guided by three interrelated standards:

> When the appellate court scrutinizes factual findings, the clearly erroneous standard of [Rule 8-131(c)] applies. [Second,] [i]f it appears that the [court] erred as to matters of law, further proceedings in the trial court will ordinarily be required unless the error is determined to be harmless. Finally, when the appellate court views the ultimate conclusion of the [court] founded upon

> some legal principles and based upon factual findings that are not clearly erroneous, the [court's] decision should be disturbed only if there has been a clear abuse of discretion.

In re Adoption/Guardianship of C.E., 464 Md. 26, 47 (2019) (quoting *In re Adoption/Guardianship of Ta'Niya C.*, 417 Md. 90, 100 (2010)) (alterations in original). When reviewing a juvenile court's ultimate decision to order a permanency plan goal of adoption, we review the court's decision for an abuse of discretion. *In re Ashley*, 431 Md. 678, 704 (2013). An abuse of discretion occurs when the juvenile court's decision is "well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable." *Id.* (quoting *In re Yve S.*, 373 Md. 551, 583–84 (2003)).

DISCUSSION

I. The Circuit Court did Not Abuse its Discretion in Finding that the Department Made Reasonable Efforts to Address Mother's Cognitive Limitations.

A. Parties' Contentions

Mother asserts that the court erred in finding that the Department had made reasonable efforts to promote and facilitate reunification with Mother. First, Mother argues that the Department failed to make efforts to address Mother's cognitive limitations, which it was required to do under Family Law § 5-525(e)(1). Mother suggests that when a parent has cognitive limitations, the Department must offer "specialized services designed to be particularly helpful to a parent with the intellectual and cognitive skill levels" of the parent. *In re Adoption/Guardianship Nos. J96104436 and J9711031*, 368 Md. 666, 682 (2002). According to Mother, the Department made no efforts to address Mother's cognitive

limitations, which became the sole reason the court moved away from a goal of reunification once it was satisfied with Mother's progress in addressing her substance abuse.

Mother further alleges error by the juvenile court in finding that her cognitive limitations were "permanent" and that she could not make progress in addressing them, especially in light of the Department's failure to make reasonable efforts. Mother submits that in light of her willingness to address her substance abuse problems, there was no reason for the court to conclude that she was unwilling or unable to address her cognitive limitations if necessary.

The Department first argues that Mother has waived her argument that the Department should have provided services to address her cognitive limitations as Mother never requested such services. Instead, the Department asserts, Mother argued that she had no such limitations. The Department further argues that even if we were to reach the merits of Mother's argument, the evidence presented below establishes that Mother did not understand how her substance abuse problems affected her children. Mother further did not appreciate the needs of her children, as exhibited by her lack of knowledge as to the unique problems of certain children and explained by Dr. Martin.

B. Analysis

i. Waiver

As a preliminary matter, we must address the Department's argument that Mother waived her argument regarding the Department's failure to provide services to address her cognitive limitations. Generally, we "will not decide any other issue unless it plainly

appears by the record to have been raised in or decided by the trial court," although we have discretion to decide such a waived argument "if necessary or desirable to guide the trial court or to avoid the expense and delay of another appeal." Md. Rule 8-131(a).

In her reply brief, Mother rejects the Department's contention on several grounds. Although Mother never—in our review of the record—explicitly argued that the Department failed to make reasonable efforts to address her cognitive limitations specifically, Mother did challenge the court's findings that the Department generally made reasonable efforts. And as Mother rightly highlights in her reply brief, Rule 8-131(a) states that we as an appellate court generally will not decide an issue unless it was raised "*or decided by* the trial court." The trial court "decided" the issue of reasonable efforts multiple times, most recently in its June 15, 2022, order, finding that the Department had made reasonable efforts to achieve reunification. We will therefore consider the merits of Mother's argument on this issue.

ii. Reasonable Efforts

Family Law (FL) § 5-525(e)(1) provides that "reasonable efforts shall be made to preserve and reunify families . . . to make it possible for a child to safely return to the child's home." Importantly, "[t]he statute does not permit the State to leave parents in need adrift and then take away their children." *In re Adoption/Guardianship of Rashawn H.*, 402 Md. 477, 500 (2007). Among other considerations, a court must consider the

> extent of the services offered by DSS or other support agencies, the social service agreements between DSS and the parents, the extent to which both parties have fulfilled their obligations under those agreements, and whether additional services would be likely to bring about a sufficient and lasting parental adjustment that would allow the child to be returned to the parent.

Id. Furthermore, when addressing intellectual or cognitive limitations, the Department is required to provide specialized services designed to be helpful to a parent with the purported limitations. *In re Adoption/Guardianship Nos. J9610436 and J9711031*, 368 Md. at 682. Mother argues that the court erred in finding that the Department made reasonable efforts to address her cognitive limitations, and erred in finding that Mother's cognitive limitations were permanent and irremediable. We disagree.

First, in its order changing the reunification plan, the court noted the reasonable efforts made by the Department. The relevant efforts involving Mother's cognitive limitations included: arranging and financing a psychological evaluation of Mother by Dr. Martin; holding a team meeting with service providers concerning reunification goals with Mother and her service providers; and monitoring substance abuse services for Mother.

Moreover, the court, in reaching its decision to change the reunification plan, found that, based on Dr. Martin's evaluation, Mother's cognitive limitations, "when considered in the light of these children's needs, are a cause of great concern," and "cannot be ignored" as Dr. Martin "specifically testified that they impair Mother's ability to learn (and adapt) regarding the children's needs." The court further found that Mother's limitations are "permanent, and no progress seems possible." "[W]here . . . attempts at reunification would obviously be futile, the Department need not go through the motions in offering services doomed to failure." *In re Adoption/Guardianship No. 10941 in Cir. Ct. for Montgomery Cnty.*, 335 Md. 99, 117 (1994). Relying on Dr. Martin's thorough evaluation, and in light of the services already provided to Mother by the Department, the court found that Mother

was not making progress in addressing her cognitive limitations. It was thus not an abuse of discretion to conclude that the Department had done all that was required to help Mother.

II. The Circuit Court Did Not Abuse its Discretion in Finding that the Statutory Factors under Family Law § 5-525(f)(1) Weighed Towards Permanency Plans of Adoption and Custody and Guardianship

A. Parties' Contentions

In the event that we hold that the court did not err in finding that the Department made reasonable efforts, Mother argues that the statutory factors that the court is required to weigh in changing a permanency plan did not warrant altering the permanency plan from reunification because she had fully addressed the issues that led to the Department assuming custody of her children. Mother's argument is grounded in her assertion that from when the CINA proceedings began, to the court's order changing the permanency plan, the "centerpiece issue" had changed from Mother's substance use and relationship with Mr. A, to Mother's apparent limited ability to manage the children's needs by learning new parenting strategies or coping skills. Mother takes issue with the testimony of Department worker Mary Peyton, who testified—"vaguely" in Mother's view—to her inability to manage the needs of her children due to a lack of training, which Peyton had stated was due to Mother's unwillingness. Finally, Mother argues that the remaining statutory factors favor maintaining reunification as the permanency plan that is in the best interest of the children.

The State argues that the statutory factors supported changing the permanency plan away from reunification, arguing that the court properly weighed the factors and found that they support a change in the permanency plan away from reunification. We next evaluate

whether the court abused its discretion in its weighing of the factors and its ultimate decision.

B. Analysis

CPJ § 3-823(e)(2) requires courts to consider six factors specified in FL § 5-525(f)(1) when determining a child's permanency plan. The six factors under FL § 5-525(f)(1) are as follows:

> (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.

The court weighed the factors in separate orders, one for the girls, A.A. and K.A., and one for the boys, Z.A., K.P., and T.P. Some of the court's analysis remained the same between both sets of children. We will address each factor in turn to determine whether the court abused its discretion in its ultimate judgment.

i. The children's ability to be safe and healthy in the home of the children's parents[5]

[5] For this factor, the court's analysis is the same for both sets of children.

In weighing this factor, the court found that the children would not be safe in either Mother or Mr. A's homes, citing Dr. Martin's psychological examination where Dr. Martin found that Mother "lacks confidence in her parenting abilities and endorses some parenting ideas that places her at risk for dysfunctional parenting, including child abuse and neglect." The court further noted:

> [Mother] appears to have a limited understanding of appropriate expectations for development. [Mother] is at risk for inaccurately perceiving the skills and abilities in each of her children and may have demands and expectations of them that they are not yet emotionally, physically, or intellectually ready to perform.[] [Mother] has not exhibited an ability to manage the children's needs by learning new parenting strategies or coping skills.

Mother argues that she had completed parenting classes, and the court did not order further parenting courses for her to complete. Yet Mother does not provide a basis on which the court's weighing of this factor was an abuse of discretion, only noting that Ms. Peyton's testimony regarding the providers' willingness to offer services, "without more" was inadequate for the court to have found that she was unable to manage the needs of her children. Mother's argument is still grounded in her assertion that the Department failed to make the requisite reasonable efforts. Because we already hold that the court did not err in finding the Department made reasonable efforts, we too conclude here that the court's weighing of this factor was proper.

ii. The children's attachment and emotional ties to the children's natural parents and siblings

The court found that while A.A. and K.A. enjoy visits with Mother, the Department is "unsure of the quality of this bond since they have lived most of their lives in care." The

court noted that the girls "quickly respond to returning home to their foster mother, with whom they have a strong attachment."

Regarding the boys, the court found that Z.A. recognizes Mother, "but is not bonded to his mother . . . since his contact with [Mother] has been almost entirely virtual." However, the court found that both K.P. and T.P. are bonded to Mother, even though K.P. "has mixed feeling about her" and "is very resentful of her relationship with Mr. A." The court added that T.P. "wishes to reunify with [Mother]."

iii. The children's emotional attachment to the children's current caregiver and the caregiver's family

With respect to the girls, the court found that A.A. and K.A. have a "well-established bond with their foster mother and her family" and are "in a nurturing and safe environment where they are thriving." With regard to the boys, the court noted: "Z.A. is deeply bonded to his cousins and extended family. K.P. is also bonded to his cousins and extended family but is conflicted with his loyalty toward [Mother]. T.P. has expressed how if he cannot reunify with [Mother] he wants to remain with the current caregivers."

iv. The length of time the children have resided with the current caregiver

At the time of the review hearing, the boys had been with their placement for approximately 16 months. The girls had been in foster care since July 2019 and in their current placement since May 2021.

v. The potential emotional, developmental, and educational harm to the children if moved from the children's current placement

The court heard testimony from Reginald Wilson, a licensed social worker in North Carolina, whom the court accepted as an expert. Mr. Wilson provided virtual in-home services to K.P. Mr. Wilson testified that K.P. is "an extremely sick child who needs in-home services throughout the day." According to Mr. Wilson, K.P. has ADHD, as well as a "severe adjustment disorder which leads to extreme sadness and anger. He has great difficulty controlling his anger and often throws things. He desperately needs a consistent environment."

The court also heard from J.B., the boys' foster mother and a distant relative of their father. She testified that when T.P. came to live with her he was "not open," meaning that he was "by himself most of the time and [did] not openly communicate." According to J.B., "[t]hankfully, T.P. is more open and communicative now" since he has been living with J.B.

J.B. testified that K.P. is prone to angry outbursts. J.B. related that since living with her and with the services that K.P. has received, "his outbursts are less frequent, and the anger seems to be abating."

As for the youngest child, Z.A., J.B. testified that Z.A. has lived with her and her family his entire life. The court noted that "he (Z.A.) has only known a home where love and consistency are the norm."

After reviewing this testimony, the judge said, "[t]he Court is convinced that these children would be emotionally and developmentally harmed if they were moved from their current placement. They should remain with the only consistent, loving, nurturing people they know, namely [the B Family]."

With regard to the girls, A.A. and K.A., the court noted that both girls are stable in their current placement. They "love their current foster care mother and continue to thrive." The court also found that both girls are "very attached to their foster parent and become anxious when they are separated from her, even for short periods of time." "Though their mother does care for them, she has not changed her parenting style of ability to cope with the different challenges and behaviors that each child presents."

vi. The potential harm to the children by remaining in State custody for an excessive period of time

In the case of the three boys, the court stated that "[n]o child should languish in state custody. They each deserve permanency. These boys deserve a permanent home. These boys have been in State custody for a **very** long time." (Emphasis in original).

As for the girls, the court made similar comments: "No child should languish in state custody. The Court wants stability for all children. A.A. and K.A. can best have stability by changing their permanency plan to Adoption by a Non-Relative. These children have been in State custody for a **very** long time." (Emphasis in original).

On this record we conclude that the court undertook a thorough and thoughtful analysis of the factors found in FL § 5-525(f)(1). The court assessed each of the five children involved individually and collectively in deciding whether it should change the permanency plan from reunification with Mother to custody and guardianship in the case of T.P., to adoption by relatives in the case of the two younger boys, and to adoption by a non-relative in the case of the girls. The court's analysis was grounded in reason and based on ample evidence found in the record. Further, the court's analysis demonstrated

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exceptional sensitivity to the plight of the children as well as Mother. We find no fault in the decision and hold that the court's reasoning was not "well removed from any center mark." *In re Yve S.*, 373 Md. at 583–84. Consequently, we affirm.

JUDGMENT OF THE CIRCUIT COURT FOR MONTGOMERY COUNTY AFFIRMED. APPELLANT TO PAY THE COSTS.