

Circuit Court for Prince George's County  
Case Nos. C-16-JV-25-000219, C-16-JV-25-000220

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

Nos. 1705 & 1706  
September Term, 2025

---

IN RE: D.W. & D.Y.W.

---

Graeff,  
Friedman,  
Woodward, Patrick L.,  
(Senior Judge, Specially Assigned),

JJ.

---

Opinion by Graeff, J.

---

Filed: May 20, 2026

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

This case arises from orders of the Circuit Court for Prince George’s County, sitting as a juvenile court, finding D.W. and D.Y.W.,<sup>1</sup> appellants, to be children in need of assistance (“CINA”)<sup>2</sup> based on a mental disorder. On appeal, appellants present two questions for our review, which we have rephrased slightly, as follows:

1. Did the circuit court err when it dismissed appellants’ notice of exceptions because appellants were not present at the hearing to provide testimony?
2. Did the circuit court err when it found appellants to be CINA, accepting as evidence uncertified records from two years before the proceeding and testimony from their caregiver who drove appellants to another jurisdiction to relinquish her rights?

For the reasons set forth below, we shall answer the first question in the affirmative, and therefore, we shall vacate the judgments of the circuit court and remand for further proceedings.

### **FACTUAL AND PROCEDURAL BACKGROUND**

D.Y.W., born in November 2007 and age 17 at the time of the proceedings below, and D.W., born in December 2008 and age 16 at the time of the proceedings below, are the children of Mr. W. In 2012, after appellants’ mother passed away, Mr. W. and appellants

---

<sup>1</sup> In the interest of privacy, we shall refer to appellants and their family members by their initials.

<sup>2</sup> A “CINA” is a child whom the court has determined requires court intervention because he or she has been abused or neglected, or has a developmental disability or mental disorder, and whose parents, guardian, or custodian either cannot or will not “give proper care and attention to the child and the child’s needs.” *In re J.J.*, 456 Md. 428, 432 n.1 (2017) (quoting Md. Code Ann., Cts. & Jud. Proc. (“CJ”) § 3-801(f) (2025 Supp.)), *cert. denied sub nom.*, *E.B. v. Wicomico Cnty. Dep’t of Soc. Servs.*, 586 U.S. 821 (2018).

moved from Connecticut to Maryland. They lived with Ms. M., Mr. W.’s aunt and appellants’ paternal great aunt, in Prince George’s County for approximately one year. During that year, Mr. W. traveled back and forth to Connecticut for work while Ms. M. cared for appellants. Mr. W. subsequently found a job in Glen Burnie and moved there with appellants. In approximately December 2016, Mr. W. and appellants relocated to Florida.

In December 2022, D.Y.W.’s boyfriend posted a video of D.Y.W. engaged in sexual activity. When Mr. W. learned about the video, he “popped her for that.” A few months later, in early 2023, Mr. W. received a call from D.W.’s school, informing him that there was a video of D.W. engaging in a sexual act on school property. In response, Mr. W. “popped” D.W.

In May 2023, Mr. W. and appellants traveled to Maryland to visit Ms. M. Appellants asked Mr. W. if they could stay with Ms. M. for the summer, and he agreed because he was in the process of securing new housing. Shortly after they arrived in Maryland, Mr. W. learned that Ms. M.’s daughter was “taking Molly.”<sup>3</sup> Mr. W. spoke with Ms. M., and she stated that she had it under control. Mr. W. had a heated argument with Ms. M.’s daughter, resulting in Mr. W. punching a door out of frustration. Mr. W. purchased plane tickets for appellants to return to Florida with him, but they insisted on staying.

---

<sup>3</sup> “Molly” is the street name for ecstasy. *Ecstasy or MDMA (also Known As Molly)*, UNITED STATES DRUG ENFORCEMENT ADMINISTRATION, <https://www.dea.gov/factsheets/ecstasy-or-mdma-also-known-molly>, available at <https://perma.cc/5NF4-2Z57> (last visited May 12, 2026).

While staying with Ms. M., appellants reported that they were being abused by Mr. W. Based on the incident involving Mr. W. and Ms. M.’s daughter, Ms. M. believed appellants’ claim. Ms. M. filed a temporary protection order and custody action against Father.<sup>4</sup> Ms. M. also reported the abuse to the Prince George’s County Department of Social Services (“the Department”).

In July 2023, the Department provided therapeutic services for appellants through Utopia Counseling Services. Appellants were diagnosed with depression and anxiety. In August 2023, D.W. attempted suicide, and Ms. M. took her to Anne Arundel County Medical Center, where they recommended that D.W. see a psychiatrist. D.W. was prescribed medication for depression and anxiety, but she stopped taking the medication after a week. D.W. continued to meet with the psychiatrist until December 2023.

Ms. M. testified that she subsequently attempted to secure therapeutic services from Kaiser, appellants’ state-provided health care provider. Kaiser offered therapeutic services, but Ms. M. stated that it required children over the age of 13 to initiate the contact and provide approval to move forward with those services. Appellants refused therapeutic services.

In July 2024, in the custody case, the court granted Ms. M. sole legal and physical custody of appellants because of Mr. W.’s abuse, “or at least [his] . . . manifestations of an anger management issue.” Mr. W. was allowed to have supervised visitation via Zoom.

---

<sup>4</sup> In the CINA proceedings, the magistrate took judicial notice of C-16-FM-23-810862, D-05-FM-23-002708, and C-16-FM-23-007176, which were family law cases that involved the children, Ms. M., and Mr. W.

On March 31, 2025, Ms. M. took appellants to Anne Arundel County Child Protective Services. Ms. M. reported that the Department in Prince George’s County did not give her the assistance she needed, and she was relinquishing her rights to appellants. The Department went to Anne Arundel County to retrieve appellants and meet with Ms. M. Ms. M. stated that she could not provide appellants the level of care they needed, and she was concerned about the safety and mental well-being of her household. Ms. M. claimed that appellants were disrespectful, had no boundaries, and displayed sexual deviant behaviors. The Department placed appellants in shelter care and filed a CINA petition.

On April 1, 2025, the parties appeared before a magistrate for a shelter care hearing. The magistrate recommended continued shelter care. The circuit court issued an order adopting the magistrate’s recommendation.

## I.

### **The Adjudicatory and Disposition Hearings**

On April 30, 2025, the parties appeared before a magistrate for an adjudicatory hearing. Mr. W. appeared without counsel. The court found good cause to continue the hearing to allow Mr. W. the chance to meet with his assigned counsel from the public defender’s office.

On May 21, 2025, the magistrate held an adjudication and disposition hearing. She took judicial notice regarding the three family law cases involving appellants, Ms. M., and Mr. W.

Chynna Rollins, a case worker for the Department, testified that she had received a report that Ms. M. no longer wanted appellants and wished to relinquish her rights. Ms. M. reported that she wanted to protect the safety of herself and her children. Ms. M. shared with Ms. Rollins inappropriate videos and photos that caused her to be concerned about appellants staying in her care.<sup>5</sup>

As part of the petition, Ms. Rollins investigated appellants' alleged overly sexualized behaviors, disrespect, and lack of boundaries. Ms. M. reported that appellants suffered from anxiety and depression, and they refused therapeutic services. Ms. Rollins did not contact appellants' mental health provider. Ms. M. reported that D.W. refused to take medication. Ms. Rollins testified that the investigation revealed that Mr. W. was unwilling or unable to care for appellants. The Department offered Ms. M. family preservation services, which included therapeutic, supportive, and long-term services, but she declined.

When investigating neglect, Ms. Rollins would normally consider whether the caregiver of the child wanted, or was willing or able, to care for appellants. Ms. Rollins also would consider whether there were efforts by the caregiver to get assistance for appellants. Ms. Rollins found that Ms. M. had taken steps to get assistance for appellants through their health care provider despite her declining the Department's services.

---

<sup>5</sup> Ms. Rollins observed a video of one of the children having intercourse with another child, who was allegedly her cousin.

Ms. M. reported to the Department that Mr. W.’s parental rights were revoked. The Department did not try to contact Mr. W. when the petition was filed, despite knowing that appellants were in contact with him.

Ms. M. testified that she filed a temporary protection order and custody action in approximately June 2023. She took appellants to therapy because she believed that they needed mental health services due to abuse. Ms. M. asked the Department for services to help her with appellants’ care and development. She requested grief counseling for appellants. The Department provided Ms. M. with furniture for appellants and a check for \$3,600 to cover some of the legal fees associated with the custody case. Ms. M. also received temporary cash assistance for three to four months.

On July 3, 2024, Ms. M. received legal custody of appellants. Mr. W. was allowed to have supervised visitation via Zoom, but Ms. M. found out that appellants were having unsupervised contact with him.

In 2025, Ms. M. reported to the Department that she was unable to provide appellants with the level of care they needed, and she wanted to protect the safety and mental well-being of her household.<sup>6</sup> Appellants were consistently disrespectful, lacked boundaries, displayed overly sexualized behaviors, refused therapeutic services, and did not properly participate in services when offered. Ms. M. declined the Department’s

---

<sup>6</sup> Ms. M. reported that she saw a video of D.Y.W. engaged in intercourse with a first cousin. Ms. M. feared for her autistic son’s safety because of the video and her son’s inability to process social cues.

services because the services had not been helpful in the past and the Department could not make appellants go to therapy if they refused.

Mr. W. testified that appellants were “perfect girls” until there was a four-to-six-month period involving boys. Mr. W. acknowledged that he “popped” appellants when he was advised that they each had been involved in sexually explicit conduct recorded on video. Mr. W. stated that he physically disciplined appellants to “coax them into valuing their [] self as women, and understanding that men -- when -- when boys are young, you can’t trust them.” He stated that, if he could go back in time, he would give appellants more guidance on life and boys.

Mr. W. testified that he let appellants stay with Ms. M. for the summer in 2023 because his business had crashed, and he lost 90% of his income. Mr. W. intended for appellants to return to his care at the end of the summer. When he returned to Florida, he obtained a new apartment and fixed his credit. Mr. W. was not concerned about appellants spending the summer with Ms. M. until he learned that Ms. M.’s daughter was using Molly, a drug. Mr. W. spoke with Ms. M. about her daughter, and Ms. M. stated that she had it under control. Mr. W. spoke with Ms. M.’s daughter, which resulted in a heated argument and Mr. W. punching a door out of frustration. The next day, Mr. W. purchased plane tickets for himself and appellants to return to Florida. Appellants convinced Mr. W. to let them stay with Ms. M. for the summer.

Mr. W. testified that appellants reached out to him in April 2025, stating that Ms. M. was mistreating them, and they did not feel comfortable. Mr. W. believed that Ms. M.

was mistreating appellants as a personal vendetta against him. On April 7, 2025, the Department called Mr. W. to advise that appellants were in custody. The Department asked Mr. W. if there was anyone who could take appellants. Mr. W. asked if he could have custody, but the Department stated that it was a long process, and it needed someone to care for appellants at that time.

Mr. W.'s residence had two bedrooms, but he was willing to move to a three-bedroom home if the court required it. Mr. W. stated that he was fully capable of managing the financial expenses of appellants. Mr. W. spoke with appellants about their preferences and supported D.Y.W. staying in Virginia for college.

The magistrate found that the allegations in the petition were sustained, with some minor changes based on the testimony. The cases then proceeded to disposition.

At the disposition hearing, the Department sought a finding of CINA. All parties agreed that a CINA finding was warranted, but they disagreed as to the basis of the finding. The Department thought that the basis should be neglect, but it was unopposed to a finding based on the mental health of appellants. Appellants' attorney requested that the court find appellants to be CINA based on neglect because Ms. M. failed to give appellants proper care and attention. Counsel argued that the mental health records admitted were completed nearly two years earlier and included an assessment of questions, as opposed to a psychological evaluation. Counsel recited the statutory definition of a mental disorder and

stated that appellants were teenagers who have continued to prosper in their education.<sup>7</sup> Ms. M. argued that the finding should be based on appellants’ mental health needs, and Mr. W. thought the CINA finding should be based on neglect because Ms. M. did not want appellants after being granted sole physical and legal custody.

At the conclusion of the disposition hearing, the magistrate found that appellants were CINA on “the basis [of] a mental health diagnosis.” She relied on “the testimony about their diagnoses, as well as the Utopia records.” The magistrate found that Ms. M. was no longer able to care for appellants, and Mr. W. was “willing to take care of them,” but he was unable to do that at the time of the hearing. The court committed appellants to the care and custody of the Department. The court ordered the Department to provide appellants with services specifically related to education and the transition to adulthood.

## II.

### Exceptions Hearing

On June 6, 2025, appellants filed exceptions to the magistrate’s recommendations, excepting to the basis of the CINA finding. They requested, in addition to a *de novo* hearing, that they be found to be CINA based on neglect.

---

<sup>7</sup> Md. Code Ann., Health-Gen. (“HG”) § 10-101(i) (2025 Supp.) defines “mental disorder” as the following:

- (1) . . . [A] behavioral or emotional illness that results from a psychiatric disorder.
- (2) “Mental disorder” includes a mental illness that so substantially impairs the mental or emotional functioning of an individual as to make care or treatment necessary or advisable for the welfare of the individual or for the safety of the person or property of another.

On September 9, 2025, the parties appeared before a judge for the *de novo* hearing. Appellants’ attorney waived their presence, stating that D.Y.W. was in college and D.W. was in school.

Counsel for Ms. M. moved to dismiss appellants’ exceptions because appellants were not present to testify, and their attorney did not plan to offer any evidence. The Department joined Ms. M.’s motion to dismiss. Appellants’ counsel objected, stating that she was under no obligation to present evidence or testimony.

The court dismissed the exceptions because there was no “testimony or documents to rebut” the magistrate’s finding. Appellants’ counsel asked the court to reconsider the dismissal, but the court denied the request and dismissed the exceptions. On September 10, 2025, the court entered an order for each appellant adopting the magistrate’s recommendations. These appeals followed.<sup>8</sup>

### STANDARD OF REVIEW

We set forth our standard of review for CINA proceedings as follows:

There are “three distinct but interrelated standards of review” applied to a [circuit] court’s findings in CINA proceedings. *In re Adoption/Guardianship of H.W.*, 460 Md. 201, 214 (2018). The [circuit] court’s factual findings are reviewed for clear error. *In re Adoption/Guardianship of Amber R.*, 417 Md. 701, 708 (2011). Whether the [circuit] court erred as a matter of law is determined “without deference;” if an error is found, we then assess whether the error was harmless or if further proceedings are required to correct the mistake in applying the relevant statute or regulation. *In re Yve S.*, 373 Md. 551, 586 (2003). Finally, we give deference to the [circuit] court’s ultimate decision in finding a child in need of assistance, and “a decision will be reversed for abuse of discretion only if ‘well removed from any center mark

---

<sup>8</sup> Appellants filed separate appeals, but this Court granted their motion to consolidate the cases.

imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable.” *In re J.J.*, 231 Md. App. 304, 345 (2016), *aff’d*, 456 Md. 428 (2017), *cert. denied*, 586 U.S. 821 (2018) (quoting *In re Yve S.*, 373 Md. at 583-584 (internal citations omitted)).

*In re J.R.*, 246 Md. App. 707, 730-31, *cert. denied*, 471 Md. 272 (2020).

## DISCUSSION

Appellants contend that the circuit court erred when it dismissed their exceptions *de novo* without an evidentiary hearing on the grounds that appellants were not planning on presenting evidence that they did not have mental disorders. They allege that, in doing so, the court improperly shifted the burden of proving the allegations in the CINA petition from the Department to appellants. The Department agrees, and so do we.<sup>9</sup>

“Any party, in accordance with the Maryland Rules, may file written exceptions to any or all of the magistrate’s findings, conclusions, and recommendations, but shall specify those items to which the party objects.” Md. Code Ann., Cts. & Jud. Proc. (“CJ”) § 3-807 (c)(1) (2025 Supp.). In appellants’ exceptions, they objected to several of the magistrate’s findings and recommendations, including that appellants have mental health diagnoses. The party who files exceptions may elect a hearing *de novo* or a hearing on the record before the court. *Id.* at § 3-807(c)(2). Here, appellants requested a *de novo* exceptions hearing.

---

<sup>9</sup> Ms. M. contends that, even if the court erred when it dismissed appellants’ exceptions, appellants failed to establish any harmful error entitling them to relief on appeal. Ms. M. alleges that appellants failed to identify concrete, tangible prejudice they experienced or will experience from the CINA finding based on a mental disorder, but a CINA declaration based on neglect could be used against her.

At a *de novo* hearing, the circuit court judge receives evidence and makes “determinations of fact as though no prior proceeding had occurred, especially because a master is not recognized as a judge, but a ministerial actor making recommendations.” *In re Marcus J.*, 405 Md. 221, 234-35 (2008). The filing of *de novo* exceptions requires the “reviewing court’s decision of a matter anew.” *Id.* at 234 (quoting Black’s Law Dictionary 738 (8th ed. 2004)). The burden to establish that a child is CINA is on the Department. *See* Md. Rule 11-213(c) (“The petitioner shall present the evidence in support of the CINA petition and shall have the burden of proving the allegations in the petition by a preponderance of the evidence.”).

Here, the court improperly put the burden on appellants when it dismissed the exceptions for failure of appellants to present “testimony or documents to rebut” the magistrate’s findings. Accordingly, we shall vacate the judgment and remand for the court to hold a *de novo* evidentiary hearing on appellants’ exceptions.<sup>10</sup>

**JUDGMENTS OF THE CIRCUIT COURT  
FOR PRINCE GEORGE’S COUNTY  
VACATED. CASE REMANDED FOR  
PROCEEDINGS CONSISTENT WITH  
THIS OPINION. COSTS TO BE PAID BY  
PRINCE GEORGE’S COUNTY.**

---

<sup>10</sup> Appellants’ brief raises an additional question, whether the circuit court improperly based its CINA determination on a mental disorder rather than neglect. We will not consider that question because the circuit court did not conduct a *de novo* evidentiary hearing on the matter and make a finding in that regard. On remand, the circuit court must determine whether the Department can establish that appellants are CINAs, and if so, based on what grounds.