Circuit Court for Prince George's County
Case No. CAD1502693

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 778

September Term, 2020

LOREN EVANS JONES

v.

ANTOINE T.WELLS

Beachley,
**Gould,
Ripken,

JJ.

Opinion by Gould, J.

Filed: September 14, 2021

** Steven B. Gould, now serving on the Court of Appeals, participated in the hearing and conference of this case while an active member of this Court; he participated in the adoption of this opinion as a specially assigned member of this Court.

After a lengthy custody battle starting in 2018, the Circuit Court for Prince George's County, sitting as a juvenile court, docketed two orders on October 6, 2020, granting Antoine Wells visitation with his minor child three weekends a month, 59 make-up visitation days, and alternating weekly visits over the summer. Loren Jones,[1] the child's mother, appeals *pro se*[2] from the court's orders, raising the following questions, which we have rephrased and condensed:

I. Did the juvenile court err in its orders because it failed to find that Mr. Wells sexually or physically abused M.W.?

II. Did the juvenile court err when it precluded certain testimony by M.W.'s therapist on hearsay grounds?[3]

Finding no error, we shall affirm the juvenile court's rulings.

[1] Mother's name was Loren Evans when this custody case began, but during the proceedings, the court granted her request for the court records to reflect her new name, Loren Evans Jones.

[2] Although Ms. Jones appeals *pro se*, she and Mr. Wells were represented by counsel during most of this custody case. Mr. Wells is represented by counsel on appeal.

[3] Ms. Jones asks the following questions in her appellate brief:

> Issue 1. Did the trial court err by failing to consider evidence and make findings required by MD Code, Family Law, § 9-101 & § 9-101.1 upon signing the nunc pro tunc order on September 23, 2020?
>
> Issue 2. Did the trial court abuse its discretion when it failed to appropriately define "abuse" pursuant to MD Code, Family Law, § 9-101.1?
>
> Issue 3. Did the trial court fail to apply the best interest of the child standard by precluding testimony from MW's therapist Jaylynne Williams, LMSW as relevant evidence in a custody proceeding?

FACTS AND LEGAL PROCEEDINGS

M.W. was born on February 26, 2014, to Loren Jones ("Mother") and Antione Wells ("Father"). Mother and Father, who never married, lived together but separated around the time M.W. was born. After the parties separated, M.W. resided with Mother, but Father, by both parties account, remained "actively involved" in M.W.'s life.

When M.W. was about one year old, Father filed a complaint to establish custody and visitation of M.W. in the Circuit Court for Prince George's County, and on October 21, 2015, the parties executed a custody consent order, which was not docketed until January 15, 2016.[4] Among other things, the parties agreed to joint legal custody of M.W., with Mother having tie-breaking authority; Mother to have primary residential custody; and Father to have unsupervised visitation two to three overnights per week, weeks over the summer, and specified holidays. The consent order further granted FaceTime or other video chat program access once per day when M.W. was in the care of the other parent, and the parties were to divide all medical co-pays.

In February 2018, when M.W. was around four years old, Father filed a motion for contempt/modification of the custody order, alleging that Mother was denying him his right of visitation, and a long and contentious custody battle ensued. Apparently, in the preceding month, Mother had accused Father and Father's girlfriend's grade-school aged son of sexually abusing M.W. during a visitation. Mother reported the alleged abuse to the Charles County Department of Social Services ("DSS"), the county in which Father lived.

[4] Prior to entry of the consent order, the parties were ordered to participate in two sessions with a parenting mediator, but they were unable to reach a custody agreement.

Father denied all allegations of abuse, and a subsequent DSS investigation "ruled out" any abuse. On May 8, 2018, the parties entered into a temporary consent order. The parties agreed to Father's right to visitation under the terms of the January 15, 2016 consent order with some conditions, specifically, Father was not to leave M.W. unsupervised with his girlfriend's son.

Following the entry of the temporary consent order, Mother filed several motions to terminate Father's right to visitation and modify custody, based on alleged, additional disclosures by M.W. of physical and sexual abuse by Father and/or Father's girlfriend's son.[5] Father denied all allegations of abuse, and the subsequent DSS investigation ruled out abuse. On August 22, 2018, following a hearing on the parties' motions, the juvenile court, based upon an agreement by the parties, vacated the temporary consent order and issued an order reducing Father's visitation with M.W. to three weekends a month plus certain holidays and weeks over the summer.

Within a week of the juvenile court's order, Mother again made accusations of physical and sexual abuse of M.W. by Father and Father's girlfriend's son based on alleged disclosures by M.W., and Mother again filed motions seeking a termination of Father's

[5] In her motions, Mother alleged that since the temporary consent order was entered, M.W. "continuously display[s] unusual behavior sometimes sexual in nature," and following a visit with Father, M.W. had "an unexplained rash and signs of irritation on her genital area and buttocks." Mother also filed an *ex parte* emergency petition in the District Court for Prince George's County, alleging that M.W. told her after a weekend visitation that Father had kissed her vaginal area, using his tongue. The district court granted Mother's *ex parte* emergency petition, giving Mother temporary sole custody of M.W. and denying Father any rights to visitation.

right to visitation.[6] Father filed motions denying all allegations of abuse. A hearing was held on November 28, 2018. A report by Charles County DSS stated that, following an investigation, it had "ruled out" any abuse, as did a Howard County Police Department child abuse/sexual assault report.[7] Following the hearing, the court ordered that the visitation schedule set forth in the August 2018 order remain in effect, giving father three weekends of visitation a month.

Within two weeks of the court's order, Father filed a motion for contempt, alleging that Mother was denying him his right to visitation. Mother subsequently filed motions seeking a termination of Father's rights to visitation and sole physical custody.[8] The court

[6] Specifically, on August 31, 2018, Mother filed motions to modify custody and visitation and for an emergency hearing, seeking sole legal and physical custody of M.W. and a denial of Father's visitation with M.W. In her motions, Mother alleged that M.W. was pushed down the stairs by Father's girlfriend's son leaving M.W. with bruises and neck pain, and that the boy had touched M.W.'s "private parts." Mother again filed an *ex parte* emergency petition, which the court granted, giving her temporary, sole physical custody of M.W. and denying Father all rights to visitation. Father responded by filing a motion to vacate the temporary *ex parte* custody order. On October 19, 2018, the circuit court reserved on Father's motion to vacate the temporary custody order and ruled that the temporary *ex parte* order remain in effect, pending a report by the Charles County DSS.

[7] Apparently, Mother had also filed a police report in Howard County, where she resides.

[8] On February 21, 2019, Mother filed motions to modify custody/visitation and for an emergency hearing, seeking a denial of Father's visitation rights and sole legal custody. She alleged that M.W. "has made several disclosures about her father sexually abusing her since visitation has been restored." Mother further alleged that M.W. had "visible signs of irritation on her labia, vagina, and buttocks, including peeling skin, redness, and rashes." The motion was found not to be an emergency and continued. The court subsequently held a hearing on Father's motion for contempt, and the court ordered Father to continue to have visitation with M.W. three weekends a month. Mother subsequently withdrew her motion for modification. The Prince George's County DSS "ruled out" any abuse.

(continued)

appointed a best interest attorney for M.W., noting in its order that although Mother continues to file multiple emergency motions for custody alleging that M.W. is being abused while visiting Father, "there have been no findings of abuse." The court also requested the Prince George's County DSS to file a report regarding all the allegations of abuse.

On October 4, 2019, a hearing was held before the court. The requested Prince George's County DSS report summarized the nine reports of abuse of M.W. by Father, made in the three different counties between July 18, 2018 and May 31, 2019, and noted that each investigation, which included a forensic interview of M.W., had ruled out abuse. The report concluded with the following statement:

> This minor child has been the subject of multiple interviews, medical exams, and five forensic interviews with no disclosure of sexual abuse. Three different jurisdictions have conducted investigations and the same conclusion, has been reached. It appears that the child is being put in the

On March 11, 2019, Mother again filed another motion for an emergency hearing, seeking sole physical and legal custody and denial of visitation by Father. Mother alleged that when she questioned M.W. about red marks on her face after a visitation with Father, the child said, "Daddy hit me because he told me not to tell." A hearing was held but the court continued the case and reserved issuing an order until the court received a DSS report of its investigation. Father denied all allegations and meanwhile filed a complaint to modify custody, seeking primary physical custody and sole legal custody of child.

On June 14, 2019, Mother again filed a motion for an emergency hearing, alleging sexual abuse disclosure by M.W. against Father. Three days later, on June 17, the court noted in an order that on May 2, 2019, DSS investigation "ruled out" sexual abuse reported in March, and the court determined that it would hold Mother's motion in reservation, asking Prince George's County DSS to file a report by July 31, 2019. Father filed a motion for a psychological evaluation of Mother, asserting that she has filed six motions for emergency relief alleging abuse of M.W. by Father (on 4.3.18, 4.26.18, 8.31.18, 2.21.19, 3.11.19, and 6.14.19); that none of the allegations have been found credible by DSS or the court; and that Mother's behavior is "inappropriate" and "alarming" and done intentionally to damage his relationship with his daughter.

> middle of an adult custody battle. Clinical impressions suggest that the child may have been coached to make these allegations as they are unfounded or inconsistent when professionally assessed by trained interviewers or detectives.

After the parties presented their arguments before the court, the parties entered into a consent order, granting Father visitation with M.W. three weekends a month.

About two weeks later, on October 21, 2019, Mother filed a motion for contempt/modification of custody, alleging, among other things, that Father had denied her FaceTime calls while the child was visiting him and Father had failed to pay certain medical expenses. Father denied the allegations.

On December 10, 2019, the parties appeared before the circuit court on Mother's motion to modify custody and the parties' cross-motions for contempt. Two witnesses testified. Dr. Rachel Altvater testified for Father; Ms. Jaylynne Williams testified for Mother.

Dr. Rachel Altvater was admitted as an expert in clinical psychology with a specialty in trauma. She testified that she has been in practice since 2010, holds a bachelor's, master's, and doctorate's degree in psychology, and sees approximately 30 patients a week. Mother brought M.W. in for treatment in September 2018, telling Dr. Altvater that there were allegations of sexual and physical abuse of M.W. by Father and his girlfriend's son. Dr. Altvater met M.W. four times, for about an hour each visit. Mother terminated Dr. Altvater's services when Dr. Altvater reached out to Father to inform him that Mother had revoked consent for her to speak to him. Dr. Altvater testified that while she treated M.W., the child did not disclose any allegations of sexual assault and disclosed

only a physical interaction with the Father's girlfriend's son. Based on her training and experience and the play therapy sessions with M.W., Dr. Altvater opined that she did not see any evidence of trauma. She believed that M.W., however, should continue to receive counseling because of "the dynamics in the family" and M.W. needs a safe space to process her experiences.

Ms. Jaylynne Williams was M.W.'s current therapist and holds a bachelor's and master's degree in social work. She became a licensed therapist in January 2019, when she began seeing M.W., who was one of her first clients. Ms. Williams testified that M.W.'s first "disclosure" to her occurred in March 2019 and the last disclosure occurred in October 2019. She testified that she filed eight reports with the Prince George's County DSS, based on physical and/or sexual disclosures by M.W.[9] Ms. Williams testified that she did not know if the disclosures represented separate incidents because M.W. was five years old and had a limited concept of time, and she was also unaware that DSS had ruled out each report of abuse. Ms. Williams testified that she was further unaware that M.W.'s mother filed emergency protective orders after each disclosure M.W. had made to her. Ms. Williams admitted that she had no prior experience with child victims of sexual abuse, no experience with children being "coached," and she had no specialization in trauma. When asked whether she was aware of the custody orders between the parties, she responded, "I didn't know what was going on."

[9] Specifically, Ms. Williams filed reports on: March 13, April 2, April 17, May 21, June 10, June 19, October 22, and October 28, 2019.

After the above testimony, the parties proceeded to argument. Father's attorney sought primary physical custody, or in the alternative, greater visitation and "make[-]up" days because of Mother's obstruction of Father's right to visitation. Counsel pointed out that for the last 14 months Mother had accused Father of abusing his daughter and each allegation had been ruled out. Counsel argued that Mother's "disdain of [Father] is so clouding her own judgment, that she would rather punish him and continue to make these allegations [than] to facilitate a resolution of whatever these issues are[.]" Mother's attorney argued Mother had not "frivolously" filed motions for emergency hearings alleging abuse by Father; Ms. Williams's testimony should be given more weight than Dr. Altvater's testimony because Ms. Williams is M.W.'s current therapist and has seen her longer; Father is not entitled to any make up time; and Father had not met his burden to modify custody.

M.W.'s appointed child advocate stated that she would leave the custody decision to the court but expressed great concern for M.W. because Mother's position is to "limit [Father's] access and limit his relationship with his daughter" even though all allegations of abuse have been ruled out. She argued:

> [T]his child has been subject to . . . forensic reports, interviews, [and] police detectives. She's four and almost now five years old. I mean, it's just making a traumatic experience for this little girl that . . . truly doesn't have to be. So you know, I know it's a huge decision for the Court, but this has to stop, Your Honor, because all these reportings and the therapist and everything, it's really harming my client. It's not fair.

Mother addressed the court, stating: M.W. was not safe with Father, there was evidence of abuse, and no one was coaching M.W. Father also addressed the court and stated, "[Y]ou

just don't know how this feels sitting on this side, to hear these lies being tossed to me, costing me money, costing me time with my daughter, costing me time at work. It's just an unbelievable experience, and I never wish this stuff on anybody."

At the conclusion of the hearing, the juvenile court issued an oral ruling from the bench, denying Father's motion to modify custody and denying both parties motions for contempt. The court ordered Father's visitation to continue at three weekends each month, and alternating weeks over the summer months and certain holidays. The parties were to re-enroll the child in counseling with Dr. Altvater, with Father being responsible for the cost of the child's therapy. The court ordered the parties to prepare an order reflecting its oral ruling. The parties, however, failed to do so.[10]

Almost two months after the hearing, Mother filed a motion to remove M.W.'s best interest attorney, which Father opposed and the court denied. On February 12, 2020, Mother filed a motion for contempt, alleging that Father had refused to pay the cost of M.W.'s therapy. On June 24, 2020, Father filed a motion for contempt, alleging that Mother had denied him visitation with M.W. since March 6. On July 21, 2020, Mother filed a motion to alter or amend the December 10, 2019 judgment, alleging, among other things, that M.W. continues to make sexual and physical abuse disclosures about Father since the hearing. Father opposed her motion.

On September 23, 2020, following a hearing that day, the circuit court signed an order. The court reiterated its ruling issued orally from the bench on December 10, 2019.

[10] Father in his appellate brief states that he refused to sign a proposed order subsequently drafted by Mother's attorney.

The order denied Father's motion to modify custody, and denied both parties motions for contempt; granted Father visitation of three weekends each month, alternating weekly visits over the summer, and specified holidays; and required M.W. to be reenrolled in counseling with Dr. Altvater with Father responsible for the costs of the therapy. The court noted that after the December 2019 hearing, the parties were instructed to prepare a written order for the court's signature but despite that directive, they did not submit an order until the day of the current hearing. The court then directed its September 23, 2020 order to be effective "nunc pro tunc"[11] as of the December 10, 2019 hearing.

The court signed an additional order about one week later, on October 2, 2020, that, among other things, granted Father 59 overnights with M.W. to "make-up" for access time denied by Mother; denied Mother's request to remove M.W.'s best interest attorney; denied Mother's motion for contempt for Father's failure to pay therapy costs; and denied Mother's motion to alter or amend judgment. The court treated the latter motion as a motion to modify custody, writing:

> Here Defendant plead that since the December 10, 2019 hearing, Prince George's County Department of Social Services Child Protective Services implemented a Safety Plan and the Plaintiff signed the plan (See Plaintiff's Exhibit #1). She then asserts that the Best Interest Attorney, Prince George's Department of Social Services, Howard County Department of Social Services, and Charles County Department of Social Services failed to investigate reports of sexual abuse. Next, she claims the Plaintiff refuses to pay for the minor child's weekly therapy treatment. Defendant also alleges that Plaintiff denies Defendant Facetime access "in an attempt to alienate the minor child, prevent disclosures about ongoing abuse and weaken Defendant's relationship with minor child." Finally, Defendant states in her

[11] "*Nunc pro tunc* signifies now for then, or, in other words, a thing is done now, which shall have the same legal force and effect as if done at time when ought to have been done." *Short v. Short*, 136 Md. App. 570, 579 (2001) (citations omitted).

> pleadings and testimony "the Plaintiff continues to sexually and physically abuse the minor child." This Court takes these allegations very seriously and is very conscious of the repeat nature of these allegations. On seven different occasions, Child Protective Services, from three different jurisdictions, have investigated Defendant's concerns and each time have issued a communication of "No Finding of Abuse" or closed the case without any further action. Defendant has not provided this Court with new evidence of abuse and therefore, this Court finds no material change in circumstance. Defendant's Motion to Alter or Amend is denied.

Both orders were docketed on October 6, 2020. Mother filed a timely appeal from the juvenile court's orders. Father filed a timely cross-appeal, which he later dismissed.

DISCUSSION

Standard of Review

We utilize three different but interrelated standards when reviewing the decision of a juvenile court. We review a juvenile court's factual findings under the clearly erroneous standard. *In re Adoption/Guardianship of Ta'Niya C.*, 417 Md. 90, 100 (2010) (quotation marks omitted) (citing *In re Yve S.*, 373 Md. 551, 586 (2003)). We review a juvenile court's legal conclusions under the *de novo* standard. *In re Adoption/Guardianship of C.A. & D.A.*, 234 Md. App. 30, 45 (2017) (citing *In re Yve S.*, 373 Md. at 586). We review the juvenile court's ultimate conclusions under an abuse of discretion standard. *In re Yve S.*, 373 Md. at 583. An abuse of discretion has been defined as "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." *Id*. at 583 (quotation marks and citation omitted).

In Maryland, protecting the "best interests of the child" is the overarching consideration in custody and visitation disputes. *Boswell v. Boswell*, 352 Md. 204, 219 (1998) (quotation marks and citation omitted). Maryland "recognizes that in almost all

cases, it is in the best interests of the child to have reasonable maximum opportunity to develop a close and loving relationship with each parent." *Id*. at 220. "As to visitation, the non-custodial parent has a right to liberal visitation with his or her child 'at reasonable times and under reasonable conditions,'" not for the non-custodial parent's gratification, "but to fulfill the needs of the child[.]" *Id*. at 220-21 (citations omitted). This right, however, is not absolute. *Id*. at 220. "[W]hen the child's health or welfare is at stake visitation may be restricted or even denied." *Id*. at 221 (citation omitted). "Applying a best interests standard, coupled with a finding of adverse impact, Maryland courts have restricted or denied visitation in situations involving sexual abuse, physical abuse, and/or emotional abuse by a parent." *Id.* "Custody and visitation determinations are within the sound discretion of the trial court, as it can best evaluate the facts of the case and assess the credibility of witnesses." *Id*. at 223.

I.

Mother argues that the juvenile court erred by expanding Father's right to visitation in its orders signed on September 23, 2020 and October 2, 2020 because the court failed to find that M.W. was physically or sexually abused. Specifically, Mother argues that the trial court failed to consider and give due weight to the testimony of Ms. Williams; failed to consider a DSS safety plan dated April 3, 2020; and erroneously believed that only physical signs of abuse supported by a medical examiner constituted abuse under sections 9-101 and 9-101.1 of the Family Law Article ("FL") of the Md. Code Annotated (1984,

2019 Repl. Vol.).[12] Father responds that the juvenile court properly found that no abuse had occurred.

Under section 9-101, a juvenile court, when faced with allegations of abuse in a custody/visitation proceeding, is required to undertake a two-step process. *First*, the court must "determine whether it has 'reasonable grounds to believe' that the parent seeking

[12] Section 9-101 of the Family Law Article provides:

> (a) In any custody or visitation proceeding, if the court has reasonable grounds to believe that a child has been abused or neglected by a party to the proceeding, the court shall determine whether abuse or neglect is likely to occur if custody or visitation rights are granted to the party.
>
> (b) Unless the court specifically finds that there is no likelihood of further child abuse or neglect by the party, the court shall deny custody or visitation rights to that party, except that the court may approve a supervised visitation arrangement that assures the safety and the physiological, psychological, and emotional well-being of the child.

Section 9-101.1(b) provides:

> In a custody or visitation proceeding, the court shall consider, when deciding custody or visitation issues, evidence of abuse by a party against:
>
> (1) the other parent of the party's child;
>
> (2) the party's spouse; or
>
> (3) any child residing within the party's household, including a child other than the child who is the subject of the custody or visitation proceeding.

Subsection (c) provides that "[i]f the court finds that a party has committed abuse [against those persons listed above], the court shall make arrangements for custody or visitation that best protect: (1) the child who is the subject of the proceeding; and (2) the victim of the abuse." Abuse is defined as, among other things, "an act that causes serious bodily harm;" "an act that places a person eligible for relief in fear of imminent serious bodily harm;" "assault in any degree;" or rape, or attempted rape, or sexual offense in any degree. FL § 4-501 (b)(1)(i)-(iv).

custody or visitation has abused or neglected a child." *Michael Gerald D. v. Roseann B.*, 220 Md. App. 669, 682 (2014) (quoting FL § 9-101(a)). *Second*, if the court finds reasonable grounds exist to believe that abuse or neglect has occurred, the court shall next make a "finding as to whether further child abuse or neglect is likely to occur if custody or visitation rights are granted to the parent responsible for the abuse or neglect." *Id*. (citing FL § 9-101(a)). If the court finds that it is likely to occur, "it is required to deny custody or visitation rights to the abusive parent[.]" *Id*. (citing FL § 9-101(b)). A trial court must find a party has abused a child by a preponderance of the evidence before denying a party custody or visitation. *Id.* at 683. Although there are fewer cases regarding section 9-101.1, we see no reason why the preponderance of the evidence standard for finding abuse would not also apply to a juvenile court's decision-making process under 9-101.1. Accordingly, under both sections, a juvenile court's first step is to determine whether abuse has occurred by a preponderance of the evidence.

As stated above, Mother contends that the juvenile court erred because it did not find that M.W. was abused and advances three arguments to support her contention. *First*, Mother argues that the juvenile court erroneously gave less weight to Ms. Williams' testimony. However, Ms. Williams was not admitted as an expert, was not trained in trauma or coaching, and had far less experience that Dr. Altvater. Moreover, she never expressed an opinion about whether M.W. was in fact abused, testifying that she only reported what M.W. disclosed to her and had no opinion as to the veracity of the disclosures. Those allegations were investigated by the appropriate social services department and found to have no merit. The juvenile court was in the best position to

weigh the evidence before it, and we are persuaded that the court did not abuse its discretion.

Second, Mother argues that the juvenile court erred because it failed to consider allegations of abuse that she related in her July 2020 motion to alter/amend and a Prince George's County DSS safety plan dated April 3, 2020, both of which were before the court at the September 23, 2020 hearing. We are not persuaded by Mother's arguments.[13]

We note that the one-page safety plan states that M.W. "disclosed being kissed on the butt[,]" the "danger influence" is rated as a 4, and the "action required" is for Father to ensure that a family member is present on the weekends that he has M.W. The plan states that a re-evaluation is to occur on April 10, 2020. A safety plan is not a finding of abuse, only a response to an allegation of abuse. Moreover, Mother admitted at the September 23, 2020 hearing that she received a letter from Prince George's County DSS on May 11 stating that it had ruled out the allegations of abuse, as has every institution responsible for investigating the alleged abuse disclosures. Also, in its order dated October 3, 2020, the juvenile court noted Mother's July 2020 motion to alter/amend in which she continued to make allegations of sexual/physical abuse of M.W. by Father and the April 3, 2020 safety plan. In response, the court stated that Mother continues to make allegations of sexual and physical abuse of M.W. by Father, that it takes each allegation seriously, that each allegation has been ruled out, and that Mother has not provided any new evidence of abuse. Under the circumstances, we reject Mother's argument that the juvenile court failed to

[13] Mother did not include a transcript of the September 23, 2020 hearing in her initial appeal, but following an order by this Court to do so, she filed the transcript for our review.

consider Mother's allegations of abuse and the Prince George's County DSS safety plan dated April 3, 2020.

Third, Mother makes much of the court's statement at the December 2019 hearing that "no pediatrician" had come into the courtroom and testified that "they can find any medical evidence that your child has been abused." When read in the context of the colloquy between Mother and the court, it is clear that the court was stating the obvious, that there was no evidence of abuse before the court (by a pediatrician or otherwise) other than the child's disclosures, all of which had been ruled out by the appropriate authorities. Contrary to Mother's argument, the court was not stating that it could only make a finding of abuse if a pediatrician found evidence of abuse.

Since Mother began making accusations that Father and/or Father's girlfriend's son had committed sexual/physical abuse of M.W. during visitations, there has been no evidence supporting those allegations. On the contrary, and as the juvenile court noted, every one of the almost dozen reports investigated by the relevant counties DSS have determined that the allegations were unfounded. M.W. has undergone five forensic interviews, three different jurisdictions of child protective services have conducted investigations, and all have ruled out the allegations of abuse. As noted in the Prince George's County DSS report ordered by the court before the December 10, 2019 hearing, "[i]t appears that the child is being put in the middle of an adult custody battle. Clinical impression suggests that the child may have been coached to make these allegations as they are unfounded and inconsistent when professional[ly] assessed by trained interviewers or detectives."

In sum, Mother has failed to show by a preponderance of the evidence that M.W. was abused by Father. Accordingly, we are persuaded that the juvenile court did not abuse its discretion by granting Father increased visitations with M.W.

II.

Mother argues that the juvenile court erred during the December 2019 hearing when it sustained objections during certain testimony by Ms. Williams, M.W.'s therapist. Father responds that the juvenile court properly excluded the testimony as it consisted of inadmissible hearsay.

Md. Rule 5-801(c) defines hearsay as "a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted." Hearsay is not admissible unless it falls within a constitutional, statutory or rule exception. *Stoddard v. State*, 389 Md. 681, 688 (2005) (citing Md. Rule 5-802). Hearsay is generally inadmissible because it is considered unreliable. This is because the opposing party does not have the opportunity to cross-examine the declarant, and therefore, the fact-finder "is unable to evaluate the declarant's perception, memory, sincerity, and narration." *Stanley v. State*, 118 Md. App. 45, 53 (1997) (citing L. McLain, *Maryland Evidence* § 272 (4th ed. 1987)), *aff'd in part, vacated in part*, 351 Md. 733 (1998). "The exceptions to the hearsay rule are derived from the principle that under certain circumstances, the statement offered is free enough from the risk of inaccuracy and untrustworthiness, so that 'the test of cross-examination would be superfluous.'" *State v. Coates*, 405 Md. 131, 141 (2008) (cleaned up).

Mother directs us to three pages of typed transcript from the December 2019 hearing where she alleges that the court improperly sustained objections to the direct examination of Ms. Williams. In the first instance, Ms. Williams was asked "[W]hy were you seeing [M.W.] at the time? She responded, "The intake said that she was being seen –" and Father's attorney objected. The court advised her that she could not testify about what the intake said. In the second instance, Ms. Williams was asked what M.W. said to her during her first disclosure, and Father's attorney objected on grounds of hearsay. The court sustained the objection. The third page to which Mother directs us does not contain any objection, nor do the pages before or after that page.

As to both sustained objections, Mother did not argue to the trial court or on appeal that the testimony about the intake sheet should have been accepted for any reason other than the truth of the matter asserted or that an exception to the hearsay rule applied. Rather, she argues that regardless of whether the excluded testimony constituted hearsay, it was admissible because it was relevant to the court's determination of what was in M.W.'s best interest. There is no "best interest" exception to the hearsay rule. Accordingly, sustaining the objections was not reversible error.[14]

JUDGMENTS AFFIRMED. COSTS TO BE PAID BY APPELLANT.

[14] One could plausibly argue that Ms. Williams' reference to the intake sheet was in response to the question of why she was seeing M.W., and therefore the testimony was offered for a non-hearsay purpose such as establishing context for Ms. Williams' relationship with M.W. However, even if were so, there is no doubt that the trial court understood from Ms. Williams' testimony the nature and purpose of her treatment of M.W., and the intake sheet was admitted into evidence. Thus, any error in sustaining the objection to this question was harmless.