Circuit Court for Prince George's County
Case No. CINA-22-0120

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2525

September Term, 2024

No. 933

September Term, 2025

IN RE: T.D.

Berger,
Beachley,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

Opinion by Berger, J.

Filed: December 19, 2025

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

This case involves an appeal by O.C. ("Mother"), challenging an order from the Circuit Court for Prince George's County, sitting as a juvenile court, which changed the permanency plan for her daughter, T.D., to a concurrent plan of reunification with Pr.D. ("Father") and custody and guardianship to a nonrelative. Previously, the plan had been a concurrent plan of reunification with Father and custody and guardianship to a relative or nonrelative. Mother appeals the court's elimination of the concurrent plan of custody and guardianship to a relative, namely, T.D.'s maternal aunt D.C.

QUESTION PRESENTED

Mother presents one question for our review:

> Whether the juvenile court erred in removing the concurrent permanency plan of custody and guardianship to a relative.

For the following reasons, we affirm.

BACKGROUND

T.D. is removed from her parents' care

Mother and Father gave birth to T.D. in January 2021. Mother has another daughter, K.N., born in 2006, from a previous relationship. Father also had another daughter, P.D., born in February 2017, from a previous relationship. Mother, Father, and all three children resided together. On August 18, 2022, K.N. found P.D. unresponsive in her bedroom and called paramedics. P.D. was transported to the hospital where she was pronounced dead. T.D. and K.N. remained in the home.

On August 20, 2022, preliminary autopsy results revealed that P.D.'s cause of death was blunt force trauma, and her death was ruled a homicide. T.D. and K.N. were

subsequently removed from the home. On August 22, 2022, the Prince George's County Department of Social Services (the "Department") filed a petition for shelter care, alleging that T.D. was a child in need of assistance ("CINA").[1] The court granted the petition, and T.D. was placed with a foster parent, Ms. Du., where she has remained since. Both Mother and Father were initially incarcerated during the investigation surrounding P.D.'s death.

T.D. is found CINA

On September 16, 2022, the Department filed a motion to waive its obligation to make reasonable efforts towards reunification with Mother and Father.[2] Adjudication

[1] A child in need of assistance ("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 (1973, 2020 Repl. Vol.) § 3-801(f), (g) of the Courts and Judicial Proceedings Article ("CJP"). "'Shelter care' means a temporary placement of a child outside of the home at any time before disposition." CJP § 3-801(cc).

[2] CJP § 3-812(d) permits the court to waive the requirement that reasonable efforts be made to reunify the child with his or her parent or guardian if the court finds by clear and convincing evidence that any of the circumstances in CJP § 3-812(b) exist. CJP § 3-812(b) provides in pertinent part:

> (b) In a petition under this subtitle, a local department may ask the court to find that reasonable efforts to reunify a child with the child's parent or guardian are not required if the local department concludes that a parent or guardian:
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> (1) Has subjected the child to any of the following aggravated circumstances:
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> (i) The parent or guardian has engaged in or facilitated:
>
> 1. Chronic or severe physical abuse of the child, a sibling of the child, or another child in the household;

regarding T.D.'s CINA case began September 19, 2022, and had to be continued several times. The order continuing adjudication ordered that the Department "[e]xplore relatives and family friends as placement or visitation options for [T.D.], including a maternal aunt, [D.C.], and other relatives identified by the parents."

On October 20, 2022, the Department filed an amended petition noting that both parents were detained in relation to P.D.'s death. Mother was charged with common law murder, first degree child abuse, assault in the second degree, and criminal neglect of a minor. Father was also charged with criminal neglect of a minor. On December 15, 2022, the Department filed a second amended petition noting that Father had been released from detention. Mother was released pre-trial in March 2023, and moved in with her sister, D.C.

On September 7, 2023, the adjudication involving T.D.'s CINA case resumed. Father requested the court take judicial notice that the State had entered a nolle prosequi to the charges against Father. The Department called three witnesses: the social worker who

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* * *

> (ii) The parent or guardian knowingly failed to take appropriate steps to protect the child after a person in the household inflicted sexual abuse, severe physical abuse, life-threatening neglect, or torture on the child or another child in the household;
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> * * *
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> (2) Has been convicted, in any state or any court of the United States, of:
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> (i) A crime of violence against:
>
> 1. A minor offspring of the parent or guardian[.]

testified regarding events surrounding the removal of T.D. and K.N. from the home, Mother, and Father. Mother invoked her Fifth Amendment privilege in response to questions about the events, but did testify that D.C. could care for T.D. And K.N. Father testified regarding P.D's injuries.

On January 22, 2024, the Department submitted a report about T.D. to the court. The report noted that T.D. was doing well in her foster placement with Ms. Du. T.D. had bi-weekly visits with Mother and monthly visits with Father, both of which Ms. Du. reported were going well. The Department noted that Mother was still on supervised home monitoring and resided with D.C. The Department recommended that T.D. have unsupervised visits with D.C. and continue supervised visits with her parents.

Following scheduling issues, the case resumed on February 2, 2024. The medical examiner who conducted the autopsy on P.D. testified regarding the injuries that resulted in her death. On March 14, 2024, Mother pleaded guilty to a charge of second-degree murder. Adjudication concluded on April 8, 2024, with the court sustaining the Department's allegations. At that time, the court found K.N. to be CINA, and continued disposition in T.D.'s case pending resolution of a previous no-contact order in Father's nol prossed criminal case.

On May 3, 2024, the court held T.D.'s disposition hearing and determined that T.D. was a CINA. The court committed T.D. to the care of the Department and granted supervised visitation for Mother and Father. The court waived the Department's requirement to make reasonable efforts to facilitate reunification with Mother but declined to waive the reasonable efforts requirement as to Father.

Mother renewed her request that T.D. be placed with D.C., acknowledging that the Department's evaluation of D.C. as a custody resource had been "brought to a suspended state based on the fact that [Mother] was living with [D.C.] as part of her release agreement from jail." Mother was facing sentencing later that day, and pending the outcome, would be incarcerated and no longer living with D.C. The Department objected. Counsel for T.D. stated that she had "no objections to them exploring the aunt," as T.D. had been "visiting with the aunt very often." Counsel for Father noted that he did not "mind [D.C] being explored but he does like the care that [T.D.] is getting in the foster home." The court noted that T.D. was doing well with Ms. Du., but ordered the Department "to explore all familial resources and if there is a change in circumstances with regard to [Mother's] living situation with [D.C.], I believe that a fresh look may need to be taken with regard to [D.C.] as a possible placement resource."

T.D.'s initial permanency plan review

On May 22, 2024, the Department submitted another report to the court concerning T.D. The report indicated that T.D. did well in foster care with Ms. Du. and that T.D. continued to have visits with Father. The Department recommended that T.D. continue to have supervised visits with Mother and Father, and unsupervised visitation with D.C., although the Department did not report whether it had made efforts to evaluate D.C. as a placement resource.

The initial permanency plan review hearing was held on May 31 and June 6, 2024. Mother had been sentenced to 40 years, all but 12 suspended, with credit for two years at the time of the hearing. At the hearing, Mother's counsel renewed her request to have T.D.

placed with D.C. Counsel for Mother informed the court that D.C. " has repeatedly expressed an interest in having [T.D.] placed with her, at minimum, on a temporary basis" and "would be open for exploration of her home as a long term placement as well." Father repeated that "he does not oppose exploring [D.C.] as a placement resource, however he is very happy and secure with the placement where [T.D.] is currently."

Ms. Du. testified that T.D. has "flourished" in her care. Ms. Du. stated that she "very much strive[s] to ensure [she] incorporate[s] the father into what [she] may see fit for [T.D.]," and collaborated with Father regarding what activities and Pre-Kindergarten programs T.D. should be enrolled in. Ms. Du. testified that she facilitated visits between T..D. and D.C. one or two times per week, and also facilitated visits between T.D. and K.N. Ms. Du. reiterated that her "goal has always been to ensure that . . . [T.D.] is loved, that [T.D.'s] family is there."

The magistrate noted that it "really appreciate[d] the coordination and cooperation between the [Ms. Du.], [Father], and [D.C.]." The magistrate recommended a "primary plan" of reunification with Father. The magistrate additionally noted, that "[b]ecause of how long [T.D.] has been in care, [the magistrate was] going to recommend a secondary plan . . . . to explore custody and guardianship to a relative or nonrelative." The magistrate continued: "this is a difficult situation because we would always favor a child being with family. But I also can't ignore [T.D.'s] long and intense bond with [Ms. Du.]." The magistrate "d[id]n't believe custody and guardianship potentially to the foster parent would cut the family off" due to Ms. Du.'s efforts to facilitate visitation between T.D. and her extended family. The magistrate recommended that Father receive unsupervised day visits,

and that the Department explore and conduct home studies for "any viable custodial option" including Father. The court entered an order adopting the recommendations on June 27, 2024.

The concurrent plan of custody and guardianship to a relative is eliminated

On October 18, 2024, the Department filed an updated report on T.D.'s progress. The report indicated that K.N., and her young son, had been placed with D.C., and on several occasions, T.D. witnessed arguments between K.N. and D.C. that ended with either K.N. or D.C. crying. T.D. was at times emotional following visits with D.C. The report also noted that there was an adult male living in D.C.'s home, and the Department noted that "in-home visits with [T.D. and [D.C.] have been place[d] on pause" until the Department received background information on the man. The report stated that T.D. continued to do well in Ms. Du.'s care, and that T.D. had positive visits with Father.

On October 30, 2024, the next permanency plan review hearing took place before a magistrate. Counsel for T.D. indicated that she "continue[d] to thrive in the care of her foster mother," and noted that Father and Ms. Du. have an "unbelievable relationship" where both parties collaborate to prioritize T.D's well-being. Counsel for Mother addressed some elements of the Department's report, explaining that the male in D.C.'s home was a boarder and would be moving out of the house. Mother requested that visitation with D.C. resume upon the departure of the boarder from D.C.'s home, emphasizing the importance of familial connections between T.D. and D.C., and between T.D. and K.N. who was residing with D.C.

During the hearing, counsel for the Department disclosed that she had received an email that K.N. had just sent to her case worker. K.N. asked the case worker for help for D.C., stating: "This man keeps putting his hands on her. She's trying to make him leave, but he won't and he hits her on the stomach." Counsel believed that the email referred to the boarder in D.C.'s home. Ms. Du. then testified regarding T.D.'s progress. Ms. Du. noted that T.D. was thriving, and Ms. Du. and Father facilitated T.D.'s engagement in several social and academic activities. Ms. Du. recounted an incident where T.D. returned from a visit with D.C. and told Ms. Du. that "there was . . . yelling and she [T.D.] hid under the bed from the monster." Ms. Du. also testified that at times, T.D. will tell Ms. Du. and "she doesn't have to listen to [Ms. Du]. I'm not her mother, and she wants the other mother." Ms. Du. testified that following these incidents, T.D. would later apologize and tell Ms. Du. that she loved her.

The magistrate recommended a primary plan of reunification with Father, and a secondary plan of custody and guardianship to a nonrelative, specifically Ms. Du. The magistrate recommended that T.D. have visits with K.N., and that T.D. have supervised visits with D.C. "until the Department can flesh out more regarding what is going on with this man in her home." The magistrate also recommended that the fighting between K.N. and D.C. and T.D.'s emotional response following visits with D.C. be "looked into before any visits that aren't supervised start taking place."

The exceptions hearing

On November 9, 2024, Mother filed exceptions to the magistrate's recommendation. Mother's exceptions noted that Mother "object[ed] to the Court's recommendation that her

sister, the maternal aunt [D.C.], have supervised visits with [T.D.], and would like weekly unsupervised visits to resume." Mother further objected to the change in the permanency plan "to the extent that it does not include the plan of custody and guardianship to a *relative*," specifically D.C., as Mother felt it is in T.D.'s "best interest to be placed with family, particularly with [D.C.]," as K.N. and K.N.'s young son also resided with D.C. The court signed an order adopting the magistrate's recommendations on November 14, 2024, but rescinded the order to hear Mother's exceptions.

The court held the exceptions do novo hearing on January 30, 2025. At the hearing, Mother's counsel noted that D.C. had resumed unsupervised monthly visits with T.D., but requested the visits be returned to their former frequency of weekly. Mother's counsel also asked that the concurrent permanency plan of custodian and guardianship to a relative be reinstated, requesting that "the Department work in earnest . . . to pursue a plan of custody and guardianship with a relative, which is a priority plan pursuant to the statutes[.]" Because priority is placement with a relative as opposed to a nonrelative, Mother's counsel argued, absent a finding that it was not in T.D.'s best interest to be placed with D.C., elimination of the concurrent plan of placement with a relative was in error. Mother's counsel argued that because the boarder who had been living with D.C. had left the home, and D.C. had again been granted unsupervised visitation with T.D., there were "no further concerns with regard to the safety" of D.C.'s home. Additionally, Mother argued that any fighting between D.C. and K.N. would be alleviated as K.N. "will probably move out [of D.C.'s home] at some point to pursue her own independent living plan as part of her foster care case."

The Department, Father, and T.D.'s best interest attorney all accepted the elimination of custody and guardianship to a relative and advocated for concurrent plans of reunification with Father or custody and guardianship to Ms. Du. All three parties argued that it was in T.D.'s best interest to remain with Ms. Du., noting T.D.'s development and bond with Ms. Du., Ms. Du. and Father's collaborative relationship, and Ms. Du.'s active role in ensuring that T.D. sees K.N. and D.C. The Department further explained that due to the interactions and emotional responses that T.D. was encountering with her aunt and following visits, there were still safety concerns such that it was not in T.D.'s best interest to have a plan of custody and guardianship to D.C.

The court attempted to clarify Mother's argument, indicating that there was no requirement that placement with a relative absolutely take precedence over placement with a nonrelative. Rather, the court observed that "the requirement is that it [placement with a relative] be considered. . . . is the argument that it was never considered?" The court continued, inquiring:

> However, is the argument that the magistrate did not consider it . . . and never took into consideration the relatives? Or that there is a disagreement about the magistrate considering it and the -- I guess the argument that, if available, relatives should take priority and thought that it wasn't in the child's best interest and made a determination to keep the [foster parent] guardian in place? Because that would -- that is still in the spirit of the statute because it considered -- the magistrate considered and chose to continue with the [foster parent] guardian.

In considering the October 18, 2024 report and the incidents of yelling between D.C. and K.N. during visits, the court found that T.D. was "traumatized by these interactions

and it was causing her some mental anguish" and those negative interactions were "paramount in this [c]ourt's mind with regard to increasing the frequency of any interactions or moving the permanency plan to a relative." The court further emphasized that "the environment that is created within [D.C.'s] home has made [T.D.] uneasy," and found that it was not in T.D.'s best interest to increase the frequency of visits with D.C. or reinstate the plan of custody and guardianship to a relative. The court denied Mother's exceptions in an order on February 24, 2025.[3] The court entered an order adopting the magistrate's recommendation on April 1, 2025 (the "April 1 Order"). Mother then filed the first appeal.

The court continues the current permanency plan

On March 20, 2025, the Department filed an updated report concerning T.D.'s progress. The report indicated that T.D. continued to thrive in Ms. Du.'s care and made progress bonding with Father as well. The report further indicated that T.D. continued to have unsupervised visits with D.C. and K.N., and noted that "after a visit, [T.D.] was caught at daycare swearing," and although T.D. "possibly heard the language while visiting with her family . . . whether this was a one-time or ongoing occurrence is unclear." The Department recommended that T.D. continue to have unsupervised visits with Father and D.C.

[3] During the hearing, the court stated: "All right, so I am going to order that the permanency plan stay in place. I am going to -- this is a term, I guess, for the Clerk's Office -- sustain the objections. That means I am sustaining the . . . exceptions. Yes, I am going to sustain the magistrate. The court subsequently signed a written order on February 24, 2025, which ordered "that the Exceptions filed by the Mother's Counsel be, and hereby are, DENIED and the recommendations of the Magistrate are AFFIRMED."

The court held a permanency plan review hearing on Mary 6, 2025. T.D. had recently been diagnosed with "reaction to severe stress." T.D.'s counsel requested that the court change the permanency plan to a sole plan of custody and guardianship to Ms. Du., noting that while visits with Father were generally going well, Father occasionally needed assistance from Ms. Du. to manage T.D.'s tantrums. T.D.'s counsel also noted that "there was some, for lack of a better word, drama at [D.C.'s] house where [K.N.] called the police while [T.D.] was there. And [T.D.] has also come home from the aunt's knowing some curse words."

Father's counsel requested either a sole plan of reunification with Father, or that the concurrent plan of reunification and custody and guardianship to a nonrelative remain in place. Noting that T.D. views Ms. Du. "as her mom," Father committed to preserving a relationship between T.D. and Ms. Du. if reunification with Father became the sole plan and emphasized that his request for reunification was "not in a way against the foster mom. It is just that he wants to fight for his right as [T.D.'s] dad." Father was, however, opposed to increased visitation or placement with D.C., as he was "not comfortable when [T.D.]'s with her aunt" and "wonder[ed] about the kind of behaviors she has when she's with her aunt and the influence of her aunt." Mother's counsel reiterated that the permanency plan should be custody and guardianship to D.C. Counsel argued that there was no proof that T.D.'s swearing was due to the influence of D.C. or K.N., and requested that D.C. get weekly visitation with T.D.

Following statements from each of the parties, the court issued its ruling. The court noted that T.D. had been with Ms. Du. since August 2022, and that they "have bonded as

mother and daughter." The court further found that it was Ms. Du.'s "priority to maintain and foster the relationship between [T.D.], and her dad, and other family members," and that "Ms. [Du.] is the father's champion in that she is very forthright about his desire to share the relationship with his daughter." The court indicated that it was "leaning towards, but not necessarily changing today, the plan of custody and guardianship with Ms. [Du.] and mediation to establish going forward with the father." The court continued the concurrent plans of reunification with Father and custody and guardianship to Ms. Du., reflecting no change from the previous review hearing. The court entered its written order on June 10, 2025 (the "June 10 Order"), and Mother noted this second appeal.

STANDARD OF REVIEW

We apply three interrelated standards of review when we review a juvenile court's guardianship decision. *In re Adoption/Guardianship of C.E.*, 464 Md. 26, 47 (2019). We review factual findings for clear error, legal conclusions *de novo*, and the court's "ultimate conclusion" for an abuse of discretion. *In re Adoption of Ta'Niya C.*, 417 Md. 90, 100 (2010) (citation omitted).

The factual findings of the court are clearly erroneous if no "competent material evidence exists in support of the trial court's factual findings." *In re Ryan W.*, 434 Md. 577, 593-94 (2013) (citation and quotation marks omitted). "A finding of a trial court is not clearly erroneous if there is competent or material evidence in the record to support the court's conclusion." *In re M.H.*, 252 Md. App. 29, 45 (2021) (quoting *Lemley v. Lemley*, 109 Md. App. 620, 628 (1996)).

We conduct a *de novo* review of the court's legal conclusions, and if we find that the court has "erred as to matters of law, further proceedings in the trial court will ordinarily be required unless the error is determined to be harmless." *In re Yve S.*, 373 Md. 551, 586 (2003) (citations omitted).

Finally, juvenile courts have broad discretion to "determine the correct means of fulfilling a child's best interest." *In re Mark M.*, 365 Md. 687, 707 (2001). If the court's decision is "founded upon sound legal principles and based upon factual findings that are not clearly erroneous," we will only disturb that decision if "there has been a clear abuse of discretion." *In re Yve S.*, 373 Md. at 586. The trial court abuses its discretion if its conclusion is "clearly against the logic and effect of facts and inferences before the court" or when the ruling is "violative of fact and logic." *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 312 (1997) (citations and quotation marks omitted). "Where the best interest of the child is of primary importance, the trial court's determination is accorded great deference, unless it is arbitrary or clearly wrong." *In re Adoption/Guardianship of C.A. and D.A.*, 234 Md. App. 30, 46 (2017) (internal quotations omitted). "The best interest of the child standard is the overarching consideration in all custody and visitation determinations." *Baldwin v. Baynard*, 215 Md. App. 82, 108 (2013).

DISCUSSION

I. The June 10 Order is not appealable.

As a preliminary matter, we address Mother's appeal of the June 10 Order. Mother contends that the juvenile court erred when it declined to reinstate the concurrent plan of custody and guardianship to a relative, D.C. The Department argues that Mother's appeal

of the June 10 Order is improper, as it is not a final judgment and does not fall into any of the permitted exceptions to the final judgment rule.

A party may appeal only from "a final judgment entered in a civil or criminal case by a circuit court." CJP § 12-301. A party may appeal only from "a final judgment entered in a civil or criminal case by a circuit court," or fit into an otherwise prescribed exception to the final judgment requirement, in order for this Court to exercise jurisdiction. *Id*.; *Bartenfelder v. Bartenfelder*, 248 Md. App. 213, 229-30 (2020). "[T]o be appealable a judgment must be so final as to determine and conclude rights involved, or deny the appellant means of further prosecuting or defending his rights and interests in the subject matter of the proceeding." *In re C.E.*, 456 Md. 209, 220 (2017) (internal quotations and citations omitted). "[F]or a judgment to be considered final, it must be intended by the court as an unqualified, final disposition of the matter in controversy and dispose of all claims against all parties and conclude the case." *Bartenfelder*, 248 Md. App. at 229-30 (cleaned up).

Even so, judgments may be otherwise appealable if they fit within a proscribed exception. There are three exceptions to CJP § 12-301 which permit the appeal of orders that do not constitute final judgments: "(1) appeals from interlocutory orders specifically allowed by statute; (2) immediate appeals permitted under Maryland Rule 2-602(b); (3) and appeals from interlocutory rulings allowed under the collateral order doctrine." *Id*. (citing *In re C.E.*, 456 Md. at 221).

"[A]n order changing a permanency plan in a CINA case is not a final judgment." *In re D.M.*, 250 Md. App. 541, 555 (2021); *see also In re Billy W.*, 386 Md. 675, 689 (2005)

(holding that "court orders arising from a periodic review hearing that maintain the permanency plans for the children do not constitute final judgments."). Nevertheless, CJP § 12-303(3)(x) specifically permits an appeal of an interlocutory order "[d]epriving a parent, grandparent, or natural guardian of the care and custody of his child, or changing the terms of such an order." CJP § 12-303(3)(x).

Discussing the appealability of interlocutory orders pursuant to CJP § 12-303(3)(x), the Supreme Court of Maryland has held that:

> In determining whether an interlocutory order is appealable, in the context of custody cases, the focus should be on whether the order and the extent to which that order changes the antecedent custody order. It is immaterial that the order appealed from emanated from the permanency planning hearing or from the periodic review hearing. If the change could deprive a parent of the fundamental right to care and custody of his or her child, whether immediately or in the future, the order is an appealable interlocutory order.

In re Karl H., 394 Md. 402, 430 (2006)). Our primary concern is whether there is a "meaningful shift in direction" regarding restoration of a party's right to parent. I*n re Joseph N.*, 407 Md. 278, 293 (2009). "Thus, to be appealable, court orders arising from the permanency plan review hearing must operate to either deprive [the parent] of the care and custody of her [or his] children or change the terms of her [or his] care and custody of the children to her [or his] detriment." *In re Billy W.*, 386 Md. at 691-92.

Accordingly, a permanency plan that does not meaningfully affect a parent's ability to regain custody of a child, but instead maintains a current custody order is not appealable. *In re C.E.*, 456 Md. at 223-24 (holding that "the denial of [a] beneficial service [is] not sufficient to justify an interlocutory appeal [when] the juvenile court's order did not change

the permanency plan or the terms of any child custody order."). The June 10 Order continued T.D.'s previously enacted concurrent plans of reunification with Father and custody and guardianship to a nonrelative. It reflected no change from the previous order, the April 1 Order, such that it would meaningfully impact Mother's ability to regain custody of T.D. Indeed, the court simply ordered that the permanency plan from the April 1 Order remain in place. Because it is not a final judgment or an appealable interlocutory order, we dismiss Mother's second appeal, *In re T.D.*, No. 933, Sept. Term, 2025.[4]

II. The court did not abuse its discretion in removing the concurrent plan of custody and guardianship to a relative.

When considering cases involving children, the court is required to weigh the conflicting rights of a child and parent. Maryland has long held that parents have a fundamental right to raise their children, and that there is "a presumption of law and fact [] that it is in the best interest of children to remain in the care and custody of their parents." *See, e.g.*, *In re Adoption/Guardianship of Rashawn H.*, 402 Md. 477, 495 (2007). The rights of a parent, however, are "not absolute," and instead "must be balanced against the fundamental right and responsibility of the State to protect children, who cannot protect themselves, from abuse and neglect." *Id*. at 497. The best interest of the child "is the standard infusing all elements of the typical child custody analysis." *See, e.g.*, *In re Ta'Niya C.*, 417 Md. at 111.

The Supreme Court of Maryland has explained CINA proceedings in detail:

[4] We note that on August 19, 2025, the court entered an order again continuing these same concurrent permanency plans. Mother has filed an additional appeal, *In re T.D.*, No. 1450, Sept. Term, 2025, appealing this order. That appeal is not before us now.

> When a local department of social services receives a complaint of child abuse or neglect, it is required by statute to file a petition with the juvenile court for a determination of whether the child is CINA. CJP §§ 3-801(f), 3-809(a). If the allegations turn out to be true, and the child is committed to an out-of-home placement, the court must hold a hearing to determine a "permanency plan" for the child. CJP § 3-823(b)(1). . . .
>
> There are five permanency plans to choose from "in descending order of priority:" (1) reunification with a parent or guardian; (2) placement with relatives for adoption, custody, or guardianship; (3) adoption by a non-relative; (4) custody or guardianship by a non-relative; or (5) another planned permanent living arrangement. CJP § 3–823(e)(1)(i). In determining which plan would be in the "best interests of the child," courts consider the child's emotional, developmental, and educational needs. *See* CJP § 3–823(e)(2); FL § 5–525(f)(1).
>
> After the initial permanency planning hearing, the juvenile court is required to review the permanency plan at least every six months. CJP § 3-823(h)(1). At those review hearings, the court makes findings as to "the continuing necessity for and appropriateness of the commitment," "whether reasonable efforts have been made to finalize the permanency plan that is in effect," and "the extent of progress that has been made toward alleviating or mitigating the causes necessitating commitment." CJP § 3-823(h)(2). The court must "[c]hange the permanency plan if a change . . . would be in the child's best interest," and must be cognizant of the statutory requirement that "[e]very reasonable effort . . . be made to effectuate a permanent placement for the child within 24 months after the date of initial placement." CJP § 3-823(h)(2) (vi) & (h)(3).

In re Adoption of Jayden G., 433 Md. 50, 55-56 (2013). As noted, the court is required to prioritize placement with a relative over a nonrelative. *See* CJP § 3-819(b)(3) ("Unless good cause is shown, a court shall give priority to the child's relatives over nonrelatives when committing the child to the custody of an individual other than a parent.").

In considering the appropriate permanency plan, the court must consider the following factors, while giving primary consideration to the best interest of the child:

> (i) the child's ability to be safe and healthy in the home of the child's parent;
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> (ii) the child's attachment and emotional ties to the child's natural parents and siblings;
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> (iii) the child's emotional attachment to the child's current caregiver and the caregiver's family;
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> (iv) the length of time the child has resided with the current caregiver;
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> (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.

Md. Code (1984, 2019 Repl. Vol.) § 5-525(f)(1) of the Family Law Article ("FL"). The court shall change a child's permanency plan if a change "would be in the child's best interest." CJP § 3-823(h)(2)(vii).

Mother contends that the court erred when it changed T.D.'s permanency plan in the April 1 Order, eliminating the concurrent plan of custody and guardianship to a relative, namely, D.C., and leaving in place only the concurrent plans of reunification with Father and custody and guardianship to a nonrelative. Mother argues that the court did not appropriately consider D.C. as a placement, despite the statutory prioritization of relative placement to nonrelative placement. Additionally, Mother argues that the court did not properly weigh all of the evidence before it at the January 10, 2025 exceptions hearing by

electing "not to change the magistrate's plan" rather than conducting a *de novo* review as required, and it placed too much weight on the Department's October 18, 2024 report.

The Department contends that the court properly considered the factors enumerated in FL § 5-525(f)(1) when considering a change to T.D.'s permanency plan. Furthermore, the Department maintains that the court recognized that a relative has priority over a nonrelative, but appropriately determined that it was not in T.D.'s best interest for the permanency plan to continue to consider custody and guardianship to D.C.

A. The FL § 5-525(f)(1) factors

The first factor considers the "child's ability to be safe and healthy in the home of the child's parent." FL § 5-525(f)(1)(i). Mother is incarcerated and has never argued that T.D. should be placed with her; rather, Mother argues that T.D. should be placed with her maternal aunt, D.C. Thus, the court assessed T.D.'s ability to be safe and healthy in D.C.'s home. D.C.'s home was not initially contemplated as a placement because Mother was residing with D.C. between her release from pre-trial custody in March 2023 and her incarceration in May 2024. Following Mother's incarceration, custody and guardianship to D.C. was included as a concurrent permanency plan, D.C. was granted unsupervised visitation, and all of the parties committed to exploring D.C.'s home as a viable placement.

At the October 30, 2024 hearing, however, the Department noted several concerns that led it to require that T.D.'s visits with D.C. be supervised, namely the presence of the boarder; T.D.'s "uneasy" feeling in an environment where D.C. and K.N. fought enough to reduce the parties to tears; the instance where T.D. had to hide under a bed from a "monster;" and T.D.'s emotional state following visits to D.C.'s home. The court

considered the Department's report and statements from all parties, and was not convinced that T.D. would be safe and healthy in D.C.'s home. This factor weighed in favor of eliminating D.C. as a placement resource.

The second factor that the court considers is the "child's attachment and emotional ties to the child's natural parents and siblings." FL § 5-525(f)(1)(ii). T.D. has supervised phone calls with Mother, but because Mother is incarcerated, their interactions and attachment are minimal. Conversely, Father has been constantly involved with T.D. and seeks to play an active role in T.D.'s development. Ms. Du. has consistently provided transportation for T.D. to visit K.N. to nurture that relationship and for T.D. to visit D.C. Although placement with D.C. could further the sibling relationship, Mother acknowledges that K.N. was likely to move out of D.C.'s home in the future.

Next, the court considers factors relating to the child's current placement: "(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; [and] (v) the potential emotional, developmental, and educational harm to the child if moved from the child's current placement." FL §§ 5-525(f)(1)(iii)-(v). T.D. has been with Ms. Du. since she entered the Department's care in August 2022 and has never known another home. T.D.'s best interest attorney, Father's counsel, and Ms. Du. all spoke at great lengths about T.D.'s bond with Ms. Du., the person that she viewed "as her mom" and called "Mommy." Counsel for T.D. argued that "[t]he idea of taking" T.D. out of "the one home she has known . . . is not only against her best interest, but it is harmful and detrimental to [T.D.]." These factors weighed strongly in favor of eliminating D.C. has a placement resource.

Finally, the court considers the sixth factor, "the potential harm to the child by remaining in State custody for an excessive period of time." In its April 1 Order, the court recognized that T.D. had been in Department care and placed with Ms. Du. since August 2022. Fundamental to the CINA process is the recognition that children need permanency, which is why CJP § 3-823(h)(5) requires that "[e]very reasonable effort shall be made to effectuate a permanent placement for the child within 24 months after the date of initial placement." *See also In re Ashley S.*, 431 Md. 678, 711 (2013) ("One of the primary considerations in setting a permanency plan for children who have been adjudicated CINA is to avoid the harmful effects when children languish in temporary living situations."). At the time of the January 10, 2025 exceptions hearing, T.D. had been in Department care beyond the 24-month goal. T.D. has remained in Ms. Du.'s care for the entirety of this period, and disrupting this stability by continuing to explore custody and guardianship to D.C. is antithetical to the purposes of the CINA statutes to effectuate permanency. This factor too weighed in favor of eliminating the plan of custody and guardianship to D.C.

B. The court properly prioritized placement of T.D. with a relative and did not otherwise err in its findings.

As Mother points out, when considering permanency plans, the court must consider placements commensurate with a prescribed hierarchy. CJP § 3-823(e)(1) provides in pertinent part:

> (e)(1) At a permanency planning hearing, the court shall:
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> > (i) Determine the child's permanency plan, which, to the extent consistent with the best interests of the child, may be, in descending order of priority:

> 1. Reunification with the parent or guardian;
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> 2. Placement with a relative for:
>
> A. Adoption; or
>
> B. Custody and guardianship under § 3-819.2 of this subtitle;
>
> 3. Adoption by a nonrelative;
>
> 4. Custody and guardianship by a nonrelative under § 3-819.2 of this subtitle[.]
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> * * *
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> (2) In determining the child's permanency plan, the court shall consider the factors specified in § 5-525(f)(1) of the Family Law Article.

Importantly, this is to be done to "the extent consistent with the best interests of the child." CJP § 3-823(e)(1)(i). Nothing in the statute requires the court to prioritize placements that would not be in the child's best interest, even if they are prioritized in the hierarchy. *See, e.g., In re M.*, 251 Md. App. 86, 125-27 (2021) (holding that Father's "parental priority and preferences were outweighed by the overwhelming evidence that for over six years he was unable to parent [the child] consistently or safely, and that remaining with [a relative] while continuing visits with Father as she has throughout her life, was in the best interests of M."). In determining the best interests of the child, the statute requires that the court consider the factors in FL § 5-525(f)(1). As discussed in detail above, the court properly considered the factors enumerated in FL § 5-525(f)(1), and each factor weighed against placement with D.C. as being in T.D.'s best interest.

Mother argues that the court incorrectly stated that it was not required to prioritize D.C. as a placement, and that is the reason why T.D. was not placed with D.C. At the January 30, 2025 hearing, however, the court specifically stated that it "ha[d] prioritized that family . . . should be the first resort when it comes to reunification. However, in this particular [case] the Court is not inclined to change that plan based on the evidence" before it. This was based on the court's determination that T.D. was "traumatiz[ed]" by the interactions she witnessed between D.C. and K.N. and was "uneasy about the interactions" at D.C.'s home. The court, therefore, was not required to prioritize placement of T.D. with D.C. if it was not in T.D.'s best interest.

Mother additionally argues that the permanency plan had only been in place for approximately six months prior to the January 10, 2025 exceptions hearing, and notes that the initial permanency plan from June 27, 2024 included a concurrent plan of custody and guardianship to a relative. While this is correct, it was Mother residing with D.C. from March 2023 to May 2024 that prevented D.C. from being a placement resource at that time. By the time Mother was incarcerated in May 2024 and D.C. was interested in having T.D. placed with her, T.D. had already begun to form a bond with Ms. Du. In June 2024, the parties were all amenable to exploring custody and guardianship to D.C. Although Mother contends that the Department did not sufficiently "explore all familial resources" including "with regard to [D.C.] as a possible placement resource," the Department had ordered ample unsupervised visitation between T.D. and D.C. Indeed, the unsupervised visitation was facilitated by Ms. Du. Once this visitation was paused due to the presence of an unidentified boarder and T.D.'s emotional turmoil following visits, the Department

recommended that custody and guardianship to D.C. be eliminated. In short, the court did not abuse its discretion in considering D.C.'s feasibility as a placement resource and finding that a concurrent permanency plan of custody and guardianship to D.C. was not in T.D.'s best interest.

Finally, Mother contends that the court erred when it stated that it was "not inclined to change [the magistrate's] plan." Mother argues that instead of conducting a *de novo* review of whether the existing plan, which included custody and guardianship to D.C., should be changed, the court instead evaluated "whether the magistrate properly exercised their discretion in changing the plan." *See Marquis v. Marquis*, 175 Md. App. 734, 755 (2007) ("'Trial judges are presumed to know the law and to apply it properly.' Indeed, we presume judges know the law and apply it 'even in the absence of a verbal indication of having considered it.' A judge is not required to 'set out in intimate detail each and every step in his or her thought process.'" (citations omitted)). Even so, the court clearly stated that it reached its decision "based on the evidence I have before me" and "based on what I have heard here today."

Considering the broad discretion granted to the juvenile court to "determine the correct means of fulfilling a child's best interest," the court did not abuse its discretion in determining that a concurrent plan of custody and guardianship to D.C. was not in T.D.'s best interest. *In re Mark M.*, 365 Md. at 707. Accordingly, we affirm the judgment involving Mother's first appeal, *In re T.D.*, No. 2525, Sept. Term 2024. Further, the June 10 Order is not appealable, and therefore, we dismiss Mother's second appeal, *In re T.D.*, No. 933, Sept. Term 2025.

JUDGMENT OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY AFFIRMED IN CASE NO. 2525, SEPT. TERM 2024. CASE NO. 933, SEPT. TERM 2025 DISMISSED. COSTS TO BE PAID BY APPELLANT.