Circuit Court for Baltimore County
Case Nos.: C-03-JV-23-000521,
C-03-JV-23-000522

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 2047

September Term, 2024

IN RE: A.W. & R.W.

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

JJ.

Opinion by Sharer, J.

Filed: June 30, 2025

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

The Circuit Court for Baltimore County, sitting as a juvenile court, changed the permanency plans for sisters A.W. and R.W. from reunification with parent to reunification with parent concurrent with custody and guardianship with a relative or non-relative. Mother appeals the decision, and presents the following questions for our review[1]:

> 1. Did the juvenile court err when it changed the children's permanency plans from sole plans of reunification to concurrent plans of reunification with custody and guardianship to a relative or nonrelative?
>
>   a. Did the court make insufficient findings to justify changing the permanency plans and improperly defer to the magistrate's recommendations despite conducting a de novo exceptions hearing?
>
>   b. Did the totality of the circumstances merit keeping reunification the sole permanency plans?

For the reasons to be discussed, we shall affirm the judgment.

FACTUAL AND PROCEDURAL BACKGROUND

Summer 2023

A.A. ("Mother") and J.W. ("Father") are the biological parents of daughters R.W. (born in November 2014) and A.W. (born in April 2019). The family came to the attention of the Baltimore County Department of Social Services ("DSS" or "Department") in late May 2023 when the Department received a report about Mother's older daughter, K.C., then fourteen years old.[2]

[1] In her brief, Mother raised two additional questions about the court's order relating to her visitation with the children, but she subsequently withdrew those questions.

[2] This was not DSS's first contact with the family. When A.W. was born in 2019, the Department completed a "Substance Exposed Newborn assessment" after Mother (continued…)

Upon investigation, DSS learned that K.C. was living elsewhere,[3] but R.W. and A.W. were with their parents who, it was alleged, were both actively using illicit substances and lacked stable housing. Upon an unannounced home visit on June 6, 2023, a DSS social worker met with Mother, who was present with R.W. Mother claimed she was participating in a substance abuse treatment program and agreed to submit to a random drug test, but Mother stealthily left the home with R.W. before the technician arrived to administer the test.

During the June 6th visit, the social worker observed "an unfinished portion of the basement" where Mother, Father, and the children (R.W. and A.W.) were reportedly living. "There was a futon and a bed made of blankets on the concrete floor." The social worker described the "space and belongings" as "filthy, cluttered with trash, and in disarray." In addition to "cigarette burns and ashes on table surfaces[,]" the social worker observed "white circular pills laying on a table top" and a "floral mirror with powder residue on it."

The Department's attempts to follow up with the family subsequent to the initial visit were unsuccessful, having been told that they were in Pennsylvania and later West Virginia. The Department's efforts to locate them in those states were unsuccessful. Then, on July 6, 2023, DSS received a report that the parents were back in Baltimore County and "under the influence while caring for the children." On that date, DSS made an

tested positive at delivery for prescribed methadone. In 2020, DSS received a referral after it was reported that Mother was "under the influence while caring for the children."

[3] K.C. was not a party to the proceedings at issue in this appeal. K.C. is reportedly in the full custody of her father, who is not the father of A.W. or R.W.

unannounced home visit. Mother and Father were uncooperative until the police arrived on the scene. R.W., then eight years old, disclosed to the DSS social worker "that she has heard her parents talk about drugs 'a lot' and has watched" them "use drugs." The social worker reported that R.W. "demonstrated what she has seen by taking a piece of paper, rolling it small, and putting it to her nose." R.W. further related that "her parents put the white powder substance on a flowered mirror before sniffing it with the paper." R.W. also informed the social worker that she and A.W. are "often left alone in hotel rooms for several hours" and "described going to bed hungry at times due to her parents being difficult to wake up and being scared to wake them up."

The children were removed from the home and, on July 7, 2023, DSS filed a Child in Need of Assistance ("CINA") petition with a request for shelter care, alleging that the children's continuation in the home was contrary to their welfare. The court granted the shelter care request.

On August 16, 2023, DSS filed a report with the court along with its request that R.W. and A.W. be found CINA and be committed to the Department. DSS reported that the children were placed in an agency foster care home and were doing well. During a well childcare exam several days after being sheltered, R.W. was diagnosed with "a cognitive function delay, anxiety/insomnia, and obesity." "[S]peech delay and anxiety/insomnia" were noted for A.W.

The August 16th report indicated that Mother and Father had informed DSS that they were entering substance abuse treatment, but as of the date of the report, the Department could not confirm that claim given that neither parent had signed consents for

"Release of Information." Because Mother and Father had "not made themselves available for a meeting[,]" DSS also could not verify their living arrangements. Both parents were then unemployed. DSS requested that R.W. and A.W. be found CINA and that the children be committed to the Department, with the parents given liberal and supervised visitation.

Fall 2023
CINA Determination

DSS filed an addendum to its report on October 16, 2023, and filed an amended CINA petition on November 2, 2023. In its amended report, the Department noted that both children were thriving in their foster care placement; both were attending school; and R.W. was in therapy. Mother and Father had supervised visits with the children on August 17 and 22, 2023 and on October 4, 2023; visits in September "were canceled due to lack of engagement by" the parents. The social worker reported that Mother had enrolled in one or more substance abuse treatment programs, but as of the date of the report was deemed "non-compliant with the program[.]" Father had begun an inpatient treatment program in late September. The Department concluded that the parents' current living situation was "not suitable" for the children, due to "ongoing concerns for active substance abuse users in the home as well as family members in the home with active CPS [child protective services] involvement at this time."

On November 2, 2023, a hearing was held before a magistrate. The parties proceeded by way of proffer and with the stipulation that the allegations in the amended CINA petition should be sustained and with the agreement that the children be deemed CINA. The court sustained the allegations, found R.W. and A.W. to be CINA, and found

that it was then "not possible" and contrary to the children's welfare to return them to the parents' care and custody due to the parents' substance abuse and housing instability issues. The court ordered the children committed to DSS and granted DSS temporary limited guardianship. The court granted the parents liberal and supervised visitation with the children, as well as telephone and/or Facetime contact, and ordered Mother and Father to participate in certain rehabilitative services.

Winter 2024
Permanency Plan Designation

On January 26, 2024, DSS filed a report in preparation for an upcoming CINA review hearing. DSS reported that the children were doing well in their foster care placement. Both children were attending school and participating in extracurricular activities and were current with medical examinations. R.W., who had been diagnosed with post-traumatic stress disorder, major depressive disorder, and child neglect, was receiving therapy and doing well. DSS reported that Mother had "maintained consistent contact with the Department" since the last court hearing; was currently involved in a substance abuse treatment program; and had some "challenges" seeking employment. Father had also maintained consistent contact with DSS; was seeking employment; and he too was participating in a substance abuse treatment program. The parents had consistently visited the children during the review period. The Department recommended a permanency plan of reunification, and among other things, that the parents submit to substance abuse evaluation and secure and maintain appropriate housing.

On February 8, 2024, a review hearing was held before a magistrate. No objection was made to DSS's January 26th report. Mother's counsel reported that Mother was presently in treatment, having switched from one program to another, and had tested negative for all illicit substances other than her prescribed methadone and prescriptions for mental health issues. Mother had interviewed for a job and if hired, she was hopeful that she could transition to permanent housing. In the meantime, she had temporary housing through the treatment program she was participating in. Mother concurred with the Department's recommendation that the permanency plan be reunification. Father's counsel reported that he was also progressing positively with substance abuse treatment, and he too was seeking employment but had not yet secured a job. By order filed on February 20, 2024, the court continued the children's commitment to the Department and ordered reunification with the parents as the permanency plan.

Spring 2024
Review Hearing

The Department filed its next report on May 7, 2024 in preparation for the next review hearing. DSS reported that both Mother and Father had maintained consistent contact with the Department and both had tested negative for illicit substances during this review period. The parents had maintained consistent visitation with the children, and their weekly one-hour visits at a local library were unsupervised. The children continued to do well in their foster care placement.

The review hearing was held on May 30, 2024. At the time of the hearing, Mother and Father were residing, temporarily, with Father's grandmother and there was no room

in the home for the children. The children's counsel expressed concern that both parents had left their treatment programs, and there was no proof of enrollment in a new program. Counsel, therefore, requested that the parents' visitation with the children be supervised. The Department agreed, noting that, allegedly due to Mother's pregnancy, Mother and Father had been six weeks without treatment, but they claimed they had begun an "online program yesterday." Mother's counsel responded that the program was not online, but a "level two intensive" outpatient program requiring "nine hours of weekly treatment" and weekly urinalysis. Father reported some challenges with securing employment, but believed he was making progress on that front.

Pursuant to an order entered on June 10, 2024, the court ordered that reunification continue to be the permanency plan; DSS continue to have temporary limited guardianship; and the parents have liberal and supervised visits with the children. The court, among other things, also ordered the parents to submit to hair follicle tests.

Fall 2024
Request to Modify Permanency Plan

About four months later, on October 21, 2024, DSS filed a new report in preparation for the next review hearing. At this point, R.W. and A.W. had been in foster care, with the same caretaker, for over a year. The Department reported that the children continued to do well and the foster parent "provides excellent care of the girls[,]" but the foster mother "is not a long-term placement resource." Mother gave birth to a premature son on July 26th, and at that time she tested positive for cocaine, fentanyl, marijuana, benzodiazepines, and methadone. Father was arrested and charged with assault on or about September 23rd.

Father and Mother both tested positive, on October 10th, for cocaine, fentanyl, and methadone. The parents' visitation with the children during this review period was inconsistent, which had been detrimental to the children. The parents also had inconsistent contact with the Department. The Department's efforts to secure a placement for the children with a relative were unsuccessful. And the parents had "no housing." The Department recommended that the permanency plan be changed to a concurrent plan of (1) reunification with parent, and (2) custody and guardianship with a relative or non-relative.

On October 31, 2024, a permanency plan review hearing was held before a magistrate. The Department's report and the parents' latest drug test results (from October 10, 2024) were admitted into evidence without objection. The Department reiterated the substance of its report, and noted that, although Father had reported that he was presently receiving substance abuse treatment and was employed by Amazon, the Department had been unable to verify either claim. Given that the children had been in foster care for over a year and the parents continued to engage in substance abuse, the Department asked for a change in the permanency plan from sole reunification "in the event that reunification cannot occur." Counsel for the children informed the court that the children, to the extent that they had "considered judgment," desired reunification, but counsel agreed with DSS that an "alternative plan" was needed. Mother and Father disagreed with changing the plan from sole reunification. Mother's counsel informed the magistrate that Mother had "expressed to" counsel that both she and Father were presently receiving treatment at Park Heights Angel, a residential treatment center for mental health and substance abuse. Father

indicated that he had a job at Macy's which he intended to "let . . . go" if Amazon hired him as he anticipated.[4]

The magistrate, among other things, found that returning the children to the parents' home was "not now possible" and was "contrary to their welfare." The magistrate recommended changing the permanency plan from sole reunification to reunification concurrent with custody and guardianship with a relative or non-relative. Mother filed exceptions and requested a de novo hearing.

Winter 2024
Exceptions Hearing

On December 2, 2024, prior to the exceptions hearing, DSS filed an addendum to its latest report. As of November 21st, Father was unemployed and had informed DSS that he wished to focus on his treatment. The Department continued to recommend a permanency plan of reunification with parent concurrent with custody and guardianship by a relative or non-relative.

The exceptions hearing was held on December 16, 2024. It had then been about seventeen months since the children had been removed from their parents' care and custody. Mother's counsel informed the court that she had "request[ed] to be heard de novo[,]" but she chose to proceed on the exceptions "by proffer." The Department moved for the admission of its October 11 and November 22, 2024 reports and the parents' drug testing results, indicating that both parents had tested positive for, among other substances,

[4] Much of the hearing revolved around the parents' visitation with the children. Because Mother withdrew her appellate issue related to visitation, we shall not recount the facts surrounding it.

cocaine and fentanyl in October. Mother had "[n]o objection to the [DSS] reports being the social worker's testimony" and "no objection to the drug test results."

The Department essentially reiterated the information contained in its reports, and it spoke of its difficulty in maintaining "a consistent line of communication" with the parents, noting that they had had "a total of nine phone numbers for [M]other and [F]ather." The Department further noted that the parents' premature baby, born on July 26, 2024, was still in the hospital's neonatal intensive care unit. Mother had informed DSS that she did not currently have "stable housing." The Department further spoke of Mother's "ongoing mental health concerns" and related that Mother had informed the Department that she had "recently entered a substance use program." Despite efforts to do so, DSS had "no success in finding relative resources" for the children. Father, during this review period, had not maintained consistent contact with DSS; had not provided any employment verification; and, although he claimed to have enrolled in a treatment program, he had not yet provided the release of information consent form. DSS was very concerned about the parents' "lack of consistency in visitation and contact" with the children during "this last review period[,]" noting occasions where the parents confirmed a visit but then failed to show, leaving the children "sad, disappointed and confused." From June 6th through October 10th, nineteen visits were scheduled but the parents attended only three.[5] DSS informed

[5] Mother's counsel proffered that, if Mother were to testify, she would say that some of the canceled visits were the Department's doing, not the parents. Mother also asserted that DSS made visitation difficult by requiring the parents to appear three hours prior to the scheduled visit. As noted, the visitation issue is no longer before us as Mother subsequently withdrew her request for this Court to review it.

the court that neither parent had attended parenting or anger management classes, and neither was employed. The Department intended to "continue to explore family for placement options" and failing that, to "explore a long-term custody and guardianship or adoptive foster care home resource."

The children's counsel acknowledged that this is a "tough" case because A.W. and R.W. "love" and "absolutely adore their parents" and are heartbroken by the inconsistent visitation with them. Counsel noted that the foster care mother has been "wonderful," but she had no desire to be a "long term placement." The children's counsel asked the court to deny Mother's exceptions.

Mother's counsel requested that her exceptions be granted and that the permanency plan remain one of sole reunification with parent. Counsel proffered that Mother had been spending a significant amount of time at the hospital visiting the newborn, "who has brain injury challenges" and had undergone about four "surgeries" since birth. As for the parenting class Mother was required to take, counsel informed the court that Mother advised counsel that she had begun the class the week before. Counsel further proffered that Mother "is in a program at PHA Health Care, where she's receiving intensive outpatient treatment[,]" having enrolled in that program "last week." In sum, "given all of the circumstances," Mother's counsel saw no need to change the permanency plan from a sole plan of reunification. Father focused on the visitation issue, laying much of the blame on the Department for the parents' missed visits with the children.

The court stated that it had reviewed DSS's reports and "listened to everything" that was said in the exceptions hearing "in regards to this matter." The court found that A.W.

and R.W. "are not babies," and they "know what's going on and they're severely disappointed when [visits with the parents] don't go through" and "that does have an effect on them." The court acknowledged that the parents' newborn had significant health issues that required the parents' attention, but it concluded that A.W. and R.W. "should not suffer." After reiterating that it had "reviewed everything" and "listened to everything" the parties had said that day in court, the court announced it would deny Mother's exceptions and sign the order recommended by the magistrate.

The Order included findings that DSS made reasonable efforts to finalize the children's permanency plan; "continuation of the child[ren] in the child[ren]'s home . . . is contrary to the child[ren]'s welfare"; and it "is not now possible" to return them to that home. The court changed the permanency plan for both children to reunification with parent concurrent with custody and guardianship with a relative or non-relative. The court granted Mother and Father liberal and supervised visitation and allowed them "to communicate with their children on their tablets" (but gave the foster parent the right to terminate the calls if the parents discussed this case or "anything else inappropriate with the minor children"). Among other things, the court ordered both parents to engage in and comply with service agreements, abstain from illicit substances, submit to random drug testing, participate in treatment programs, and obtain stable, clean, and hazard-free housing. Mother appealed the decision and challenges the change in the permanency plans. (As noted, Mother withdrew her request for appellate review of the visitation issue.)

STANDARD OF REVIEW

We apply the following "three distinct but interrelated standards of review" when reviewing CINA proceedings. *In re J.R.*, 246 Md. App. 707, 730 (quotation marks and citation omitted), *cert. denied*, 471 Md. 272 (2020).

> [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 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.

In re M., 251 Md. App. 86, 111 (2021) (quotation marks and citations omitted).

"[A]n abuse of discretion exists '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 Andre J.*, 223 Md. App. 305, 323 (2015) (quoting *In re Yve S.*, 373 Md. 551, 583 (2003)) (brackets in original). Accordingly, an appellate court will not disturb a circuit court's ultimate decision unless it is "well removed from any center mark imagined by the reviewing court and beyond the fringe of what the court deems minimally acceptable." *In re Ashley S.*, 431 Md. 678, 704 (2013) (quotation marks and citation omitted).

DISCUSSION

I. Legal Framework

A. Child Custody

The Fourteenth Amendment to the United States Constitution guarantees parents the fundamental right "to raise their children as they see fit without undue interference by the State[.]" *In re O.P.*, 470 Md. 225, 234 (2020). That liberty interest is not absolute, however, as the best interest of the child is paramount. *See Boswell v. Boswell*, 352 Md. 204, 219 (1998) ("[T]he best interests of the child may take precedence over the parent's liberty interest in the course of a custody, visitation, or adoption dispute.").

Although Maryland courts presume that it is in "'the best interest of the children to remain in the care and custody of their parents,'" *In re M.*, 251 Md. App. at 114 (quoting *In re Adoption/Guardianship of Rashawn H.*, 402 Md. 477, 495 (2007)), that presumption may be rebutted by evidence of abuse or neglect.[6] *See In re Yve S.*, 373 Md. at 568-69. Parents' rights to care for their children, however, do not "'evaporate simply because they have not been model parents or have lost temporary custody of their child[ren] to the

[6] "Neglect" is defined as

> the leaving of a child unattended or other failure to give proper care and attention to a child . . . under circumstances that indicate: (i) [t]hat the child's health or welfare is harmed or placed at substantial risk of harm; or (ii) [t]hat the child has suffered mental injury or been placed at substantial risk of mental injury.

Md. Code, Courts & Judicial Proceedings Article § 3-801(t)(1).

State.'" *In re Adoption/Guardianship Nos. J9610436 and J9711031*, 368 Md. 666, 672 (2002) (quoting *Santosky v. Kramer*, 455 U.S. 745, 753 (1982)).

B. CINA Proceedings

Because the State possesses the sovereign power of *parens patriae*, the State possesses the "authority to care for children . . . because they cannot care for themselves." *In re B.C.*, 234 Md. App. 698, 715 (2017). Thus, a juvenile court may take action when the State proves by a preponderance of the evidence that "the child 'requires court intervention because: (1) [t]he child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and (2) [t]he child's parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child's needs.'" *In re M.*, 251 Md. App. at 115 (quoting Md. Code, Courts & Judicial Proceedings Article ("CJP") § 3-801(f)). In such instances, the court has the discretion to "commit the child to the custody of a parent, a relative, or another suitable individual; or commit the child to the custody of the local department of social services or the Department of Health and Mental Hygiene for placement in foster, kinship, group, or residential treatment care." *In re Ashley S.*, 431 Md. at 685-86.

C. Permanency Plans and Placements

When the juvenile court, pursuant to CINA proceedings, places a child outside of the family home, it "'must determine a permanency plan consistent with the child's best interests.'" *In re M.*, 251 Md. App. at 115 (quoting *In re Andre J.*, 223 Md. App. at 320). The permanency plan is intended to focus "'the direction in which the parent, agencies, and the court will work in terms of reaching a satisfactory conclusion to the situation.'" *In*

re Joseph N., 407 Md. 278, 285 (2009) (quoting *In re Yve S.*, 373 Md. at 582). The presumptive goal is the reunification of a child with his or her natural parents. *See In re Karl H.*, 394 Md. 402, 417 (2006) ("The court's goal should be, if possible, to reunite a child with its family."). "In situations, however, where reunification may not be possible, a permanency plan with either concurrent or single long-term placement goals may be considered[.]" *Id*. *See also* Md. Code, Family Law Article ("FL") § 5-525(e)(1), (3) ("Reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with" the reasonable efforts required "to preserve and reunify families[.]").

Pursuant to CJP § 3-823(e)(2), when reviewing a proposed permanency plan, the court must consider the factors set forth in FL § 5-525(f)(1). Those factors are:

> (i) the child's ability to be safe and healthy in the home of the child's parent;
> (ii) the child's attachment and emotional ties to the child's natural parents and siblings;
> (iii) the child's emotional attachment to the child's current caregiver and the caregiver's family;
> (iv) the length of time the child has resided with the current caregiver;
> (v) the potential emotional, developmental, and educational harm to the child if moved from the child's current placement; and
> (vi) the potential harm to the child by remaining in State custody for an excessive period of time.

FL § 5-525(f)(1).

Given the presumption that a child's best interest is served by remaining in the care and custody of the natural parents, a permanency plan should focus on reunification "unless there are compelling circumstances to the contrary[.]" *In re Yve S.*, 373 Md. at 582. Accordingly, CJP § 3-823(e)(1)(i) sets forth the following hierarchy of placement options:

1. Reunification with the parent or guardian;

2. Placement with a relative for:
   A. Adoption; or
   B. Custody and guardianship . . . ;
3. Adoption by a nonrelative;
4. Custody and guardianship by a nonrelative[.]

"'Once set initially, the goal of the permanency plan is re-visited periodically at hearings to determine progress and whether, due to historical and contemporary circumstances, that goal should be changed.'" *In re Joseph N.*, 407 Md. at 285 (quoting *In re Yve S.*, 373 Md. at 582). "The court shall conduct a hearing to review the permanency plan at least every 6 months[.]" CJP § 3-823(h)(1). At the review hearing, the court shall:

> (i) Determine the continuing necessity for and appropriateness of the commitment;
>
> (ii) Determine and document in its order whether reasonable efforts have been made to finalize the permanency plan that is in effect;
>
> (iii) Determine the appropriateness of and the extent of compliance with the case plan for the child;
>
> (iv) Determine the extent of progress that has been made toward alleviating or mitigating the causes necessitating commitment;
>
> (v) Project a reasonable date by which a child in placement may be returned home, placed in a preadoptive home, or placed under a legal guardianship;
>
> (vi) Evaluate the safety of the child and take necessary measures to protect the child;
>
> (vii) Change the permanency plan if a change in the permanency plan would be in the child's best interest; and
>
> (viii) For a child with a developmental disability, direct the provision of services to obtain ongoing care, if any, needed after the court's jurisdiction ends.

CJP § 3-823(h)(2).

"[I]f there are weighty circumstances indicting that reunification with the parent is not in the child's best interest, the court should modify the permanency plan to a more appropriate arrangement." *In re Adoption/Guardianship of Cadence B.*, 417 Md. 146, 157

(2010). When it is proposed that a newly determined plan be added concurrently with a previously determined sole permanency plan—as in this case—the court must, again, consider the factors in FL § 5-525(f)(1). *In re D.M.*, 250 Md. App. 541, 563 (2021).

Because remaining in the custody of DSS for an extended time is typically not in a child's best interest, "[e]very reasonable effort shall be made to effectuate a permanent placement for the child within 24 months after the date of initial placement." CJP § 3-823(h)(5); *In re Adoption/Guardianship of Jayden G.*, 433 Md. 50, 84 (2013) ("The valid premise is that it is in a child's best interest to be placed in a permanent home and to spend as little time as possible" in DSS's custody. (cleaned up)).

II. Contentions

Mother asserts that "the juvenile court failed to make the necessary legal and factual findings to justify changing the [children's] permanency plans." Although acknowledging that there are no "magic words" the court must utter when making a change to a permanency plan, in this case, Mother maintains that "the record does not adequately show that the court actually" considered the statutory factors, the children's best interest, or made any specific findings to support its decision. Moreover, Mother insists that the court's written order "did not fill in these gaps" as the juvenile court "simply signed off on DSS's proposed order, which included limited proposed amendments by the magistrate respecting visitation terms only." Consequently, Mother maintains that the "record supports that the court failed to engage in the required comprehensive assessment of A.W.'s and R.W.'s overall best interests before moving away from sole plans of parental reunification, necessitating at least a remand."

In a similar vein, Mother also claims that the juvenile court "failed to make sufficient, *independent* findings despite purportedly conducting a de novo exceptions hearing." Rather, Mother asserts that the court "merely pro forma adopted the magistrate's proposed order, even though the magistrate's recommendations also problematically included no express factual findings concerning the children's overall best interests[.]"

Finally, Mother claims that the court abused its discretion in "formally adding custody and guardianship to a relative or nonrelative as a permanency [plan] option" because "it was premature to move away from sole plans of reunification when there undisputedly was no person, relative or otherwise, able and willing to be a legal guardian for the children." Mother asserts that DSS "was already internally pursuing concurrent permanency planning for the children with legal guardianship identified as the other permanency option long before it asked for a court-ordered plan change" and the Department and the children's counsel "provided no explanation for why a *court-ordered* plan change was even necessary at this stage[.]" Mother further claims that "DSS's evidence . . . did not sufficiently prove that a change in the plans was in the children's overall best interests[.]" Although acknowledging that "Mother experienced a setback in her sobriety journey," she claims that "prior to that setback, [she] had been making consistent progress treating her addiction issues" and, because she "was committed to addressing through reengagement with services[,]" moving away from sole plans of reunification was premature and an abuse of discretion.

The Department counters that the record supported the juvenile court's decision to modify the children's permanency plans.[7] It asserts that the "court merely needed to *consider* the Family Law § 5-525(f)(1) factors," and was not "required to document any express findings regarding" those factors. The Department notes that the evidence before the juvenile court included the parents' drug test results and the fact that they did not have secure housing. Thus, in modifying the permanency plans, the Department maintains that the court "clearly consider[ed] the best interests of A.W. and R.W." as the parents' "significant illicit drug use certainly would affect the children's ability to be safe and healthy in their parents' care." Given Mother's history of substance abuse, lack of housing, and the length of time the children had already spent in foster care, the Department asserts that the court did not abuse its discretion in modifying the permanency plans. "By approving the modified plan," DSS points out that "the court maintained the Department's obligation to provide reunification services while also requiring [it] to make contingency preparations in the event reunification was not successful[,]" which is "consistent with the statutory mandate to make every reasonable effort" to avoid children languishing in foster care and effectuating a permanent placement within twenty-four months after their initial placement was made.

[7] The children, through their counsel, filed a line with this Court adopting the brief of the Department and further stating that "A.W. and R.W. each have partial considered judgment" and "[t]o the extent that they have considered judgment, they ask through counsel that the decision . . . be affirmed."

The Department also maintains that the juvenile court "properly conducted the exceptions hearing" and that "there is no record support for [Mother's] assertion that the juvenile court failed to make an independent assessment of the facts and simply engaged in a 'pro forma' adoption of the magistrate's findings and recommendations." The Department points out that, although requesting a de novo exceptions hearing, Mother "declined to put on evidence or demand formal evidence by the Department[,]" opting instead to proceed by proffer, and the hearing proceeded largely on the reports and drug test results. The Department claims that "[t]he fact that the court's exceptions findings echo what the magistrate found during the permanency planning hearing does not mean they are not 'independent findings' on Mother's exceptions, nor does it invalidate those findings." In sum, the Department maintains that the "court's adoption of the magistrate's proposed order . . . was entirely appropriate."

III. Analysis

We agree with Mother that, when considering a change to the children's permanency plans, the juvenile court was required to consider the statutory factors specified in FL § 5-525(f)(1) and make findings based on the evidence with respect to them, but, as Mother acknowledges, the "court is 'not required to recite the magic words of a legal test.'" *In re D.M.*, 250 Md. App. at 563 (quoting *In re Adoption/Guardianship of Darjal C.*, 191 Md. App. 505, 532 (2010)). '"The mere incantation of the magic words of a legal test, as an adherence to form over substance, is neither required nor desired if actual consideration of the necessary legal considerations are apparent in the record.'" *Id.* (cleaned up) (quoting *In re Adoption/Guardianship of Darjal C.*, 191 Md. App. at 532).

Here, although true that the juvenile court did not fully articulate its findings relative to each of the statutory factors as preferred, at the conclusion of the exceptions hearing, it twice stated that it had reviewed DSS's reports and "everything" in the record and had "listened to everything" the parties had said in court that day. It was apparent from the record, and undisputed, that neither Mother nor Father had resolved the issues that prompted the removal of the children from their care and custody in the first place, that is, their illicit substance abuse and lack of appropriate housing. Moreover, it was undisputed that the foster care parent was not able and willing to be a long-term placement; DSS's efforts to find a relative to care for the children had been unsuccessful to date; the children had been in foster for about seventeen months in a short-term placement where they were thriving; and the children loved their parents and were very upset when visits were missed. By changing the permanency plans from one of sole reunification with parent to reunification concurrent with custody and guardianship with a relative or non-relative, we are not convinced that the court failed to consider the children's attachment to their natural parents (FL § 5-525(f)(1)(ii)), as the children's counsel spoke to the court of the strong attachment they have to Mother and Father; "the child[ren]'s ability to be safe and healthy in the home of the child[ren]'s parent" (FL § 5-525(f)(1)(i)), in light of the parents' drug test results and lack of housing and employment; and "the potential harm to the child[ren] by remaining in State custody for an excessive period of time" (FL § 5-525(f)(1)(vi)), given that they were initially placed in the out-of-home placement about seventeen months previous to the hearing date.

Given the unresolved parental issues—which undisputedly were detrimental to the health and safety of the children and prompted the State's intervention in this case—we are confident that the juvenile court focused on the children's best interests when changing the permanency plans to permit the Department to focus on *both* reunification with parent and custody or guardianship with a relative or non-relative. For the same reasons, we reject Mother's contention that the juvenile court failed to make its own considered judgment and merely adopted the recommendations of the magistrate. "[T]rial judges are not obliged to spell out in words every thought and step of logic," *Beales v. State*, 329 Md. 263, 273 (1993), and "[a]bsent an indication to the contrary," they "are presumed to know the law and apply it correctly." *Jones v. State*, 138 Md. App. 12, 21 (2001). Prior to denying Mother's exceptions, the court twice stated that it had "reviewed everything" and heard what the parties had said at the exceptions hearing. The order the court signed also expressly found that "continuation of the child[ren] in the child[ren]'s home[,]" that is, home with their parents, "is contrary to the child[ren]'s welfare" and "it is not now possible" to return them to that home.

Nor can we conclude that the court abused its discretion in changing the permanency plans at this stage in the proceedings, that is, where some seventeen months after the children were initially removed from their care both parents tested positive for illicit substances, and both lacked stable housing. It was made known to the court that the foster mother who had cared for the children since their removal from the parents' home was not a long-term placement, and the Department's efforts to find a placement with a relative was not bearing fruit. Given that DSS is tasked with making "[e]very reasonable effort . . .

to effectuate a permanent placement for the child within 24 months after the date of initial placement[,]" CJP § 3-823(h)(5), changing the children's permanency plans to explore viable alternatives in the event that reunification ultimately proved impossible was not so far removed from any center mark and beyond the fringe of what would be minimally acceptable. *See In re M.*, 251 Md. App at 127 (stating that the CINA system is designed to be temporary because a child should have permanency in his or her life).

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