

Circuit Court for Queen Anne's County  
Case No. C-17-JV-18-000002

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1463

September Term, 2019

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IN RE: J.C.

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Graeff,  
Leahy,  
Battaglia, Lynne A.  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Graeff, J.

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Filed: March 16, 2020

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The Circuit Court for Queen Anne’s County, on remand, terminated the parental rights of Ms. P. (“Mother”), the biological mother of J.C. Mother appeals and presents the following question for this Court’s review:

Where neither the department nor the court had provided [Mother] with an updated list of tasks for reunification, and counsel proffered that [Mother] had improved, did the trial court err when it refused to order a set of tasks for [Mother] to achieve reunification with her daughter J.C.?

For the reasons that follow, we shall affirm the judgment of the circuit court.

## **FACTUAL AND PROCEDURAL BACKGROUND**

### **I.**

#### **Initial Background**

Mother gave birth to J.C. at Mercy Hospital in Baltimore City on September 9, 2016.<sup>1</sup> J.C. tested positive for buprenorphine, which had been prescribed for Mother through a drug treatment program. Mother tested positive for cocaine, opiates, and benzodiazepine.

After J.C.’s birth, mother left the hospital and did not return. Social workers were unable to contact Mother. J.C. remained in the hospital for approximately three weeks following her birth for treatment of Neonatal Abstinence Syndrome.

On September 16, 2016, the Baltimore City Department of Social Services (“BCDSS”) filed a Petition with Request for Shelter Care, which was granted by the Circuit Court for Baltimore City based on the court’s finding that Mother had a “longstanding

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<sup>1</sup> At the November 21, 2018, hearing, Mother testified that J.C.’s biological father died of a drug overdose prior to J.C.’s birth.

history” of drug abuse and was unwilling to enter into a substance abuse program. When J.C. was released from the hospital, she was placed in a temporary foster home.

The Order for Shelter Care provided that Mother be referred to the Family Recovery Program for individual therapy, family therapy and drug treatment. Mother was discharged in November 2016 due to her “no show” status. On December 2, 2016, the Baltimore City Circuit Court determined that J.C. was a CINA and granted limited guardianship to the BCDSS.<sup>2</sup> On December 27, 2016, J.C. was placed in foster care with Mr. and Ms. D., with whom she has remained.

Mother first contacted the BCDSS in early 2017 and advised that she was at her mother’s house in Queen Anne’s County. At that time, the permanency plan for J.C. was reunification, with a secondary plan of placement with a relative for adoption or custody and guardianship. In April 2017, the case was transferred to Queen Anne’s County because J.C. was placed in the D. home in Talbot County, and Mother was living with her mother in Queen Anne’s County.

In October 2017, the court held a permanency plan review hearing. Mother did not appear for the hearing. Mother’s attorney stated that she had not had contact with Mother for seven months, and neither the attorney nor Mother’s mother knew Mother’s location.

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<sup>2</sup> A child in need of assistance, or “CINA,” is a child who “requires court intervention because: (1) The child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and (2) The child’s parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child’s needs.” Maryland Code (2013 Repl. Vol.), § 3-801(f) of the Courts and Judicial Proceedings Article (“CJ”).

The Queen Anne’s County Department of Social Services (the “Department”) and J.C., through her attorney, agreed that a change in the permanency plan from reunification to adoption by a relative was appropriate “given [Mother’s] lack of involvement in [J.C.’s] life.” Mother’s attorney did not object to the proposed change in permanency plan. The magistrate found that Mother had not had any contact with J.C. since April 2017, and she recommended that, because of Mother’s lack of involvement with J.C., it was appropriate to change the permanency plan to adoption by a relative. On March 8, 2018, the juvenile court adopted the findings and recommendations of the magistrate and entered an order changing J.C.’s permanency plan to adoption by a relative. Mother did not appeal from the order changing the permanency plan.

On January 11, 2018, the Department filed a Petition for Guardianship with the Right to Consent to Adoption or Long-Term Care Short of Adoption. Mother filed a notice of objection to the petition for guardianship and requested a court-appointed attorney.

## **II.**

### **2018 Termination of Parental Rights Hearing**

On November 21, 2018, the court held a termination of parental rights (“TPR”) hearing. Mother was present at the hearing. Two social workers who had been assigned to J.C.’s case testified about the history of the CINA proceedings.

Felicia Atueyi, an employee with the BCDSS, testified that she became involved with J.C. shortly after her birth. She visited J.C. in the hospital twice a day to hold her because J.C. otherwise did not have physical contact with a human being. Ms. Atueyi did

not meet Mother until the day of the shelter care hearing on September 16, 2016, a week after J.C. was born. Ms. Atueyi asked Mother for her contact information, but Mother was “very uncooperative and incoherent” and did not provide her information. Ms. Atueyi gave Mother her phone number, but she did not hear from Mother for five months.

Ms. Atueyi next met with Mother on February 8, 2017. Mother signed a service agreement at that time, the terms of which required Mother to obtain safe, stable, and affordable housing, as well as successfully complete a drug treatment program. Mother was referred for drug treatment and parental counseling in Queen Anne’s County, where Mother was then residing, but Mother declined all services, including transportation and housing assistance. She told Ms. Atueyi that she was already attending a drug treatment program, and Ms. Atueyi requested that Mother submit documentation so Ms. Atueyi could confirm that the program was appropriate.<sup>3</sup>

At that time, the permanency plan for J.C. was reunification, with a secondary plan of placement with a relative for adoption or custody and guardianship. The permanency plan called for weekly visits with J.C., but Mother told Ms. Atueyi that she was not able to visit weekly. Biweekly visits were scheduled, but Mother “never showed up.” Mother had only two supervised visits with J.C. The first took place in Baltimore in February 2017, during which Mother spent most of the time texting on her phone. The second and last contact between Mother and J.C. was a visit in April 2017, which Ms. D. supervised at the home of Mother’s mother.

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<sup>3</sup> The record does not indicate whether any documentation was provided.

In April 2017, when J.C.'s case was transferred from Baltimore City, Kristen Canceran, a social worker with the Department, was assigned to the case. Ms. Canceran testified that she received documentation that Mother had recently enrolled in, and had begun attending, a parenting program and a drug and alcohol treatment program. Ms. Canceran contacted Mother by phone at her mother's house to set up a meeting to go over what services would be put into place and to set up a visitation schedule. Mother said that she wanted to speak with Ms. D. directly before setting up visitation through the Department. Ms. Canceran subsequently called Mother to follow up, and she left a message, but Mother did not return her call. Ms. Canceran sent letters to Mother requesting that she contact her.

Ms. Canceran then learned that Mother was incarcerated at the Queen Anne's County Detention Center. On May 11, 2017, Ms. Canceran met with Mother at the detention center. Mother said that she had a court date the following month, and she would contact Ms. Canceran when she was released from jail. Mother had not completed the drug treatment or parenting program. Mother told Ms. Canceran that she was going to contact the drug treatment program when she was released from jail "to make sure that the referral was still good." Ms. Canceran told Mother that she would speak with the parenting program coordinator to see if she could make up the one class that she had missed.

Mother contacted Ms. Canceran on June 12, 2017, and advised that she had been released and was living with her mother. She said that she was trying to get back into a substance abuse program but had transportation problems. Ms. Canceran offered to

provide “county ride” tickets to help with transportation, and she advised Mother that she had arranged for her to complete the last class of the parenting program in a one-on-one meeting with the program coordinator. Mother told Ms. Canceran that she would call back the next day.

When Mother did not call back, Ms. Canceran called Mother at her mother’s house. Ms. Canceran spoke with Mother’s mother, who thought that Mother “was somewhere in Baltimore[,] using again” or was possibly deceased. Other family members were making efforts to locate Mother.

In April 2018, approximately ten months after Mother’s last contact with the Department, Ms. Canceran learned that Mother was incarcerated at the Anne Arundel County Detention Center. On April 23, 2018, Ms. Canceran met with Mother and let her know that the permanency plan had been changed to adoption.<sup>4</sup> Mother did not request any services from the Department at that time, and she did not inquire about J.C. or request visitation. There was no contact with Mother between April 2018 and the TPR hearing on November 21, 2018.

Ms. Canceran testified that there was no opportunity to put a service agreement into place for Mother. There had been no visitation between Mother and J.C since the case was transferred to Queen Anne’s County in April 2017. Ms. Canceran stated that, after the

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<sup>4</sup> Mother testified, however, that when Ms. Canceran visited her at the detention center in April 2018, she told Mother that the permanency plan was still reunification.

permanency plan was changed to adoption, in March 2018, the Department's efforts were directed toward that permanency plan, and no longer toward reunification.

Ms. Canceran visited J.C. once a month in the D.'s home, which she found to be "very appropriate." Ms. D. was "very attentive and loving" to J.C. J.C. was "happy in the home," and she referred to the D.'s as "mom" and "dad." J.C. participated in age-appropriate outings and "Mommy and Me" classes with Ms. D. The D.'s arranged for J.C. to maintain contact with her two half-siblings, who lived in Easton with their paternal grandmother. J.C. also had contact with the D.'s extended family. The D.'s were "very stable financially" and provided a "very nurturing, loving environment" for J.C. They had expressed a desire to adopt J.C. Ms. Canceran testified that terminating Mother's parental rights would be in J.C.'s best interests.

Ms. D. testified that she is a distant relative; her great-uncle is Mother's father and Mother's mother is her aunt. Right after J.C. was born, Mother was reported missing. In December 2016, Ms. D. contacted the Department to find out where J.C. was and to step forward as a resource for J.C. J.C. was placed with her and her husband in December 2016.

Mother "reappeared" at the end of January 2017 and contacted Ms. D. through Facebook. Mother did not ask about J.C. Her messages were "centered around what she was doing." Mother had seen J.C. only twice: in February 2017, and in April 2017. In May 2017, Ms. D. communicated with Mother by text message to schedule a visit, but Mother cancelled the morning of the visit. Ms. D. did not hear from Mother after that time. She stated that she and her husband "absolutely" wanted to adopt J.C.

Mother testified that J.C.'s father is K.C., who died of a drug overdose in April 2016. She explained that she was using cocaine and opiates when she was pregnant with J.C. Mother's two older children were removed by Child Protective Services from the apartment she shared with a roommate shortly after J.C.'s birth.

Mother's roommate subsequently died, after "relaps[ing] on alcohol[.]" and Mother discovered the roommate's body in the apartment they shared. Mother had a "nervous breakdown" and "walked away from [her] whole life." She was using heroin and cocaine and overdosed at some point.

She recalled having contact with Ms. Atueyi, and being referred to a drug treatment program, but she declined because she was told that she could not take her children with her. She was offered other services, but she "wasn't in the right frame of mind to go." Mother stated that she was not capable of setting up appointments for herself and was unable to find housing on her own. She then went "off the radar" and lived on the streets of Baltimore City for approximately eighteen months.

When she returned to her mother's house for a two-month period in February 2017, she visited with J.C. and started drug treatment, but she was arrested after going to two meetings. She was released on bail and went "back into the streets." In November 2017, she "hit [her] rock bottom." She "got off the street" and "went into recovery." She did not contact the Department because she was "trying to get [her]self in order" so that she could turn herself in on open warrants for a DUI charge in Anne Arundel County and a charge of resisting arrest in Queen Anne's County.

Mother was arrested on those warrants before she turned herself in. In June 2018, she was sentenced in Queen Anne's County to serve fifteen months of a suspended sentence. She filed for a modification of her sentence and was committed to a residential drug treatment program. After successfully completing that program, she was released and ordered to a transitional outpatient program with supervised housing. The transitional program provided housing vouchers, which was important to Mother because she wanted to provide a stable home for her children. She stated that she expected she would be able to safely care for J.C. in six to nine months from the hearing date.

In response to the court's questions, Mother stated that she had battled substance abuse issues for six years. She had been sober for the previous nine months, which was the longest period that she had maintained her sobriety. On cross-examination, Mother admitted that, in the 26 months since J.C.'s birth, Mother had spent all but two months of that time either living on the streets, incarcerated, or in residential drug treatment.

After hearing oral argument from the parties, the juvenile court stated that it was in J.C.'s best interests to terminate Mother's parental rights. The court explained:

I'm satisfied that it's in the best interests of this child to terminate her mother's parental rights. If ever there were a clear and convincing case that not to terminate these rights would be a threat to the safety of this child, this is an obvious case. Her mother has been addicted, sadly, to various opiates, including heroin, for six years. The longest she's been sober is approximately nine months, six to nine months, whatever it is. A relatively small part of this six year history of addiction.

During that time, the mother - - apparently the father, at least the person the mother says is the father, died of an overdose of drugs. Her own roommate died of some kind of overdose, whether it's alcohol or drugs of some kind. She, herself, has overdosed. I mean, this is a very sad state of

affairs for this child and for the mother, but it's also a dangerous threat to this child's health and safety. Mom is in her sixth [drug treatment] program. She's tried now six times, which is, you know, unfortunately it's a testament to how difficult it is for people who are addicted to opiates to stop using. It's extremely difficult and I sympathize with Mom, but I'm not going to jeopardize the life and safety of this child by putting this 26-month-old child's life on hold indefinitely for which is, essentially, what the defense is asking me to do and hope that program number six works, six to nine months from now. It's not fair [to] the child. She has to get on with her life. It's not fair to the [D.s] They need direction.

. . . I think clearly this child's health and safety are a paramount interest. I hope Mom succeeds in her long effort to stop using drugs. It's clearly in her best interests to do that. But that's very late in the ball game.

I do find that she was offered appropriate services along the way that she refused. Counsel said that she needed a push or needed extra help, well, that's not the - - the department of social services, neither they nor the statute, require them to do, in my view, more than they did, which was to offer her these services and she, herself, admitted that she was not in a position to take advantage of them at that time. That's clear and simple to me. That's not as though they didn't offer. She declined. She dropped out. She went on the streets for 18 months. Nobody even knew where [she was]. [Mother's] mother is calling the police and the morgue. I mean, this is not a close case by anybody's stretch of the imagination. So for all those reasons, the verdict of the Court is the termination of parental rights.

On December 3, 2018, the juvenile court entered an order terminating Mother's parental rights, finding that Mother was "unfit to remain in a parental relationship" with J.C. The juvenile court granted guardianship to the Department with the right to consent to adoption or long-term care short of adoption. A guardianship review hearing was scheduled for May 2019.

Mother filed a notice of appeal. One of the questions presented in that appeal was whether the juvenile court erred in terminating parental rights without giving J.C.'s "putative father" notice of the proceedings. Maryland Code (2012 Repl. Vol.), § 5-306(a)

of the Family Law Article (“FL”) provides that a man is presumed to be the father of a child if the man was married to the child’s mother at the time of the child’s conception or birth. Mother had identified K.C. as J.C.’s biological father, but at the time of J.C.’s conception and birth, Mother was married to another man.

After Mother filed her brief, the parties filed a joint motion to remand the case to the juvenile court. In the motion, the Department acknowledged that the December 3, 2018, guardianship order must be vacated because it had not served J.C.’s presumptive legal father with notice of the guardianship proceedings. The parties requested that we remand the case “for further guardianship proceedings after the Department issues the proper service and notice to J.C.’s presumptive legal father[.]”

### **III.**

#### **Initial Guardianship Review Hearing - May 9, 2019**

While the joint motion for remand was pending before this Court, the guardianship review hearing that had been scheduled for May 9, 2019, was held before a magistrate. Mother was not present in the courtroom when the case was called. Mother’s counsel requested a postponement, stating that he had spoken to Mother and that she told him that she would attend the hearing. The Department opposed the request for continuance on the ground that parental rights had been terminated and Mother’s presence was not required. Mother’s attorney stepped out of the courtroom to attempt to contact Mother and find out where she was, but she did not answer his call. The magistrate took a short recess to allow Mother additional time to appear in court. When the hearing resumed, and Mother still

was not present, the magistrate denied the motion for continuance and the hearing proceeded.

The Department updated the magistrate on the status of the appeal and the pendency of the joint motion to remand the case for the purpose of serving Mother's husband. The Department also updated the magistrate on J.C.'s status, stating that she continued to reside in the home of Mr. and Ms. D. and that everything was going "very well." Mother had not had any contact with J.C. in more than two years, since April 2017, and there had been no contact between Mother and the Department since the TPR hearing in November 2018.<sup>5</sup> J.C.'s court-appointed special advocate recommended that J.C. remain with Mr. and Ms. D.

Mother's attorney proffered that he had only recently located Mother, who was living in Baltimore and working at a restaurant. Mother had "graduated from Gaudenzia and another program called David's Loft," and she had reported to her attorney that she was "still sober."

Mother's attorney then requested that the magistrate recommend tasks for Mother to complete in order to attempt reunification with J.C. The Department objected, stating that the CINA case was closed and sealed, and that, even if this Court granted the joint motion to remand the case, and the CINA case were reopened, the permanency plan would still be adoption by a relative, and therefore, the Department had no obligation to assign

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<sup>5</sup> Counsel for the Department incorrectly identified the date of the last contact between Mother and J.C. as April 2016. The record reflects that the last visit was in April 2017.

tasks to Mother in furtherance of reunification. Counsel advised that the proposed order of remand would permit Mother to update the juvenile court at a subsequent hearing “with anything that she has done” since the TPR hearing in November 2018 “that might be worthy of consideration” by the juvenile court.

The magistrate declined Mother’s attorney’s request to recommend tasks for Mother to complete, stating:

Perhaps, I would have a different perspective . . . if you had come in today and had made some assertion that the Department had thwarted efforts that [Mother] had made to see [J.C.] or that there was some active participation on her part and she couldn’t get anywhere with that with the Department, then, perhaps, I might have a different perspective . . . . [B]ut because I’m hearing that she has not reached out to everybody and done anything since November . . . I’m not going to make any specific recommendations regarding actions that [Mother] should take.

With respect to J.C.’s current circumstances and permanency plan, the magistrate stated:

It sounds like [J.C.] is doing really well with Mr. and Mrs. D[.] and that everything is just as good as it has always been from what I’ve heard, a really great environment for her and the best possible outcome for her at this point.

So I’m satisfied, she’s happy, healthy. No one has any concerns right now. I’m satisfied that the Department has made reasonable efforts to achieve the permanency plan, which is adoption by a relative, and that everybody is on course to do that pending the outcome of service on [the presumptive father] and whatever steps he takes or any additional information [Mother] offers to the Court, which may change the course of this case. But at this point, I’m satisfied reasonable efforts have been made and that permanency plan should remain, certainly, adoption by a relative and we’ll set this for a guardianship hearing, consistent with the language of the proposed [remand] order[.]

A guardianship review hearing was scheduled for August 8, 2019. The magistrate did not make written findings or recommendations. Instead, the matter was held *sub curia*, pending this Court's ruling on the joint motion for remand.

#### IV.

#### **Remand and Further Proceedings**

On May 13, 2019, this Court granted the parties' Joint Motion to Remand the Case for Further Proceedings. We ordered that a guardianship hearing be set within 90 days, that the presumptive father, Mr. P., be served with notice and, if he filed an objection to the guardianship petition, "further guardianship proceedings shall be heard *de novo* for [Mr. P.]" We further ordered that the circuit court permit Mother and the Department "to supplement the prior record with evidence of circumstances occurring" since the November 21, 2018, order, and that the court "shall issue a written order setting forth each of the factors considered under Maryland Code Annotated, Family Law § 5-323."<sup>6</sup>

On August 8, 2019, the court held a guardianship hearing pursuant to the remand order. Mother's attorney was present, but Mother did not attend the hearing.<sup>7</sup> The court noted that Mother already had "a fully blown contested due process hearing," and that the remand was for service on the father, but the court would allow counsel to proffer any

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<sup>6</sup> Maryland Code (2012 Repl. Vol.), § 5-323(d) of the Family Law Article ("FL") sets forth specific factors to be considered by a juvenile court in ruling on a petition for guardianship of a child.

<sup>7</sup> Counsel for Mother advised that she intended to be at the hearing, but 20 minutes before the hearing, Mother advised counsel that she did not have a ride from Baltimore and would not be able to attend the hearing.

supplemental information Mother had. Counsel then entered two exhibits into evidence: (1) an email to the Department stating that he had advised Mother to ask for visitation and a service agreement; and (2) an email from counsel for the Department advising that the Department's position was that it had no obligation to honor these requests because Mother's parental rights had been terminated.

In an order entered on September 24, 2019, the court noted that Mr. P. did not file an objection to the petition for guardianship. The court then addressed its findings with respect to the factors set forth in FL § 5-323. It found, among other things, that J.C. was born exposed to drugs; the Department had referred Mother to a drug addiction treatment program and a parenting skills program, had offered to set up supervised visitation with J.C., and had offered assistance with transportation; Mother had visited J.C. on only two occasions, with each visit lasting less than one hour; Mother had struggled with drug addiction for six years and testified that, mentally, she was not in a position to take advantage of the Department's efforts to help with reunification; J.C. did not know Mother; and J.C. was in the care of the Ds., with whom she had spent all but the first two months of her life.

The court found that there was clear and convincing evidence that Mother was unfit to remain in a parental relationship with J.C. and that it was in J.C.'s best interests to grant guardianship to the Department, with the right to consent to adoption.

This appeal followed.

## DISCUSSION

Mother contends that, “[w]here the Department had not made efforts to further reunification between [her] and J.C. [after the initial termination of parental rights], and [her] counsel had proffered that she had improved, the court erred when it refused to order an updated list of tasks for [her] to reunify with J.C.” She contends that, once this Court remanded to the circuit court, the court, in scheduling the hearing with knowledge based on the proffer to the magistrate that Mother had improved her circumstances, should have ordered her to “participate in services to measure her efforts at reunifying with J.C.” Mother contends that the court’s failure to do this “rendered the purpose of the hearing meaningless.”

J.C.’s attorney contends that the court properly terminated Mother’s parental rights. She asserts that, after the permanency plan was changed from reunification to adoption in 2018, the Department’s obligation was to make reasonable efforts to finalize the permanency plan of adoption, and it would have been contrary to J.C.’s best interests to reinitiate efforts towards reunification with Mother. J.C. asserts that the evidence supporting the court’s findings that Mother was unfit to remain in a parental relationship with J.C. and that continuing the parental relationship would be detrimental to J.C.’s best interests was overwhelming, and there is no basis for reversal.

The Department contends that the circuit court, in accordance with the remand order, “held the required hearing and made the required express findings, and, after considering the relevant statutory factors,” properly determined that Mother was unfit to

remain in a parental relationship with J.C. It argues that the court gave Mother the opportunity to supplement the record with “any relevant evidence of circumstances occurring since the November 2018 guardianship hearing,” but no such evidence was introduced, and Mother was not even present for the hearing. The Department contends that, because Mother’s parental rights had been terminated by the December 3, 2018, order, she was no longer a party to the proceedings, and the juvenile court was not required to order “an absent non-party” parent to complete reunification tasks.<sup>8</sup>

In reviewing a juvenile court’s decision to terminate parental rights, we “use three distinct, but interrelated standards.” *In re Adoption/Guardianship of H.W.*, 460 Md. 201, 214 (2018). We review the court’s factual findings under the clearly erroneous standard, and the court’s legal conclusions under the *de novo* standard. *Id.* The court’s ultimate conclusion to terminate parental rights, “if it is ‘founded upon sound legal principles and based on factual findings that are not clearly erroneous,’ will be ‘disturbed only if there has been a clear abuse of discretion.’” *Id.* (citations omitted). An abuse of discretion occurs “‘where no reasonable person would take the view adopted by the [trial] court,’ or when the court acts ‘without reference to any guiding rules or principles.’” *In re Yve S.*, 373 Md. 551, 583 (2003) (citations omitted).

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<sup>8</sup> Pursuant to FL § 5-326(a)(3)(ii), a parent whose parental rights have been terminated is entitled to be heard and to participate at a guardianship review hearing. The statute provides that a parent is “not a party solely on the basis of the right to notice or opportunity to be heard or participate at a guardianship review hearing.” FL § 5-326(a)(3)(iii).

Here, we initially note that Mother does not challenge any of the findings, or conclusions, set forth in the court's order terminating her parental rights. She does not argue that the court abused its discretion in ultimately concluding that she was unfit to remain in a parental relationship with J.C., and that it was in J.C.'s best interests to grant guardianship to the Department with the right to consent to adoption.

Mother's only argument is that "the trial court err[ed] when it refused to order a set of tasks for [Mother] to achieve reunification with her daughter." Although counsel did ask at the May 2019 hearing that the magistrate order tasks for Mother, this request was not made to the court during the August 2019 hearing.<sup>9</sup>

Mother's attorney did argue at the August 2019 hearing that the Department had not met "a basic obligation of reasonable efforts," but counsel did not ask the court, at that time, to impose additional tasks for Mother to measure efforts to achieve reunification.<sup>10</sup> Accordingly, this issue is not properly before this Court. *See* Md. Rule 8-131(a) (The appellate court generally will not decide any issue "unless it plainly appears by the record to have been raised in or decided by the trial court.")

We agree with the Department that the circuit court properly terminated Mother's parental rights. Pursuant to this Court's remand order, the circuit court held a hearing

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<sup>9</sup> "The proposals and recommendations of a magistrate for juvenile causes do not constitute orders or final action of the court." CJP § 3-807(d)(1). Accordingly, Mother properly does not seek to appeal the action, or lack thereof, of the magistrate.

<sup>10</sup> The circuit court noted that it was the Department's position that no further efforts to reunify J.C. with Mother were required because parental rights had been terminated in November 2018.

within 90 days, and it permitted Mother to supplement the record of the initial guardianship hearing with evidence of circumstances occurring since that time. Other than two emails, Mother did not produce any evidence in this regard, or even appear at the hearing. And as indicated, Mother does not challenge the court's findings after it addressed the factors set forth in FL § 5-323.

Under these circumstances, we cannot conclude that the circuit court erred or abused its discretion. Accordingly, we affirm the judgment of the circuit court.

**JUDGMENT OF THE CIRCUIT  
COURT FOR QUEEN ANNE'S  
COUNTY AFFIRMED. COSTS TO  
BE PAID BY APPELLANT.**