

Circuit Court for Montgomery County  
Case No. 06-I-19-101

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 864

September Term, 2019

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IN RE: T.G.

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Berger,  
Beachley,  
Wells,

JJ.

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Opinion by Berger, J.

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Filed: December 12, 2019

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

This appeal arises from an order of the Circuit Court for Montgomery County, sitting as a juvenile court, finding respondent child T.G. to be a Child in Need of Assistance (“CINA”)<sup>1</sup> and committing her to the custody of the Montgomery County Department of Social Services (the “Department”) for placement in kinship care. T.G.’s mother, Ms. G. (“Mother”), appealed the juvenile court’s ruling. Mother presents two issues for our consideration on appeal, which we have rephrased slightly as follows:<sup>2</sup>

1. Whether the juvenile court erred by finding T.G. to be a CINA.
2. Whether the juvenile court drew a negative inference from Mother’s decision to invoke the Fifth Amendment privilege against self-incrimination and not testify at the CINA hearing, and, if the juvenile court drew such an inference, whether the drawing of the inference was improper in light of Mother’s constitutional right to parent her child.

Perceiving no error, we shall affirm.

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<sup>1</sup> A “CINA,” or “child in need of assistance,” is “a child who requires court intervention because: (1) [t]he child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and (2) [t]he child’s parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child’s needs.” Md. Code (1974, 2013 Repl. Vol.), § 3-901(f) of the Courts and Judicial Proceedings Article (“CJP”).

<sup>2</sup> The issues, as presented by Mother, are:

1. Did the court commit error when it found T.G. to be a CINA, when Ms. G had one discrete mental health episode almost a year prior to T.G.’s birth?
2. Did the court err when it drew a negative inference from Ms. G’s failure to testify in a proceeding where the state significantly impinges upon Ms. G’s fundamental, constitutional rights?

## **FACTS AND PROCEEDINGS**

T.G. was born on June 11, 2019 to Mother. The identity of T.G.'s father is unknown. Mother has another child, six-year-old S.G., who is the half-sister of T.G. The Department initially became involved with Mother and her family due to a prior incident involving S.G., who was five years old at the time. Mother's then-seven-year-old nephew, Z.G., and two nephews of Mother's boyfriend were also involved.

### ***The July 25, 2018 Incident***

At approximately 4:00 a.m. on July 25, 2018, a truck driver saw S.G. and Z.G. walking alone and barefoot along Shady Grove Road. It was raining. The truck driver picked up the children and brought them to the Darnestown fire station. Detective Matthew Lynch of the Montgomery County Special Victims Investigations Division ("SVID") arrived at the fire station at 5:30 a.m. Detective Lynch found the children to be nervous, overwhelmed, and not eager to engage. The children were transported to the police station.

As of 8:00 a.m., the children were still unable to provide enough information for the police officers to locate the children's caregivers. At about 10:00 a.m., officers had obtained enough information from the children to reach Z.G.'s mother, Sh.G. Sh.G. provided officers with Mother's telephone number, but police were unable to reach her. Family members began arriving at the police station at approximately 11:00 a.m., but none of the family members had spoken with Mother or knew where she was. Detective Lynch was concerned and reported Mother as a missing person. Detective Lynch and a forensic interviewer from the Department interviewed S.G. and Z.G. S.G. said that she felt unsafe

and did not want to return to her mother. After the completion of the interviews, Z.G. was allowed to go home with his mother, Sh.G. S.G. went home with her maternal grandmother.

At approximately 1:00 p.m. the same day, police responded to a report of a child sleeping outside of a house located near the same road along which S.G. and Z.G. had been found earlier. The child was identified as nine-year-old A.B., a nephew of Mr. B., a man with whom Mother was romantically involved. A.B. informed the police that this was the house where Mother and her boyfriend, Mr. B., had been the prior night with S.G. and Z.G. A.B. and his fifteen-year-old brother, M.D., had been present overnight as well. A.B. told officers that Mother and Mr. B. had left the home to go to the emergency room at Shady Grove Hospital. A.B. explained that he had gotten locked out of the house after Mr. B. and Mother left for the hospital. Officers found Mr. B. in the emergency room at Shady Grove Hospital and located Mother in her vehicle in the hospital's parking lot. Mother agreed to be interviewed by the SVID. The interview was video-recorded.

Mother told police that she had been at her friend Mr. B.'s house overnight from July 24-25, 2018. Mother confirmed that S.G., Z.G., M.D., and A.B. were present in the home overnight as well. Based upon the interview with Mother, as well as the conversations with Sh.G. and the children, the police were able to determine what had happened the night of July 24 and during the early morning hours of July 25 that resulted in S.G. and Z.G. walking alone along the side of the road. Mr. B. woke S.G. in the middle of the night and told her to go to the garage. He said he intended to put her in a trash can.

Mr. B. punched Z.G. and asked one of his nephews for a lighter, after which he set some paper on fire and began praying. Mother was present for these events. Z.G. told a detective that Mr. B. tried to set S.G. on fire, that Mother and Mr. B. used salt to make circles on the floor so demons would not escape, and everyone drank saltwater for protection. At some point during the night, Mother put S.G. out of the house. Z.G. was put out of the house as well. Mother admitted to using illegal substances, including “Molly.”<sup>3</sup> The juvenile court found that Mother appeared to be under the influence of illegal substances during the video-recorded interview.

Mother also admitted to setting a car seat on fire. Mother said that she lit the car seat on fire because there were “demons” in the car seat. Mother admitted that she was homeless and said that she wanted to give S.G. to S.G.’s father. During the interview, Mother expressed no concern for the children’s safety. Mother described S.G. as truthful and did not contradict S.G.’s explanation of the events. Mother admitted that she had put S.G. out of the house but she did not know when she had done so. Mother told police again that she wanted to give up her daughter. Detective Lynch became concerned about Mother during the interview due to her state of mind and erratic behavior. Detective Lynch was

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<sup>3</sup> “Molly,” also known as “ecstasy,” is 3,4-methylenedioxy-methamphetamine, also abbreviated MDMA. It is “a synthetic drug that alters mood and perception” and “is chemically similar to both stimulants and hallucinogens, producing feelings of increased energy, pleasure, emotional warmth, and distorted sensory and time perception.” DrugFacts: MDMA, National Institute on Drug Abuse, available at <https://www.drugabuse.gov/publications/drugfacts/mdma-ecstasy-molly> (last accessed Nov. 12, 2019).

also concerned by the statements Mother made during the interview. Police officers completed an emergency evaluation petition and transported Mother to the hospital.

On August 6, 2018, Mother was charged with reckless endangerment, criminal neglect of a minor, and conspiracy to commit neglect of a minor. A trial was scheduled for August 27, 2019 in the Circuit Court for Montgomery County.<sup>4</sup> S.G.’s father obtained custody of S.G. after the July 25, 2018 incident. S.G.’s father obtained a final protective order against Mother both on his and S.G.’s behalf. The protective order was effective through August 1, 2019.

In the remaining months of 2018, Mother’s family members did not know where Mother was living. It was later determined that Mother had traveled to Texas with Mr. B. Detective Lynch obtained Mother’s telephone number from one of Mother’s sisters, but Mother did not answer Detective Lynch’s calls. Mother’s sister, L.G., did not see her sister between July 25, 2018 and November or December 2018 when Mother “popped back up.” Mother’s family members did not know about the pending criminal charges when Mother resumed contact in late 2018.

According to L.G., the family had always been close-knit, but things changed in July 2018. Until that time, L.G. saw Mother and S.G. weekly. During August through November or December of 2018, L.G. had no idea if her sister was alive. L.G. found

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<sup>4</sup> Although not relevant to the issues on appeal, we note the following for context. A review of the Maryland Judiciary Caserearch website indicates that on August 21, 2019, Mother entered a guilty plea to one count of neglect of a minor in violation of Md. Code (2002, 2012 Repl. Vol.), § 3-602.1(b) of the Criminal Law Article. She received a suspended five-year sentence and was placed on supervised probation.

Mother's lack of contact to be out-of-character and concerning. When L.G. watched portions of Mother's video-recorded police interview, she was shocked by what she saw.

Mother's whereabouts were unknown to the Department between July and November 2018 and periodically between January and February 2019. In March 2019, Mother was arrested on an open warrant in her criminal case and released on bail.

***T.G.'s Birth and Subsequent Involvement with the Department***

The Department learned about Mother's pregnancy a few days prior to T.G.'s birth in June 2019. The Department immediately became involved. The Department's social worker, Harold Dubois, spoke with Mother at the hospital after T.G.'s birth. Mr. Dubois was familiar with the family because he had been involved in the original investigation in July 2018. He was assigned as the caseworker for A.B. and M.D. and had attempted to contact Mother, but he had never heard back from her. When Mother spoke with Mr. Dubois following T.G.'s birth, she described the events of July 24-25, 2018 differently than she had previously. Mother told Mr. Dubois that she had fallen asleep after taking a white pill that Mr. B. had given to her. Mother said that when she woke up in the morning, she did not see T.G. or Z.G. but assumed that her mother, the children's maternal grandmother, had picked them up.

Mr. Dubois had Mother complete a risk assessment and determined that T.G. would be at significant risk of harm if she were in Mother's care. He based his opinion on several factors, including Mother's behavior following the July 25, 2018 incident, Mother's disappearance for multiple months and lack of contact with family, Mother's failure to ask

about S.G.’s welfare following the incident, and Mother’s admitted substance abuse, including during her pregnancy with T.G.<sup>5</sup> T.G. was placed in shelter care with her maternal aunt, L.G.<sup>6</sup> The Department filed a petition alleging that T.G. was a CINA and had suffered from neglect.

An adjudicatory and disposition hearing was held before the juvenile court on July 9 and 10, 2019. Mr. Dubois testified as an expert in the field of social work. He described the reasons he considered T.G. to be at high risk of harm if she were placed in Mother’s care. As to the concerns outlined *supra*, Mr. Dubois testified that, although Mother’s family claimed to be a strong support system for Mother, none of Mother’s sisters knew anything about the events leading up to and including the July 25 incident. Mother’s sisters also knew little about what Mother had been doing in the remaining months of 2018.

Mr. Dubois also reviewed the interview of Mother’s mother by Detective Lynch. The maternal grandmother had died on January 1, 2019, but the interview was a part of the Department’s record. The maternal grandmother had reported that Mother became erratic and had lost weight after she began dating Mr. B. The maternal grandmother believed that Mother was using drugs and Mother had spoken to the maternal grandmother about devils, demons, and Satan and had told the maternal grandmother she could no longer live with her because the maternal grandmother was the devil.

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<sup>5</sup> Mother admitted to using marijuana three times per day during her pregnancy.

<sup>6</sup> Shelter care is “a temporary placement of a child outside of the home at any time before disposition.” Md. Code (1974, 2018 Supp.), § 3-801(aa) of the Courts and Judicial Proceedings Article.

Mr. Dubois testified regarding the emergency evaluation Mother had undergone on July 25, 2018 after being transported to the hospital. The evaluation detailed Mother's hallucinations and psychosis and recommended that Mother undergo a more comprehensive psychological evaluation. Mother ultimately participated in a psychological evaluation through Vesta, Inc. in June of 2019, and the Vesta report was included in the Department's record. Mr. Dubois questioned the validity of the Vesta report because it contained numerous inconsistencies. Mr. Dubois testified that it was his belief that Mother would benefit from accepting responsibility for the events of July 24-25, 2018 and undergoing thorough substance abuse and psychological evaluations, as well as possibly attending an abused persons' program in order to address domestic violence concerns.

Following T.G.'s birth, Mr. Dubois met with Mother on approximately ten occasions. He found Mother to be emotionally unstable because she professed to have no knowledge about the events that occurred on July 25, 2018. Despite Mr. Dubois's recommendations, Mother did not participate in any recommended services by the time of the adjudicatory and disposition hearing.

The juvenile court heard additional testimony from another social worker, Mery Aguilar-Rivas. Ms. Aguilar-Rivas had supervised Mother's visits with T.G. and had found Mother to be appropriate during visits and saw signs that bonding had begun to occur between Mother and T.G. Nonetheless, it was Ms. Aguilar-Rivas's opinion that only supervised visitation was appropriate between Mother and T.G. Ms. Aguilar-Rivas was

concerned about Mother's family's lack of recognition of Mother's potential mental health issues. She was further concerned about Mother's pending criminal charges. Ms. Aguilar-Rivas testified that the Department needed a more complete understanding of Mother's current status. Ms. Aguilar-Rivas testified that Mother should have a full psychological evaluation to enable the Department to understand Mother's overall mental health.

On July 10, 2019, the juvenile court sustained the allegations set forth in the Department's First Amended CINA Petition with minor edits. The court found that Mother was present for the events of July 25, 2018 and had put S.G. out of the home in the middle of the night. The juvenile court further found that Mother had admitted to setting objects on fire, including a car seat, because she believed the children were "demons" and that there was a spirit in the car seat. The juvenile court further found that Mother had admitted to using illegal substances and appeared to be under the influence during her July 25, 2018 interview.

The juvenile court was troubled by Mother having left Maryland following the July 2018 incident to travel to Texas despite the pending criminal child-endangerment and neglect charges. The court found that Mother "consort[ed] with [an] unsavory character[]" who gave Mother "drugs, who abuse[s] children, [and] who has some really strange thoughts about demons," which, in the court's view, placed T.G. in danger. The juvenile court expressed further concerns about Mother's use of marijuana during her pregnancy.

With respect to the July 25, 2018 incident, the court observed that "[w]hatever happened on that evening is not consistent with normal behavior." The court opined that

it was “either drug-induced or it [wa]s mental health induced,” but “the problem is we don’t know what it is.” The court expressed concern that, because the underlying cause of the incident remained unknown, “how can we say that it has been abated and will not pop up?” The court considered Mother’s Vesta intake evaluation to contain untruthful statements and be a sanitized version of the events. Specifically, the juvenile court observed that Mother had omitted the fact that she had used “Molly” that evening. The court noted other inconsistencies with Mother’s prior statements, including that Mother reported to the mental health provider that her boyfriend had put S.G. out of the house while Mother was sleeping, while Mother had previously admitted that she had put S.G. out of the house herself. Mother told the mental health provider that S.G. had been found by a neighbor, but the court knew that S.G. had been picked up by a truck driver while walking along the side of the road. In short, the court did not believe that Mother had resolved her mental health issues.

Based upon the totality of the circumstances, the juvenile court found that Mother had neglected T.G. and posed a “substantial risk of harm [to T.G.] at this point in time.” The juvenile court concluded that Mother was “unable to give proper care and attention to [T.G.’s] needs at this time” and found T.G. to be a CINA.

The juvenile court specifically recognized that Mother still had pending criminal charges based upon the July 25, 2018 incident and specifically refused to draw an adverse inference at the CINA hearing when Mother invoked her Fifth Amendment right against self-incrimination. The court also specifically declined to hold Mother’s decision not the

comply with the Department’s offered services against her because the court recognized that Mother’s criminal defense attorney may have advised her to hold off on engaging in services while the charges remained pending.

Additional facts shall be discussed as necessitated by our consideration of the issues on appeal.

### STANDARD OF REVIEW

We apply three interrelated standards of review in appeals of CINA cases:

In CINA cases, factual findings by the juvenile court are reviewed for clear error. An erroneous legal determination by the juvenile court will require further proceedings in the trial court unless the error is deemed to be harmless. The final conclusion of the juvenile court, when based on proper factual findings and correct legal principles, will stand unless the decision is a clear abuse of discretion.

*In re Ashley S.*, 431 Md. 678, 704 (2013) (citing *In re Yve S.*, 373 Md. 551, 586 (2003)).

In our review, we give “due regard . . . to the opportunity of the lower court to judge the credibility of the witnesses.” *Yve S.*, 373 Md. at 584. We recognize that “it is within the sound discretion of the [trial court] to award custody according to the exigencies of each case, and . . . a reviewing court may interfere with such a determination only on a clear showing of abuse of that discretion.” *Id.* at 585-86. “Such broad discretion is vested in the [trial court] because only [the trial judge] sees the witnesses and the parties, hears the testimony, and has the opportunity to speak with the child; he is in a far better position than is an appellate court, which has only a cold record before it, to weigh the evidence and determine what disposition will best promote the welfare of the minor.” *Id.* at 586.

## DISCUSSION

### I.

Mother’s first appellate assertion is that the juvenile court erred by finding T.G. to be a CINA. Mother asserts that the juvenile court inappropriately based its decision on a single episode over a year prior to T.G.’s birth and that the circumstances surrounding T.G.’s birth did not give rise to placing T.G. at harm or substantial risk of harm. We are not persuaded by Mother’s contentions.

As T.G.’s parent, Mother is vested with a constitutionally protected fundamental liberty interest in the care and custody of her children, without undue interference by the State. *Koshko v. Haining*, 398 Md. 404, 422 (2007) (explaining that parents “are invested with the fundamental right of parents generally to direct and control the upbringing of their children”); *In re Yve S.*, *supra*, 373 Md. at 565 (“Certain fundamental rights are protected under the U.S. Constitution, and among those rights are a parent’s Fourteenth Amendment liberty interest in raising his or her children as he or she sees fit, without undue interference by the State.”). Indeed, the United States Supreme Court has explained that “the interest of parents in the care, custody, and control of their children . . . is perhaps the oldest of the fundamental liberty interests recognized by this Court.” *Troxel v. Granville*, 530 U.S. 57, 65 (2000). “This liberty interest provides the constitutional context which looms over any judicial rumination on the question of custody or visitation.” *Koshko*, *supra*, 398 Md. at 423.

This liberty interest, though fundamental, is not absolute. *In re Adoption/Guardianship of Rashawn H.*, 402 Md. 477, 497 (2007). A parent’s liberty interest in the care and custody of her children “must be balanced against the fundamental right and responsibility of the State to protect children, who cannot protect themselves, from abuse and neglect.” *Id.*

“The Maryland General Assembly has enacted a comprehensive statutory scheme to address those situations where a child is at risk because of his or her parents’ inability or unwillingness to care for him or her.” *In re Adoption/Guardianship No. 10941 in Circuit Court for Montgomery Cty.*, 335 Md. 99, 103 (1994). Pursuant to this statutory scheme, a child can be found to be a “child in need of assistance,” or “CINA.” A CINA is

[A] child who requires court intervention because:

- (1) [t]he child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and
- (2) [t]he child's parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child's needs.

Md. Code (2006, 2013 Repl. Vol.), § 3-901(f) of the Courts and Judicial Proceedings Article (“CJP”). “Neglect” occurs when a parent “fail[s] to give proper care and attention to a child . . . under circumstances that indicate . . . [t]hat the child’s health or welfare is harmed or placed at substantial risk of harm.” CJP § 3-801(s)(1).

CINA cases are initiated by the filing of a petition that “allege[s] that a child is in need of assistance and . . . set[s] forth in clear and simple language the facts supporting that allegation.” CJP §§ 3-809; 3-811. The juvenile court utilizes a two-step process when

evaluating whether a child is CINA. At the adjudication hearing, the court determines whether the allegations raised in the CINA petition have been established by a preponderance of the evidence. CJP § 3-817. Unless a CINA petition is dismissed, the court must subsequently hold a disposition hearing. CJP § 3-819. In making a disposition on a CINA petition, the court shall:

- (i) Find that the child is not in need of assistance and, except as provided in subsection (e) of this section, dismiss the case;
- (ii) Hold in abeyance a finding on whether a child with a developmental disability or a mental illness is a child in need of assistance . . . ; or,
- (iii) Subject to paragraph (2) of this subsection, find that the child is in need of assistance . . . .

CJP § 3-819(b)(1).

In this case, Mother does not challenge any of the juvenile court’s factual findings. Mother does not assert that the juvenile court erred by finding the events of July 25, 2018 had occurred. As outlined *supra*, there was ample evidence in the record to support the conclusion that T.G.’s sister, S.G., suffered actual harm and that T.G. was at substantial risk of harm. The juvenile court “need not wait until the child suffers some injury before determining that he is neglected.” *In re Nathaniel A.*, 160 Md. App. 581, 596 (2005) (quoting *In re William B.*, 73 Md. App. 68, 77 (1987)). “This would be contrary to the purpose of the CINA statute. The purpose of the act is to protect children -- not to wait for their injury.” *Id.* The Department has “a right -- and indeed a duty -- to look at the track record, the past, of [a parent] in order to predict what her future treatment of the child may be.” *In re Dustin T.*, 93 Md. App. 726, 734 (1992).

The record reflects that the juvenile court appropriately considered the future risk of harm to T.G. by evaluating the totality of the circumstances. See *In re Priscilla B.*, 214 Md. App. 600, 621 (2013) (“In determining whether a child has been neglected, a court may and must look at the totality of the circumstances . . .”). The juvenile court properly took into consideration Mother’s bizarre behavior on July 25, 2018, even though the incident preceded T.G.’s birth. Indeed, “neglect or abuse of a child in the past refers to the abuse or neglect of any child in the past, not only the child at issue in the current proceeding.” *In re Billy W.*, 387 Md. 405, 451 (2005). The circuit court appropriately considered and gave weight to the seriousness of the July 2018 incident, which resulted in five- and seven-year-old children walking barefoot along the side of a busy road for an unknown amount of time before being picked up by a truck driver at 4:00 a.m. and taken to a fire station.

Furthermore, contrary to Mother’s assertion that the juvenile court based its determination solely on the July 2018 incident, the record reflects that the court assessed Mother’s conduct in the twelve-month period between the July 2018 incident and T.G.’s CINA hearing. The court considered Mother’s continued relationship with Mr. B., a child abuser and domestic abuser with whom Mother absconded to Texas for multiple months. The juvenile court further considered Mother’s failure to ask about her daughter’s welfare following the July 2018 incident, as well as Mother’s admission that she smoked marijuana three times per day during her pregnancy with T.G.

The juvenile court’s factual findings -- unchallenged by Mother on appeal -- were supported by ample evidence and not clearly erroneous. The juvenile court’s ultimate determination that T.G. was a CINA was based on proper factual findings and correct legal principles. Based upon the totality of the circumstances, the juvenile court reasonably concluded that T.G.’s health and welfare would be placed at substantial risk of harm in Mother’s care. Indeed, the court’s conclusion was eminently reasonable given T.G.’s tender age and complete dependence upon her caregiver. The court, therefore, did not err nor abuse its discretion by finding T.G. to be a CINA.

## II.

Mother further asserts that the juvenile court drew an impermissible adverse inference regarding Mother’s failure to explain the July 2018 incident during her testimony. Mother concedes that the court did not say that it drew an adverse inference from Mother’s failure to testify but asserts that the unexplained nature of the July 2018 incident weighed heavily in the juvenile court’s decision-making. We shall hold that the juvenile court did not draw an adverse inference from Mother’s decision not to testify.

The Fifth Amendment to the United States Constitution provides that “[n]o person . . . shall be compelled in any criminal case to be a witness against himself.” U.S. Const. Amend. V. “The Fifth Amendment privilege applies to the states through the 14th Amendment.” *Moser v. Heffington*, 465 Md. 381, 396 (2019). “Although the language of the Fifth Amendment refers specifically to criminal cases, the privilege against self-incrimination applies in the civil context.” *Id.* Generally, the invocation of the privilege

in a civil action permits the finder of fact to draw an adverse inference but does not change the burdens of proof. *Id.* at 397 (citing *Robinson v. Robinson*, 328 Md. 507, 515-16 (1992)). Mother asserts that the juvenile court drew an adverse inference in this case and that the drawing of an adverse inference was impermissible given Mother’s constitutionally protected right to parent her child.<sup>7</sup>

The record reflects that not only did the juvenile court not articulate that it had drawn an adverse inference from Mother’s invocation of her Fifth Amendment privilege against self-incrimination, but, rather, the juvenile court specifically explained that it understood the implications of Mother’s pending criminal case and expressly referred to Mother’s invocation of the privilege. The Department specifically asked the juvenile court to draw an adverse inference, but the court’s ruling reflects that it did not. Indeed, the court specifically declined to sustain a finding that Mother had decided not to appeal the Department’s indicated neglect finding arising from the July 2018 investigation specifically because Mother had asserted her Fifth Amendment privilege.

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<sup>7</sup> In light of our determination that the juvenile court did not draw an adverse inference from Mother’s invocation of the Fifth Amendment privilege against self-incrimination, we need not address whether a court may draw an adverse inference under such circumstances. We observe, however, that the Fifth Amendment “does not preclude from disclosure facts which would tend to establish civil liability, but rather protects a witness from being required to make disclosure, otherwise compellable in the trial court’s contempt power, which could incriminate him in a later criminal prosecution.” *Whitaker v. Prince George’s County*, 307 Md. 368, 385 (1986). A CINA hearing is a civil case. *In re Blessen H.*, 392 Md. 684, 707 (2006). The Court of Appeals has explained while discussing the applicability of the Fifth Amendment to a CINA case that “there may be adverse consequences . . . such as the drawing of an adverse inference where the information sought is material to the proceedings.” *In re Ariel G.*, 383 Md. 240, 245 n.7.

Rather than base its ruling on an adverse inference, the juvenile court based its CINA ruling on Mother's admissions and additional evidence in the record. Mother admitted that, on July 25, 2018, she put her then-five-year-old daughter, S.J., out of the house in the middle of the night. Mother admitted to setting fire to a car seat because there were demons in it. Mother also admitted that she had ingested Molly on the night of the July 25, 2018 incident as well as marijuana during her pregnancy with T.G. These facts, which Mother admitted and does not challenge in this appeal, partially formed the basis for the juvenile court's CINA finding.

In addition, the juvenile court had evidence before it regarding Mother's flight to Texas following the July 2018 incident and failure to ask about her older child's welfare during the subsequent months. Furthermore, the juvenile court was aware that Mother had made statements to a mental health provider that were inconsistent with her previous admissions and tended to minimize the seriousness of the July 2018 incident. In short, the court had evidence from a variety of sources to support its conclusion that T.G. would be at a high risk of harm if left in Mother's care. We, therefore, expressly reject Mother's contention that the juvenile court's ruling was based upon an adverse inference.

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