Circuit Court for Montgomery County
Case No. 6-Z-18-0001

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1012

September Term, 2018

IN RE: ADOPTION/GUARDIANSHIP OF A.F.

Nazarian,
Arthur,
Thieme, Raymond G., Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Arthur, J.

Filed: February 25, 2019

The Montgomery County Department of Health and Human Services (the "Department") petitioned the Circuit Court for Montgomery County, sitting as a juvenile court, to terminate the parental rights of A.F.'s biological parents. A.F.'s parents opposed the petition. The court found, by clear and convincing evidence, that the parents were unfit and that exceptional circumstances made the continuation of the parental relationship detrimental to A.F.'s best interests.

A.F.'s mother appealed. She raises two questions:

1. Did the court consider impermissible hearsay regarding the parents[']exposing a child to domestic violence and regarding the mother's stability in housing, which directly supported its opinion regarding the mother's stability and fitness?

2. Did the court err by finding that [A.F.'s mother] was unfit to parent A.F.?

We affirm.

FACTUAL AND PROCEDURAL HISTORY

After a three-day hearing, the juvenile court detailed its decision in a thoughtful, 43-page opinion and order, dated August 7, 2018. In that opinion, the juvenile court made the following factual findings and conclusions of law:

Proceedings Before the Termination of Parental Rights Hearing

Appellant N.F. ("Mother") is the biological mother of A.F., who was born in September 2015. A.F.'s biological father is W.E. ("Father").[1]

[1] Because Father did not appeal, we shall focus on the findings and conclusions concerning Mother.

A.F. has an older half-brother, Au.F., who was placed in foster care at Mother's request before A.F. was born. In December 2013 the juvenile court found that Au.F. was a child in need of assistance or "CINA,"[2] granted custody and guardianship to his biological father, and closed his CINA case.

A.F. has one younger sister, L.F., who was born in January 2017. A.F.'s biological father is also L.F.'s father. In May 2017, L.F. was found to be a CINA, by Mother and Father's agreement, because of neglect. L.F. remains in Mother's custody under the protective supervision of the Department.

Mother has a history of being abused and neglected by her biological mother and, as a child, was placed in foster care. She was adopted by her foster mother, but was later asked to leave her foster mother's home. Mother has lived in two group homes, including a group home for young adults with mental disabilities, and she has a history of transitory and unstable housing arrangements. She has been diagnosed with mental health problems and has displayed symptoms of post-traumatic stress disorder.

In November 2015, when A.F. was less than three months old, Mother and A.F. entered a domestic-violence shelter. During that same month, the Department removed A.F. from Mother's care on numerous grounds, including her instability and mental

[2] A "Child in Need of Assistance" is a child who requires court intervention because he or she has been abused, neglected, has a developmental disability or mental disorder; and his or her parents, guardian, or custodian are either unwilling or unable to provide proper care and attention to the child and the child's needs. Md. Code (1974, 2013 Repl. Vol., 2018 Supp.), § 3-801(f) of the Courts and Judicial Proceedings Article.

health problems; her history of neglecting her other child, Au.F.; and her exposure to domestic violence.

In January 2016 the court found that A.F. was a CINA because of neglect. At that hearing, the evidence showed, among other things, that Mother had neglected her other child, Au.F.; that Mother had tested positive for marijuana when A.F. was born; that Mother's exposure to domestic violence had led her to seek shelter for herself and A.F.; that the staff members at the shelter had serious concerns about Mother's ability to care for A.F.; that Mother had untreated and unmedicated mental health problems; and that Mother had failed to respond to the Montgomery County Infants and Toddlers Program for services for A.F. even though he had a 25 percent cognitive deficit. The court ordered Mother to undergo psychological, psychiatric, and substance-abuse evaluations and to participate in bi-weekly supervised visitation with A.F.

In May 2016, the juvenile court held its first CINA review hearing. At the hearing Victoria Davis, a social worker, reported that Mother had participated in the first half of the court-ordered psychiatric evaluation, had consistently attended individual therapy, and was employed. Mother had not, however, submitted to a substance-abuse evaluation. In addition, Mother had resisted signing a case plan to obtain court-ordered services and was still living at the shelter. A.F. appeared to have bonded both with Mother and Ms. C., his foster parent, but Mother had participated in only 15 of 29 supervised visits with A.F. and had demonstrated little understanding of the child's safety or developmental needs. For example, Mother did not intervene when A.F. moved toward the street or put

things in his mouth that could choke him. The court ordered that A.F. remain a CINA and that Mother participate in court-ordered services.

Mother eventually completed the court-ordered psychological evaluation and was diagnosed with a language disorder, an adjustment disorder, and borderline intellectual functioning. Although Mother was not diagnosed with an intellectual disability, the psychologist concluded that she was on the cusp of a disability because her scores were in the low to average range.

The juvenile court held permanency-planning review hearings in November 2016 and May 2017. At the latter hearing, Ms. Davis, the social worker, reported that, during the two six-month review periods from May 2016 until May 2017, Mother completed only 27 visits with A.F., engaged minimally in court-ordered parenting education,[3] did not submit to a substance-abuse evaluation, and participated inconsistently in individual therapy. According to Ms. Davis, Mother had become "rigid, agitated, unfocused, . . . hostile and argumentative" and "less willing to work with the Department" after A.F.'s younger sibling, L.F., was born in January 2017.

By May 2017, A.F. had been in foster care for 18 months, and Ms. Davis reported that he was thriving; that he had bonded with his foster mother, Ms. C.; and that it would be emotionally and developmentally harmful for him to be removed from her care. The court found that neither biological parent was prepared to provide A.F. with stability, but reaffirmed the recommended plan of reunification. In addition, the court ordered Mother

[3] At some point in 2016, Mother was incarcerated. Her incarceration interfered with her ability to attend parent-education sessions.

to continue with supervised visitation with A.F. and to participate in court-ordered services.

In a report for the November 2017 permanency planning hearing, Ms. Davis stated that neither biological parent was prepared for reunification. With the Department's help, Mother had recently obtained housing through the County's Housing Initiative Program, but she had not participated in mental health treatment during the six-month review period. Furthermore, she showed no insight into the reason for A.F.'s removal from her home, stated that court-ordered services were not important, had attended only two visits and seven parenting-education sessions with A.F., and could not address basic safety concerns for him. The Department changed its permanency recommendation from reunification to adoption by a non-relative. The court agreed and entered an order to that effect.

At a permanency planning review hearing in March 2018, Ms. Davis reported that A.F. had been out of Mother's residence for 26 months and was thriving and bonded with his foster family. Mother had not visited A.F. in three months and had not participated in any court-ordered services. The court reaffirmed the permanency plan of adoption by a non-relative, reimposed its order requiring Mother to participate in services, but reduced the supervised visits with A.F. to one per month.

The Termination of Parental Rights Hearing

A hearing on the Department's termination of parental rights petition commenced on May 30, 2018, and was completed on June 1, 2018. Mother did not testify.

The social worker, Ms. Davis, testified that, after some difficulties at the outset of the case, Mother was cooperative for several months, but became verbally aggressive and began to attend fewer visits and therapy sessions. Ms. Davis had last communicated with Mother in March 2018, when she told Mother that she could visit A.F. The visit never occurred, apparently because Mother became upset after learning that A.F. was going out of town with his foster mother. Mother threatened Ms. Davis with physical violence, and Ms. Davis had to obtain a peace order against her.

Ms. Davis opined that A.F. could not be safe with Mother because of her documented history of instability; her untreated mental-health problems and inability to care for any of her three children; her lack of insight into why A.F. was in foster care; her diagnosed cognitive limitations (which demonstrated a limited ability to problem-solve and to care for a child); her inability to keep A.F. safe during visits; the infrequent nature of her visits (which undermined any attachment with A.F.); her frequent verbal aggression toward friends and Father; her lack of impulse control; and her disengagement from the cases involving her other children.

Ms. Davis testified favorably about the foster mother's ability to meet A.F.'s physical, emotional, and social needs and his relationship with his foster mother and foster siblings. She opined that a plan of adoption was in A.F.'s best interests. She explained that A.F. had been with his foster mother since he was a few months old; that he is extremely attached to her; and that it is not, and most likely never will be, safe for him to go home to his biological parents. According to Ms. Davis, it would be traumatic

for A.F. if he were removed from the foster home, but there would be no negative effect on him if he were adopted.

Ms. Davis also testified that the biological parents had not changed their circumstances to allow for reunification. In Mother's case, her mental health and instability had been a problem in the cases of each of her children, and her intellectual limitations did not bode well for positive change in her ability to care for A.F. Ms. Davis said that the court could order no other services that might positively affect either biological parent's ability to reunite with A.F.

Rebecca Neal, a social worker, testified about Mother's difficulties in finding and keeping a place to live. For example, Mother moved out of a friend's house after accusing her of having sexual relations with Father, stayed with others for a short period, moved to a hotel for a few weeks, was evicted from the hotel, and moved back to the friend's house for a time. Mother eventually received government assistance to rent an apartment for herself and her youngest child, L.F. According to a report from Mother's housing manager, however, Mother does not understand that she must meet periodically with a case manager, so she was at risk of being discharged from the program.

Ms. Neal testified about a reported altercation between Mother and Father in L.F.'s presence and of Mother's explanation for the altercation. She also testified that Mother had recently shown up at the Montgomery County Crisis Center because she had no food for herself or L.F.

Dr. Katherine Martin, a licensed clinical psychologist, testified that Mother's cognitive, intellectual, and learning problems will have a pervasively negative impact

upon her ability to care for her children, including her ability to reason, problem-solve, plan, and multi-task. In her opinion, Mother had the potential of being a safe and appropriate parent if she had a very strong support system. Mother, however, had no such system. She had only fractious relationships with others, she had repeatedly been involved in relationships characterized by financial and physical abuse, and she had had repeated encounters with the police.

Dr. Martin had performed a psychological evaluation that found that Mother's ability to function independently "was very low." In Dr. Martin's opinion, Mother was at a high risk for continued difficulties in maintaining a safe and stable home. Even if Mother complied with all of Dr. Martin's recommendations (which Mother had not done), "her prognosis for safe and successful parenting" would only be "fair."

Kerrie LaRosa, a parent-educator, testified that Mother appeared to understand A.F.'s developmental needs only about 25 percent of the time, which made it "exceedingly difficult" for her to respond appropriately to the child. According to Ms. LaRosa, Mother would react appropriately to danger only about 50 percent of the time. Mother never progressed beyond where she had started at the beginning of the parenting-education lessons.

The court observed that Mother had not improved her ability to participate in significant events in her life. She was "significantly late" for the first day of trial, was late or absent from other sessions, and "frequently had outbursts during the middle of court proceedings" when she was present. The court inferred that Mother "either did not

appreciate or care about the impression that she was making" on the judge who was presiding over the proceeding.

The Juvenile Court's General Findings

In summary, the court found that A.F. "cannot be safe with either of his parents, and that his emotional safety is at risk even at visits with his parents, because of their unpredictability." "Neither Mother nor Father," the court found, "has engaged in court-ordered services to the extent necessary to demonstrate that they could be trusted to keep [A.F.] safe in the future." "Through no fault of her own," the court added, Mother "possesses the additional impediment of borderline intellectual functioning."

Quoting Mother's psychological evaluation, the Court observed that "'Mother's cognitive limitations'" put her "'at high risk for difficulties with problem solving, reasoning, judgment, planning, organization, and ability to learn from experience.'" Citing Dr. Martin's "unrebutted expert testimony," the court found that Mother's "limitations with problem-solving, reasoning, and judgment, demonstrate that [she] lacks basic core attributes which a parent must possess to keep a child safe." "Mother's inability to engage in real-time reasoning and decision-making," the court found, "likely endangers [A.F.]"

The court specifically cited Ms. LaRosa's testimony that Mother was able to react to situations that endangered A.F. only about 50 percent of the time. This deficiency, the court found, "is a major impediment to Mother's ability to keep [A.F.] safe and healthy." Because Mother "has no long-term support and is unable to care for [A.F.] independently," the court concluded that she could not keep the child safe. The Court

added that Mother's inability to care and provide for A.F. was illustrated by her inability to independently care for her other two children.

The Statutorily Required Findings

Md. Code (1984, 2012 Repl. Vol), § 5-323(d) of the Family Law Article sets forth the factors that a court must consider in determining whether to terminate a person's parental rights. The juvenile court made the following findings as to each relevant factor:

A. Services Offered to the Parents (§ 5-323(d)(1))

Although the Department had offered services to address Mother's mental illness, housing instability, and contentious relationships, the court found that her problems had not been resolved. Mother generally did not take advantage of the services offered by the Department, "and when she did, she did not benefit from them." The court observed that timely visits might have built or maintained an attachment between A.F. and his biological parents, but that "[t]he most important service of all, visits with [A.F.], was routinely ignored . . . , particularly in the last year."

B. Effort to Adjust Circumstances, Condition, or Conduct (§ 5-323(d)(2))

The court found that Mother had "exerted minimal effort" to adjust her conduct, circumstances, or conditions to achieve reunification with A.F. Although cooperative in the beginning, Mother "had quickly regressed to an oppositional" stance toward the Department, rejecting its efforts and the court's directives.

Mother had not maintained regular contact with her child. To the contrary, the court found that Mother had "absented" herself from A.F's life. The failure to maintain contact with the child, the court wrote, "relates to virtually every other factor and

consideration mandated by the statute controlling the Court's decision in such matters." The court added: "It is not possible to conceive how a decision to step away from a very young child's life for such an extended period of time could possibly benefit a child."

The court observed that Mother chose not to testify at trial, but that her conduct "demonstrated a lack of logic, [and] judgment, and a dearth of understanding as to what type of acceptable conduct is required in a courtroom." Mother did not demonstrate "any awareness" of A.F.'s bond with his foster mother and foster family or of how "devastating" it would be to him if he were "removed from the only safe, loving and stable home he has ever known."

Mother had not maintained regular contact with the Department as well. She never developed a working relationship with the Department. Although initially productive, the relationship "quickly became hostile, tumultuous, and contentious." Eventually, she "refus[ed] to interact with the Department at all" and forced Ms. Davis to obtain a peace order against her.

Finally, Mother did not maintain regular contact with the foster mother. The foster mother testified that she attempted to involve Mother in A.F.'s activities, but that she failed to appear for them.

C. Likelihood that Additional Services Would Bring About Lasting Parental Adjustment (§ 5-323(d)(2)(iv))

Because of Mother's refusal to engage in services and the absence of evidence that her situation "might somehow improve with more time," the court found that she "would not benefit from further services nor would [she] undergo a parental transformation

sufficient to alter the trajectory of this case." As A.F. had been in foster care since November 2015, longer than the 18-month limit prescribed by § 5-323(d)(1)(2)(iv) of the Family Law Article, the court found that it would not be in his best interest to extend the foster placement to provide his biological parents with time to receive additional services.

D. Whether the Parent Has Abused or Neglected the Child (§ 5-323(d)(3)(i))

The court found that Mother had seriously neglected A.F. by exposing him to chronic issues of mental health and instability.

E. Child's Emotional Ties with and Feelings Toward Parents, Siblings, and Others (§ 5-323(d)(4))

The court found that the foster mother, Ms. C., was the only parent whom A.F. had known consistently throughout his life and that his attachment to his foster mother and her family had grown since he was placed in her home in November 2015. The court further found that A.F.'s needs for food, clothing, and shelter and his medical, emotional, and safety needs are met in his foster home and that he has adjusted well to his community. Noting that A.F. would be subject to emotional, developmental, and educational harm if he were to be removed from the foster home, and noting that neither biological parent had been his caregiver for any significant period in his life or demonstrated the capacity to succeed in that role, the court concluded that his well-being was best served by remaining with Ms. C.

The court found that three-year-old A.F.'s relationship with his parents "must be substantially attenuated, if not non-existent," because of "their absence from his life at such a young age." Given A.F.'s age, the length of time that he had been in foster care,

and his attachment to his foster mother and her family, the court found it reasonable to conclude that he "harbors no substantial feelings about the severance of the parent-child relationship."

Conclusions of Law

The court concluded that "Mother's past behavior indicates that her current and future behavior will continue to be a significant problem for the health and safety of her children." Mother had "failed to benefit from services" and had "failed to take advantage of opportunities" to interact with A.F. and establish a relationship with him. Evidence of her borderline intellectual capacity was "apparent in all of her significant societal relationships." Because Mother was unable "to function within minimal standards of behavior, even in the most controlled settings," such as supervised visits, it was apparent that "she struggles with everyday interactions." Her life, the court wrote, "balances between barely being able to successfully navigate daily existence and devolving into chaos," which requires others to "step in to take care of her." On that basis, the court concluded that Mother was unfit to remain in a parental relationship with A.F. and that exceptional circumstances made the continuation of the parental relationship detrimental to A.F.'s best interests. Accordingly, the court terminated her parental rights.

STANDARD OF REVIEW

In reviewing a juvenile court's decision to terminate parental rights, appellate courts apply "three interrelated standards: (1) a clearly erroneous standard, applicable to the juvenile court's factual findings; (2) a *de novo* standard, applicable to the juvenile court's legal conclusions; and (3) an abuse of discretion standard, applicable to the

juvenile court's ultimate decision." *In re Adoption/Guardianship of C.A. & D.A.*, 234 Md. App. 30, 45 (2017) (citing *In re Yve S.*, 373 Md. 551, 586 (2003)). "In other words, 'when the appellate court views the ultimate conclusion of the [juvenile court] founded upon sound legal principles and based upon factual findings that are not clearly erroneous, the [court's] decision should be disturbed only if there has been a clear abuse of discretion.'" *Id.* (alterations in original) (quoting *Davis v. Davis*, 280 Md. 119, 126 (1977)); *accord In re Adoption/Guardianship of L.B.*, 229 Md. App. 566, 587 (2016). An abuse of discretion has occurred when the court's decision is "'well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable.'" *In Re Adoption/Guardianship No. 3598*, 347 Md. 295, 313 (1997) (quoting *North v. North*, 102 Md. App. 1, 14 (1994)); *accord In re Adoption/Guardianship of C.A. & D.A.*, 234 Md. App. at 45.

DISCUSSION

I. Admission of Hearsay Testimony

Mother argues that the court erred in admitting hearsay testimony that L.F. was present during an incident of domestic violence and that she (Mother) was at risk of losing her apartment because of her noncompliance with the housing program's requirements. Mother asserts that the alleged errors were prejudicial because, she says, they influenced the court's decision of whether A.F. could be safely returned to her custody. We disagree.

The first of the alleged hearsay statements occurred when Ms. Davis opined that A.F. would be unsafe if placed at home with his biological mother. In explaining how

she reached her opinion, Ms. Davis testified that Mother's history of not cooperating with the Department was a factor relevant to A.F.'s safety:

> MS. DAVIS: Well, her history of verbal aggression, physical aggression in the past and the way that she can escalate so quickly is a safety concern because, you know, it makes them question how she might react if [A.F.] was with her in a situation where she became upset about something. So, she hasn't demonstrated really any impulse control in being able to control her emotions when she is angry about something *and I have information from the home worker that--*
>
> [DEFENSE ATTORNEY]: Objection.
>
> [DEPARTMENT]: Is this part of the basis for your opinion?
>
> MS. DAVIS: Yes, it is.
>
> THE COURT: Okay, overrule.
>
> MS. DAVIS: *--that within the last month or so, there was an incident of domestic violence between the parents where [L.F.] was present and the police were called and Child Welfare Services were called in Frederick.* So, that's concerning because now we have information that the parents are engaging in domestic violence with [L.F.] present and I know that was a concern as well, one of the reasons that brought A.F. into care was domestic violence.

(Emphasis added.)

The second of the alleged hearsay statements occurred when Ms. Neal opined that, without the involvement of the court and the Department, A.F.' s younger sister L.F. would not be safe at home with Mother. She related that her opinion was based in part on the report of Mother's housing case manager:

> MS. NEAL: I did meet with the case manager and [Mother] about a month, a month and a half ago and they have, the case manager has been having difficulty meeting with [Mother] as [Mother] is not available or not home and not in communication with the case manager about her whereabouts and appointments.

> [DEPARTMENT]: Have you talked to [Mother] about that?
>
> MS. NEAL: Yes. I was present during the meeting where we all talked about it.
> ***
> [DEPARTMENT]: If she does not, if [Mother] does not meet with the manager the requisite six times a month what's the possible outcome?
>
> DEFENSE: Objection.
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> * * *
>
> [DEPARTMENT]: Does this go to your opinion with respect to L.F.'s safety?
>
> MS. NEAL: Yes.
>
> THE COURT: Overruled.
>
> MS. NEAL: Yes. That she could possibly be discharged from the program which would mean she would be evicted from her apartment. **T3.14-16**.

"In general, the rules of evidence, including the rules regarding hearsay, apply in juvenile adjudicatory hearings." *In re Michael G.*, 107 Md. App. 257, 265 (1995) (citing *In re Rachel T.*, 77 Md. App. 20, 30-32 (1988)). "'Hearsay' is 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." Md. Rule 5-801(c). Hearsay is generally inadmissible. *See* Md. Rule 5-802. Nonetheless, an expert witness may base an opinion on inadmissible evidence if it is "of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject[.]" Md. Rule 5-703(a).

Ms. Davis and Ms. Neal both testified as experts, and Mother admits that the court could have considered the challenged testimony for the purpose of illuminating the basis

for their opinions. *See* Md. Rule 5-703(b) ("[i]f determined to be trustworthy, necessary to illuminate testimony, and unprivileged, facts or data reasonably relied upon by an expert pursuant to section (a) may, in the discretion of the court, be disclosed to the jury even if those facts and data are not admissible in evidence"). Nonetheless, Mother argues that the court went further than Rule 5-703(b) allows, by relying on the statements for the truth of the matters asserted therein.

Mother's argument is untenable. When the court mentioned Ms. Davis's reference to the altercation between Mother and Father, it did so solely in the process of enumerating the numerous bases for her opinion "that A.F. could not be safe with Mother." Similarly, when the court mentioned Ms. Neal's reference to the comments of the housing manager, it did so solely to point out "Mother's history of housing instability" as a basis for the opinion that L.F. "would not be safe with Mother if the County w[ere] not involved." The court's written opinion gives no indication that the court relied on the challenged statements for the truth of the matters asserted therein.

In any event, even if the court had relied on the challenged statements for the truth of the matters asserted therein, we would not find reversible error, because the substance of both of the challenged statements was later admitted, without objection. Ms. Neal testified, without objection, about the reported altercation between Mother and Father, and about Mother's explanation for why it occurred. Ms. Neal also testified, without objection, that Mother must meet with the housing manager six times a month and that it is "difficult for her to keep track of all her different appointments."

"This Court and the Court of Appeals have found the erroneous admission of evidence to be harmless if evidence to the same effect was introduced, without objection, at another time during the trial." *Yates v. State*, 202 Md. App. 700, 709 (2011), *aff'd*, 429 Md. 112 (2012); *accord Robeson v. State*, 285 Md. 498, 507 (1979); *Berry v. State*, 155 Md. App. 144, 170 (2004). Alternatively, a previous objection is deemed to have been waived (or, more precisely, forfeited) "if, at another point during the trial, evidence on the same point is admitted without objection." *See DeLeon v. State*, 407 Md. 16, 31 (2008). In either event, the admission of the challenged statements would not be grounds for reversal.

II. Termination of Parental Rights

When a State agency petitions to terminate parental rights without a parent's consent, the court's paramount consideration is the best interests of the child. *In re Adoption of Jayden G.*, 433 Md. 50, 82 (2013) (citing *In re Adoption of Ta'Niya C.*, 417 Md. 90, 94 (2010)). Because parents have a constitutionally protected interest in raising their children without undue State interference, Maryland law presumes that it is in the best interest of children to remain in the care and custody of their parents. *In re Adoption/Guardianship of Rashawn H.*, 402 Md. 477, 495 (2007) (citations omitted).

The natural rights of parents, however, are "not absolute[.]" *Id.* Parental rights "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. Thus, in appropriate cases the "presumption that the interest of the child is best served by maintaining the parental relationship . . . may be rebutted . . . by a showing that the parent

is either unfit or that exceptional circumstances exist that would make the continued relationship detrimental to the child's best interest." *Id.* at 498.

In this case, the court concluded both that Mother was unfit and that exceptional circumstances would make the continued relationship detrimental to A.F.'s best interest. Mother does not dispute the factual bases for the court's conclusions or the procedure that the court employed in reaching them. She argues only that the court erred in concluding, from the facts that it found to be true, that she was an unfit parent. In particular, Mother argues that "she has demonstrated by caring for her younger child [L.F.], even with court involvement, that she would be capable of caring for an older child." We disagree with both the premise and the conclusion of her argument

Before the termination-of-parental-rights hearing concerning A.F., the juvenile court had found L.F. to be a CINA because Mother had neglected her. In this case, the court observed that Mother had been unable "to independently care" for L.F. (or her other child, Au.F.). The court had evidence, from Ms. Neal, about Mother's continuing difficulties in caring for L.F., including exposure to domestic violence and difficulties in feeding the child and herself. The court was not compelled to find that Mother was a fit parent for A.F. on the basis of her checkered performance with L.F., while under the Department's supervision.

To the contrary, the court had an ample basis to conclude that Mother was unfit to remain in a parental relationship with A.F. and that exceptional circumstances existed that made it in A.F.'s best interest not to continue the parental relationship. A.F. was nearly three years old at the time of the hearing and had been in foster care for 30

months, well beyond the 18-month period dictated by statute. Starting with the CINA case involving her older child, Mother had been offered a number of services to help improve the conditions that led to A.F.'s removal, but she had failed to take advantage of those opportunities. She did not submit to the substance-abuse evaluation, her participation in individual therapy was inconsistent, and she was twice terminated from parental-education classes for failing to engage in the sessions. Her ability to care safely for her children was impaired by her borderline intellectual functioning and learning disabilities, and the court found that she had no long-term social support mechanisms. She was unable to accomplish the goals established for parenting education or to move on to new concepts. She was also unable to consistently recognize situations hazardous to A.F. or recognize A.F.'s developmental needs.

The court found that Mother's outbursts during the hearing demonstrated an "inability to function within minimal standards of behavior, even in the most controlled settings." The court also found that A.F was bonded and thriving with his foster family and that his bond with Mother had been substantially weakened by her increasingly infrequent visits, the last of which occurred six months before the hearing. Beyond her unsubstantiated assertion that she could safely care for A.F. because she had retained custody of L.F. (while under the Department's close supervision), Mother presented no other evidence of her fitness as a parent. The trial court's finding that Mother is unfit to

care for A.F. is well-supported by clear and convincing evidence in the record. The termination of parental rights was, therefore, not an abuse of the court's discretion.

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