Circuit Court for Baltimore City
Case No.: 824034001J

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1647

September Term, 2025

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IN RE: A.W.

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Leahy,
Albright,
Kehoe, Christopher B.
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Kehoe, J.

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Filed: April 23, 2026

*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).

The Circuit Court for Baltimore City, sitting as a juvenile court, issued a disposition order, finding A.W. to be a child in need of assistance ("CINA")[1] and ordering her to be returned to the care and custody of Mr. W., her father ("Father"), under an order of protective supervision. Father appeals, raising three issues, which we have rephrased for clarity[2]:

1. Did the juvenile court err in finding that A.W. was neglected?

2. Did the juvenile court err in finding that Father was unable or unwilling to care for A.W.?

3. Did the juvenile court abuse its discretion in finding A.W. a CINA?

We find no error and shall affirm the judgment of the circuit court.

[1] "CINA" is the acronym for a "child in need of assistance." Md. Code Ann., Courts & Judicial Proceedings Article ("Cts. & Jud. Proc.") § 3-801(g).

[2] In Father's appellate brief, he phrases his questions as follows:

A. Did the [c]ourt err, as a matter of law, in concluding that A.W. was neglected within the meaning of the CINA statute?

B. Did the [c]ourt clearly err by finding [that] Father was unwilling or unable to meet A.W.'s needs?

C. Did the [c]ourt abuse its discretion by finding A.W. a Child in Need of Assistance?

## FACTUAL AND PROCEDURAL BACKGROUND

A.W. was born in August 2010 to Ms. W. ("Mother")[3] and Father. It is unclear when A.W. came into the care and custody of Father, but he obtained legal custody of A.W. following the parents' divorce.

On January 25, 2024, the Baltimore City Department of Social Services ("the "Department") received a report of physical abuse and neglect of then thirteen-year-old A.W. Department case worker Shawnay Mayers attempted to reach Father to no avail. Six days later, around 9:00 p.m., an officer with the Baltimore City Police Department ("BCPD") met Father at his home to perform a child welfare check. The officer was only allowed to see A.W. briefly. The following day, the Department filed a CINA petition and emergency request for shelter care for A.W. A contested hearing followed at which Father and his attorney were present, a juvenile court issued an order authorizing shelter care, and Ms. Mayers and a police officer subsequently removed A.W. from Father's home.

Adjudication hearings were held on July 12, September 13, and September 23, 2024, during which the court heard testimony from, among others: Ms. Mayers; her supervisor; and Father. On September 27, 2024, the juvenile court held the adjudication matter sub curia, bifurcated the disposition hearing, and continued A.W. in shelter care.

[3] Mother is not a party to this appeal and has had little involvement in the underlying litigation.

On December 20, 2024, the juvenile court issued an adjudication order, returning A.W. to the care and custody of her Father under an "order controlling conduct."[4] The order sustained the following allegations in the CINA petition, which we have summarized.

1. A.W., age fourteen, has been in the primary care and custody of Father.

2. Father leaves for work at 4:30 AM and returns from work after 8:30 PM., sometimes he works late but not regularly. While Father is gone, A.W. is home alone, monitored by Father via camera. A.W. attends virtual school and is not allowed to answer the door or leave the apartment.

3. Attempts were made by the Department to contact the family by phone, home visits, and certified mail, to no avail. On January 31, 2024, the Department asked BCPD to complete a child welfare check. BCPD Officer Taylor was able to make contact with Father after 9:00 PM. Father initially refused access to A.W. then allowed Officer Taylor to see A.W. briefly. Father would not permit the Department's case worker, Ms. Mayers, who was on the phone with Officer Taylor, to speak with A.W. Officer Taylor did observe cameras in the home. The Department issued an emergency shelter authorization and responded to the home with Officer Taylor. When A.W. left the apartment with a bag she had packed, she did not bring a coat. Ms. Mayers encouraged A.W. to get a coat but A.W. stated she could not go back into the apartment. Ms. Mayers could hear Father speaking through the computer/camera system, asking A.W. where she was going. Officer Taylor retrieved a coat for A.W. from the apartment.

4. In 2015, Mother filed for a protective order against Father naming A.W. as victim in Baltimore County District Court. Mother alleged in her filing that Father was physically and sexually abusing A.W., which was denied at the final hearing. That matter initially produced a temporary protective order and was then transferred to circuit court where it was superseded by the parents' divorce and custody action.

[4] *See* Cts. & Jud. Proc. § 3-821(a) (providing that a court in a CINA case may "issue an appropriate order directing, restraining, or otherwise controlling the conduct of a person who is properly before the court [in certain circumstances]").

The court then ordered Father to enroll A.W. in an in-person school; adhere to the principles taught in the parenting and anger management programs that he had completed; participate in individual and family therapy; and make A.W. accessible to the Department and her counsel with or without notice. Additionally, Father was prohibited from recording or photographing A.W without her permission; disparaging Mother or any of A.W.'s relatives; discussing the CINA matter with A.W.; and unduly restricting A.W.'s access and communication with appropriate friends and peers.

Two months later, in February of 2025, the Department moved to dismiss the CINA petition because the "safety concerns that precipitated the Department seeking court intervention have been resolved with the services provided to and availed by [Father]." The court denied the motion and set the matter for disposition. After several delays, disposition hearings were held on August 11 and September 2, 2025, at which Stacy Campbell, the Department's family preservation case manager, and Father testified.

At the August 11 disposition hearing, Ms. Campbell testified that she attempts bi-weekly visits with A.W. and Father, but during the seven months she has been assigned to this case, she has only completed about six visits. She explained that during the visits, "[t]ypically the three of us are in the living room. I don't stay for very long." She related that during the visits, A.W. appears "very guarded. If I ask her questions it's yes or no. She's very polite and respectful. I can't really speak to the relationship between the two because [Father] doesn't really say much. He answers questions that I ask . . . but the family dynamics are hard to interpret." On one visit, she asked to speak with A.W. privately and

Father told her that she could not. When she told him it was part of her "job," Father replied that he would talk to his lawyer and get back to her. He later texted her and said she could speak to A.W. and gave her A.W.'s telephone number. Ms. Campbell texted A.W. but received no response.

Ms. Campbell testified that A.W. was attending in-person school, had passed all her 9th grade classes, and would be entering 10th grade in the fall. She was unaware when A.W. had her last physical. A.W. attends individual and family therapy. Ms. Campbell noted that Father had to be reminded he was court ordered to engage in therapy, and Father responded that he was aware and would take care of it. She further noted that therapy attendance had been inconsistent, and there had been more missed visits than visits kept. She admitted that "meaningful therapy" had not taken place. She testified that she did not have any safety concerns, and the Department was asking for the case to be closed.

Father testified that since A.W. was returned to his care, their relationship "is improving." When asked in what ways their relationship had changed, he testified that A.W. had thought he was "too strict," and he recently took her and a high school friend to the mall where they had seen a movie, and a friend of A.W.'s attended a three-day church camp with A.W. He added that A.W. has also been helping two of Father's friends from his church with their businesses. A. W. helps one of Father's friends with making "candles, soaks[,] things of that nature[,]" and for the other, A.W. has been "taking photos" and cleaning her office. Father testified that currently there are no "active" cameras in his house.

Father testified that he had taken A.W. for a physical examination on April 1, and the doctor noted that she had high blood pressure. Father thought her blood pressure was high because they never eat beef or pork at home, but A.W. ate both when she was in the custody of the Department. He is addressing A.W.'s high blood pressure through diet and exercise, explaining that they do not eat meat, and he has taken her to the gym in their apartment complex "a couple of times" to walk on the treadmill. He admitted, however, they have not continued the treadmill walking because he is tired when he comes home from work.

Father thought family therapy was "helpful," and his individual therapy is "excellent." Through therapy, he has learned to "lighten up on certain things[,]" and he and A.W. are working on communication and trust issues. He testified that A.W. does not want to continue with individual therapy. He testified that he has $20 co-pays for each of the three court-ordered therapies, and he is struggling financially. Father asked the court to close the case so he and A.W. "can move on and heal and progress[.]"

The disposition hearing was continued until September 2. At that time, Father testified that he was doing better financially but admitted that in the preceding month BGE had shut off his electricity for four days for nonpayment. He explained that he fell behind on his BGE bill when he started paying the co-pays for therapy. He testified that he has worked for the same company for nineteen years and earns about $4,500 each month, after taxes. He did not know his monthly expenses. His largest expense is $1,235 for rent, and he has other bills, such as car insurance, food, water bill, and cell phone. The Department

recently provided him with over $1,000 in financial assistance for food, clothing, and paying off the $800 BGE arrearages. Although the Department asked him to complete a budget, he is still working on it.

Father again testified that his relationship with A.W. is "improving[,]" and they are still working on communication. When asked about A.W.'s social activities, he testified that they had gone skating the past Sunday; she went to the mall and the movies with a friend in July; she went to their apartment complex pool, which is free, the past Sunday for the first time; and she spent time with Father's church friend, who has her own business making candles and soap. When asked by the court about whether he had made a follow-up appointment with A.W.'s physician regarding her high blood pressure, Father testified that he had. However, when pressed by the court as to when it was scheduled, he admitted that he had not done so.

Ms. Campbell was recalled and testified that, since their last hearing, she has had three home visits with A.W., and each time she has spoken with A.W. alone. Based on those conversations, Ms. Campbell expressed concern about the emotional connection between Father and A.W. She noted that, despite requests, she had not received any reports from any of Father's or A.W.'s therapists. She was also concerned about Father's financial situation. She stated that, although she did not have any safety concerns for A.W., the

Department was now requesting the court continue the case under an order of protective supervision so as to monitor Father's budget and assess the effectiveness of therapy.[5]

After the close of testimony, the court summarized its findings. The court found that A.W. is still socially isolated, which is not good for her emotional well-being. The court noted that during the summer, A.W. went to the movies with a friend once and went once to the pool. She noted that, although A.W. had a chance to work for one of Father's friends in his faith community, those communities can be closed and isolating. She noted that, although nine months had elapsed from the adjudication order mandating therapy, A.W.'s and Father's individual and family therapy is "tenuous at best[.]" The court further noted that Father has likewise failed to follow-up and monitor with a doctor A.W.'s high blood pressure. For the above reasons, the court was not convinced that Father could meet A.W.'s "ongoing developmental, emotional and social needs without the supervision of the Department and the court."

On September 9, 2025, the juvenile court issued a disposition order. The order found A.W. to be a CINA based on the adjudication order in which certain allegations in the CINA petition were sustained. The court continued custody in Father's care under an order of protective supervision. Specifically, Father was to participate in individual and family

[5] *See* Cts. & Jud. Proc. § 3-819(b)(1)(iii), (c)(1)(i) (providing that a court in its CINA disposition may commit a child to the custody of the parent "under the protective supervision of the local department on terms the court considers appropriate").

therapy; allow A.W. access to her individual therapy; and make A.W. available to the Department or her counsel with or without notice. Father filed this timely appeal.[6]

**Standard of Review**

"There are three distinct but interrelated standards of review applied to a juvenile court's findings in CINA proceedings." *In re J.R.*, 246 Md. App. 707, 730-31 (2020) (quotation marks and citation omitted).

> [First w]hen the appellate court scrutinizes factual findings, the clearly erroneous standard of Rule 8-131(c) applies. Second, if it appears that the court erred as to matters of law, further proceedings in the trial court will ordinarily be required unless the error is determined to be harmless. Finally, when the appellate court views the ultimate conclusion of the court founded upon some 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.

*In re Adoption/Guardianship of C.E.*, 464 Md. 26, 47 (2019) (cleaned up). An abuse of discretion occurs when a "ruling is clearly untenable, . . . violative of fact and logic, or when it constitutes an untenable judicial act that defies reason and works an injustice." *Alexis v. State*, 437 Md. 457, 478 (2014) (quotation marks and citation omitted). "[A]n abuse of discretion should only be found in the extraordinary, exceptional, or most egregious case." *Wilson v. John Crane, Inc.*, 385 Md. 185, 199 (2005).

[6] Father filed his brief on January 23, 2026. On January 28th, our Clerk's Office advised the parties that the deadline for requesting oral argument was February 6, 2026. On that day, counsel for A.W. stated that she "[did] not request oral argument," counsel for the Department stated that it "[did] not take a position on oral argument[,]" and counsel for Father stated that she was not available for oral argument on April 1, 2026. On February 23, 2026, the Department filed its brief in which it requested oral argument. But the deadline for requesting oral argument had expired on February 6th.

In reaching our decision, we bear in mind that it is the juvenile court that "sees the witnesses and the parties, and hears the testimony[.]" *Gizzo v. Gerstman*, 245 Md. App. 168, 201 (2020) (cleaned up). For this reason, we acknowledge that the juvenile court "is in a far better position than the appellate court . . . to weigh the evidence and determine what disposition will best promote the welfare of the child." *Id.* (cleaned up).

**DISCUSSION**

Father argues that the juvenile court erred in finding A.W. a CINA because there was no evidence that she was abused or neglected, nor evidence that he was unable or unwilling to care for her. The Department responds that the juvenile court properly found A.W. to be a CINA. We agree with the Department. We shall explain.

The statute defines a CINA as a child who "requires court intervention" because: "(1) [t]he child has been abused [or] has been neglected . . . ; 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." Cts. & Jud. Proc. § 3-801(f). "[B]oth prongs [must] be met before a child can be determined to be in need of assistance." *In re T.K.*, 480 Md. 122, 134 (2022). The same facts, however, may support both prongs. *Id*.

Neglect is defined as "the leaving of a child unattended or other failure to give proper care and attention to a child" by any parent under circumstances that indicate either: (1) "the child's health or welfare is harmed or placed at substantial risk of harm;" or (2) "the child has suffered mental injury or been placed at substantial risk of mental injury." Cts. & Jud. Proc. § 3-801(t)(1)(i)-(ii). Neglect can be determined by an "overarching

pattern of conduct" assessed by the inaction of a parent over time. *In re Priscilla B.*, 214 Md. App. 600, 625 (2013). While neglect may seem passive, "a child can be harmed as severely by a failure to tend to her needs as by affirmative abuse." *Id.* at 621. A child can be considered neglected before suffering actual harm, so long as there is a "fear of harm" for the future based on evidence and not a "gut reaction." *In re Nathaniel A.*, 160 Md. App. 581, 601 (2005) (quotation marks and citations omitted). A court must look at the "totality of circumstances" to determine whether neglect occurred. *Priscilla B.*, 214 Md. App. at 621.

**A. Was there sufficient evidence that A.W. was neglected?**

Father first argues that there was insufficient evidence of neglect, stating that the court improperly "relied on speculation, subjective impressions, and unfounded concerns[] to justify the continued intrusion into a parent's constitutionally protected right to raise his child." Citing *In re Dustin T.*, 93 Md. App. 726 (1992), and *Priscilla B.* as examples of parental conduct constituting legal neglect, Father argues that his conduct of "somewhat inconsistent" therapy participation, falls far short of the facts of those cases. He points out that he has never had a substance abuse or violence problem; his home is safe and clean; he eliminated beef and pork from their diet and engaged A.W. in exercise when he learned she had high blood pressure; and she is doing well in school and passing all her classes.

We find no error by the juvenile court in finding by a preponderance of the evidence that A.W. was neglected. Here, the court found that Father had left his teenage daughter isolated and unattended for essentially all her waking hours. This degree of social isolation

amounts to a failure to provide proper care and attention to A.W.'s emotional needs. Similarly, Father's failure to schedule a follow-up visit in the more than five months after A.W.'s pediatrician noted her high blood pressure was a failure to provide proper care and attention to A.W.'s physical needs. Moreover, the evidence showed that Father had been unable to consistently attend his therapy sessions and to make sure that A.W. attended her court-ordered therapy sessions. The evidence also showed that Father struggled at times to budget without assistance, which led to the shutting off of their electricity for four days in August. This was a failure to provide A.W. with proper care and attention.

The facts in the two cases cited by Father, *Priscilla B.* and *Dustin T.*, are very different from those alleged here. In *Priscilla B.*, 214 Md. App. at 606-07, the six-year-old child who was the subject of the proceeding was living in a structurally unsound and unsafe home against a backdrop of long-standing domestic violence and alcohol and drug abuse by her parents. In *Dustin T.*, the child was born testing positive for cocaine, his mother tested positive as well and had a history of long-term substance abuse. 93 Md. App. at 731-32. However, those cases did not, nor did they purport to, set the bar by which neglect is established.

**B. Was there sufficient evidence that Father was unable/unwilling to care for A.W.?**

Father argues that the circuit court also erred in finding that he was unable or unwilling to care for A.W. He points out that he was actively participating in individual and family therapy and, based on what he learned, he was adjusting his parenting style to be less strict. The Department disagrees and argues that the court properly found from the

evidence presented that Father was unwilling or unable to provide proper care and attention to A.W.'s needs without the Department's support and ability to monitor the situation.

The evidence showed that Father kept A.W. home alone for sixteen hours a day and did not allow her to leave the home, and that even after regaining physical custody, the few social interactions related by Father in his testimony, which occurred over several months, show that Father was not yet at the point where he was able to care for A.W. without Department support. Moreover, the lack of therapy, which had not gained traction because of missed appointments, is also evidence of Father's inability to care for A.W. Lastly, Father's difficulties in staying within his budget, resulting in the cutting off of their electricity for four days in August, also provides some support for the court's finding that Father was not yet able to care for A.W.'s needs.

**C. Did the circuit court err in finding that A.W. was a CINA?**

Father argues that the circuit court abused its discretion in finding that A.W. was a CINA. Citing *In re Damien F.*, 182 Md. App. 546 (2008), and *In re M.H.*, 252 Md. App. 29 (2021), he argues that a court cannot base its CINA determination on proffers or allegations. The Department urges us to affirm the court's CINA finding.

As to Father's argument regarding proffers and allegations, he concedes, as he must, that the court took testimony in this case and had evidence before it. Nonetheless, he asserts that the court relied on hypotheticals and proffers. This is so, he asserts, because the court, in its CINA determination, relied on the lack of therapy versus the fact that his participating in therapy had led to a change in his parenting style. We fail to see how evidence that A.W.

was not receiving therapy on a regular basis amounts to hypotheticals or proffers. In any event, the court was aware that A.W. had yet to benefit from therapy even though Father had benefited from the therapy that he had attended. In light of the totality of the court's findings, we conclude that the trial court did not abuse its discretion when it found that A.W. was a CINA. Accordingly, we shall affirm the judgment of the circuit court. *See In re Ashley S.*, 431 Md. 678, 719 (2013) ("In balancing fairness to the parent and fulfilling the needs of the child, the child prevails.").

**THE JUDGMENT OF THE CIRCUIT COURT FOR BALTIMORE CITY IS AFFIRMED.**

**COSTS TO BE PAID BY APPELLANT.**