

Circuit Court for Baltimore City
Case Nos.: C-24-JV-25-000402 &
C-24-JV-25-000404

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 2176

September Term, 2025

IN RE: A.A. & T.C.

Wells, C.J.,
Kehoe, S.,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

Opinion by Sharer, J.

Filed: June 26, 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).

Following a contested adjudicatory hearing, the Circuit Court for Baltimore City, sitting as a juvenile court, adopted a magistrate’s recommended order sustaining certain findings of fact contained in the child in need of assistance (“CINA”) petitions filed by the Baltimore City Department of Social Services (“BCDSS”) for T.C. and A.A., then ages sixteen and twelve. At a subsequent non-contested disposition hearing, a magistrate, with the agreement of the parties, recommended an order finding the children to be CINAs based upon the previously sustained facts. F.A., the children’s mother (“Mother”), filed an exception, which the circuit court denied. Mother appeals, raising one question, which we have rephrased:

Did the circuit court err in denying Mother’s exception to two findings of fact contained in the adjudicatory order because the findings were based on inadmissible hearsay and were not harmless?

For the following reasons, we shall affirm the judgment.

BACKGROUND FACTS

On February 11, 2025, the BCDSS filed CINA petitions and request for shelter care in the Circuit Court for Baltimore City, alleging that Mother had neglected and was unable to care for her two children, T.C. and A.A. The children had been living with D.B., the youngest child’s paternal aunt (“Aunt”) since November 2024, but she was no longer able to care for them.¹ The juvenile court entered a shelter care order that same day, by agreement of the parties, all of whom at that point were represented by counsel.

¹ The younger child’s father is deceased; the older child’s father has not been present in either child’s life.

On August 5, 2025, a magistrate held a contested adjudicatory hearing. After hearing testimony from, among others: BCDSS supervisor Ms. Ashantia Rhoomes, Aunt, and Mother, the magistrate sustained the following facts, which we summarize:

1. Both children lived with Mother until November 2024.
2. Mother claimed that she was “falsely evicted” sometime in November, and she and the two children went to live with Aunt. Aunt had to pick the children up at about 9 p.m. from Mondawmin Mall because Mother was supposed to pick them up four hours earlier but did not. Mother said she had tried but had gotten lost and returned home alone. The youngest was wearing shorts, and both said they were cold. Upon arriving home, Mother was “speaking erratically” and “threatening to kill everyone.” The police were called and escorted Mother from Aunt’s home, leaving the children in the home as they refused to go with Mother.
3. The children have been Aunt’s care since then. Mother is not able to care for the children and is currently staying with a friend, who testified that Mother needs time to “get herself together[,]” and Mother is not able to care for the children right now. **“Mother was out of contact with BCDSS from November, 2024 until February, 2025[.]”** (Emphasis added.) Additionally, Mother did make some calls to the children but never disclosed to Aunt where she was living.
4. Aunt is unable to take care of the children, and none of the twelve different possible resources provided by Mother are available.
5. Mother denies mental health issues, is not in mental health treatment, and her diagnosis is unknown. She has been observed by family to exhibit symptoms of hallucinations; talking to herself; mixing spices in Ziploc bags and chanting over them while saying things and rocking back and forth; and talking about brain waves and someone putting “a root on her.” She has not engaged in mental health treatment options provided by the BCDSS.
6. The children do not wish to return to Mother’s care at this time, stating that they miss her but when she is “off like this, things get really bad.” **“The school was provided with a safety plan after two occasions in January when [M]other appeared at the [children’s] school and attempted to remove them.”** (Emphasis added.)

The magistrate recommended an order sustaining the above allegations as proven by a preponderance of the evidence and continuing the shelter care order for the children with limited guardianship to the BCDSS. The circuit court signed the recommended order the same day.

A timely disposition hearing was held before a magistrate on August 27, 2025. Mother's attorney advised the court that the attorney had not received the adjudication order. Mother then met privately with her counsel in a breakout room for about forty minutes to discuss disposition and to review the adjudication order. Thereafter, the parties stipulated, and the magistrate recommended, that the children be declared CINAs based on the earlier sustained facts in the court's adjudication order and remain in the BCDSS's custody for continued foster care placement.

Mother filed a Notice of Exception on August 28, 2025, specifically excepting to two of the court's adjudicatory findings (the two statements bolded above), arguing that those statements were supported by objected-to inadmissible hearsay. She argued that the statements prejudiced her because she is "required to remediate" the statements "to be reunified" with her children.

The BCDSS and the children's attorney moved to dismiss the exception, arguing:

- 1) Mother waived her right to file an exception because she had agreed to the magistrate's proposed disposition order that states that "the allegations in the CINA petition have been proved by a preponderance of the evidence and that the facts were sustained at a prior adjudicatory hearing[.]" and 2) her exception to the court's adjudicatory findings was not

timely filed. The court denied the motions to dismiss and allowed Mother to proceed with her exception because she had not been served with the adjudicatory order.

On November 6, 2025, the circuit court heard Mother’s exception, which the court denied by written order and opinion.² Mother timely appealed the denial. We shall provide additional facts below to answer the question raised.

DISCUSSION

Mother argues on appeal that the circuit court erred in denying her exception to two sustained findings of fact in the adjudicatory order because the testimony to support those findings contained inadmissible hearsay. The two challenged findings of fact are: 1) she “was out of contact with BCDSS from November, 2024 until February, 2025,” and 2) “[t]he school was provided with a safety plan after two occasions in January when [M]other appeared at the [children’s] school and attempted to remove them.” She argues that, because the two findings based on inadmissible hearsay are not harmless, we must reverse

² For completeness, we set forth the following summary of the case following the court’s denial of Mother’s exception. On November 14, 2025, the magistrate conducted a combined review and permanency planning hearing, at which the children spoke with the magistrate and advised that they were “good” in their separate foster homes. With both parties’ agreement, the magistrate recommended that both children continue to be found CINAs with a continued permanency plan of reunification. Ten days later, the court signed the magistrate’s recommended order. On November 22, 2025, the circuit court signed the magistrate’s earlier recommended disposition order.

At a status conference on January 22, 2026, the circuit court awarded Mother a maximum of four hours of unsupervised visits with the children in the community. On April 6, 2026, Mother was charged with several crimes, including first-degree assault, stemming from an incident in which she allegedly physically attacked two women. Mother is currently held without bond and has a scheduled trial date of July 6, 2026. Following the assault charges, the BCDSS moved the court to suspend Mother’s visitation with the children, which the court granted.

the circuit court’s order denying her exception and remand to the court to issue a new adjudication and disposition order that does not include those two findings. While the BCDSS and the children’s attorney disagree as to whether the two findings contain inadmissible hearsay (the BCDSS argues that the last finding consists of inadmissible hearsay and the children’s attorney argues that neither finding consists of inadmissible hearsay), both of them agree that, because Mother was not prejudiced by the findings, we should affirm the circuit court’s order dismissing the exception.

Standard of Review

We apply “three different levels of review” to a juvenile court’s findings in a CINA proceeding. *In re Adoption/Guardianship of Jasmine D.*, 217 Md. App. 718, 733 (2014). We apply the clearly erroneous standard to factual findings; review matters of law for error, unless the error is harmless; and apply the abuse of discretion standard to the juvenile court’s ultimate conclusion. *In re Ashley S.*, 431 Md. 678, 704 (2013) (citing *In re Yve S.*, 373 Md. 551, 586 (2003)). “Abuse of discretion has been said to occur where no reasonable person would take the view adopted by the [juvenile] court, or when the court acts without reference to any guiding rules or principles.” *Alexis v. State*, 437 Md. 457, 478 (2014) (cleaned up). *See also In re Shirley B.*, 419 Md. 1, 19 (2011) (“[Q]uestions within the discretion of the trial court are much better decided by the trial judges than by appellate courts, and the decisions of such judges should only be disturbed where it is apparent that some serious error or abuse of discretion or autocratic action has occurred.” (quoting *In re Yve S.*, 373 Md. at 583)).

Hearsay Law

Hearsay is defined as “a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.” Md. Rule 5-801(c). Hearsay is inadmissible, “unless it is otherwise admissible under a constitutional provision, statute, or another evidentiary rule.” *Wallace-Bey v. State*, 234 Md. App. 501, 536 (2017) (citing Md. Rule 5-802). The proponent of an exception to the hearsay rule has the burden of proving that the evidence is admissible, and the statement falls “within the confines of an applicable exception.” *Curtis v. State*, 259 Md. App. 283, 314 (2023). The CINA statute specifically states that the Maryland Rules of evidence apply at CINA adjudicatory hearings. *See* Md. Code, Courts & Judicial Proceedings Article, § 3-817(b) (“The rules of evidence under Title 5 of the Maryland Rules shall apply at an adjudicatory hearing.”). *See also In re M.H.*, 252 Md. App. 29, 50 (2021) (“Parties must present evidence, in compliance with the rules of evidence, in order for the court to make factual findings at an adjudicative hearing.”).

On appeal, the ultimate decision of whether evidence is hearsay and whether it is admissible under a hearsay exception are questions of law that we review *de novo*, but we will not disturb the circuit court’s factual findings underpinning its legal conclusion, absent clear error. *Gordon v. State*, 431 Md. 527, 538 (2013). If we determine that a juvenile court erred as a matter of law in admitting hearsay testimony, we must “assess whether the error was harmless or if further proceedings are required to correct the mistake[.]” *In re J.R.*, 246 Md. App. 707, 731, *cert. denied*, 471 Md. 272 (2020). To warrant reversal in a civil case, there must be both “error and prejudice” to the appealing party. *In re Adriana T.*, 208

Md. App. 545, 572 (2012) (quotation marks and citation omitted). “[P]rejudice means that it is likely that the outcome of the case was negatively affected by the court’s error.” *Id.* (quotation marks and citation omitted). We have said: “[I]t is not the possibility, but the probability, of prejudice that is the focus.” *In re Adoption/Guardianship of T.A., Jr.*, 234 Md. App. 1, 13 (2017) (quotation marks and citation omitted). The complaining party has the burden to demonstrate prejudice. *In re M.M.*, 267 Md. App. 102, 109, *cert. denied*, 492 Md. 703 (2025).

**Magistrate’s Findings from Adjudicatory Hearing and
Circuit Court’s Ruling on Exception**

At the adjudicatory hearing before the magistrate, Ms. Rhoomes, a licensed clinical social worker and supervisor at the BCDSS, testified that she was assigned to the case on November 23, 2024. The BCDSS also assigned to the case Alexis Hager, a student intern that Ms. Rhoomes was supervising. Ms. Rhoomes testified that after she was assigned to the case, “I had the [intern] go out, . . . and I also provided a visit[,] as well as calling the last known phone number for [Mother] on the referral And we were unable to make contact.” Ms. Rhoomes testified that she had “initial contact” with Mother on February 3, 2025, when Mother called her on the telephone. Likewise, during her examination by the children’s attorney, Ms. Rhoomes testified, without objection, that the children came into the care of their Aunt in November, and Ms. Rhoomes was unable to make contact with Mother until February. Aunt testified that, during the months the children were with her, from the week before Thanksgiving until they went into foster care in March, she did not know where Mother was living. Mother testified that, in January 2025, she moved from

“Park Hill” to “Chatham,” and then she testified contradictorily that Aunt did, and did not, know where she was living. Moreover, Mother further testified that she first made contact with the BCDSS in February.

As to the safety plan, Ms. Rhoomes testified that during her initial conversation with Mother in February, they discussed the previous plan of care. Ms. Rhoomes testified that the “plan [was] developed previously, a safety plan and a letter that was provided because – to the school as well stating that the children are in the care of [Aunt] because I believe on two occasions [Mother] attempted to take the children out of the school.” Mother’s attorney objected, and the court overruled the objection. Ms. Rhoomes testified that she and Aunt signed the safety plan, and Ms. Rhoomes provided the letter to the school. When asked if Mother signed any documentation, she responded: “No. That was prior to making contact with her. The safety plan was still in effect due to her popping up sporadically prior to our contact to try to pull the children from the school.” Mother’s attorney objected, and again the court overruled the objection. Mother denied removing the children from school, but she testified that the school let her visit the children and sit in the office and have lunch with them.

In closing, Mother’s attorney admitted that the BCDSS and Mother were not in contact “during the times stated.” As to Mother’s removal of the children from school, the attorney argued:

[T]here’s no direct testimony that [Mother] appeared at the schools trying to remove them. She acknowledged she did go to the school. But she never said she tried to remove them, and there were no school officials here today, and [Aunt] wasn’t present. So obviously that is hearsay, and the witnesses did not testify today.

Based on the above, the magistrate recommended, among others, the following sustained findings of facts: 1) “Mother was out of contact with BCDSS from November, 2024 until February, 2025,” and 2) “[t]he school was provided with a safety plan after two occasions in January when [M]other appeared at the [children’s] school and attempted to remove them.”

At the circuit court’s hearing on Mother’s exception, the court found the first statement was not hearsay because it was based on Ms. Rhoomes’s first-hand personal knowledge. The court interpreted Mother’s argument as to the second statement as challenging the admission of the safety plan and letter as documents. The court ruled that the documents were not hearsay because Ms. Rhoomes had personal knowledge of the safety plan and letter, as she had signed the safety plan and provided the letter to the children’s school. The court added, however, that, even if the statement and documents were admitted in error, the error was harmless because: 1) the remaining evidence overwhelmingly demonstrated that the children were CINAs, and 2) Mother agreed to the disposition on August 27, 2025, that the children were CINAs and committed to the BCDSS.

ANALYSIS

We agree with the circuit court that the adjudicatory statement that “Mother was out of contact with BCDSS from November, 2024 until January, 2025” was not hearsay. The statement came directly from Ms. Rhoomes’s unobjected to testimony (based on her personal knowledge) and from Mother’s own testimony. As to the statement that Mother twice tried to remove the children from school, we agree with Mother that the statement

was inadmissible hearsay. The statement was not based on Ms. Rhoomes’s personal knowledge, regardless of if she signed the safety plan and provided a letter to the school, but was based on her reliance on an unknown declarant’s information that Mother twice tried to remove the children from school. Nonetheless, we find, as did the juvenile court, that any error was harmless. We explain.

Mother argues on appeal that the sustained finding that she attempted to remove her children twice from school was prejudicial because it suggested that she presents a “risk of kidnapping her own children from school” and the finding could “continue against her in the CINA case” and “later affect [her] at a termination of parental rights hearing.” She adds that making a later independent assessment of the finding might be difficult because witnesses might be unavailable.

In response, the BCDSS and the children’s attorney present several arguments as to why Mother was not prejudiced by the finding. First, the challenged finding concerns the ten-week period before the BCDSS sheltered the children – a time that the children were living with Aunt, but Mother still had legal custody of them. Therefore, the finding was not adverse to Mother, as she had the legal right to take the children from school. Second, they argue that the possibility that the finding could negatively affect Mother at a termination of parental rights (“TPR”) hearing in some distant future is speculative at best, as the goal has always been and continues to be reunification with Mother. Moreover, even if there is a change and a TPR proceeding is filed, Mother can challenge the finding at that time because no order in a CINA case is final until a court enters a final judgment. *See* Md. Rule 11-218(a)(1) (“[A]n order of the court entered in a CINA proceeding may be modified

or vacated if the court finds that action to be in the best interest of the child.”); *Hanna v. Quartertime Video & Vending Corp.*, 78 Md. App. 438, 441 (1989) (citing Md. Rule 2-602 on final judgments and stating that “the court may revise its order in its discretion until entry of a final judgment”), *aff’d*, 321 Md. 59 (1990). Third and lastly, Mother was not prejudiced by the finding because striking it would not change the outcome, as there was abundant evidence before the court even without the hearsay-related findings to support the court’s ruling that the children were CINAs.

We are persuaded that the statement is harmless for all of the reasons stated by the BCDSS and the children’s attorney. Moreover, we note that Mother does not contest the many times that the challenged finding was suggested in earlier orders. For example, following a status hearing on April 22, 2025, a magistrate recommended, and the circuit court ordered, Mother to have supervised visitation with her children, but that Mother “is not allowed to visit the children at ... or to remove them from school.” The same language was included in the court’s two subsequent status hearing orders on June 5 and June 26, 2025, and motion hearing order on September 16, 2025. For all of the above reasons, we shall affirm the judgment of the circuit court.

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

COSTS TO BE PAID BY APPELLANT.