

Circuit Court for Cecil County
Case No. C-07-JV-24-000055

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 2315

September Term, 2024

IN RE: S.S.

Friedman,
Kehoe, S.
Wright, Alexander Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Friedman, J.

Filed: July 29, 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).

This appeal stems from a judgment, entered in the Circuit Court for Cecil County sitting as the juvenile court, terminating the parental rights of Mother and Father regarding their minor child, S.S. Mother appeals from that judgment. Because we conclude that the juvenile court failed to make the requisite findings by clear and convincing evidence prior to terminating Mother’s parental rights, we reverse the juvenile court’s judgment and remand the case for further proceedings consistent with this opinion.¹

BACKGROUND

S.S. was born to Mother and Father on July 26, 2022. On August 12, 2022, the Cecil County Department of Social Services received a report that S.S. had tested positive for benzodiazepines, cocaine, and fentanyl, and that Mother had tested positive for benzodiazepines, cocaine, fentanyl, and methadone. On August 16, 2022, the Department contacted Mother and arranged for her to complete a drug screening. Although Mother claimed that she had not used drugs since S.S.’s birth, she tested positive for amphetamines, cocaine, methadone, and fentanyl. Mother signed a safety plan with the Department and was subsequently admitted with S.S. to Brantwood Family Services for inpatient drug treatment.

¹ Mother raises three additional issues: (1) the evidence was insufficient to support the juvenile court’s express findings or any implied findings; (2) the juvenile court’s findings were inadequate under the statutory factors listed in MD. CODE, FAMILY LAW (“FL”) § 5-323(d); and (3) the juvenile court erred by not continuing the contested termination of parental rights hearing to allow Mother to be present after she left the courtroom claiming to be ill and did not return. Because we reverse on Mother’s first issue and these other issues are unlikely to recur, we need not address them.

On September 29, 2022, Mother was discharged from Brantwood after engaging in a series of “concerning behaviors.” That same day, in accordance with the safety plan, S.S. was removed from Mother’s care and placed in foster care. On October 4, 2022, following a shelter care hearing, the juvenile court determined that Mother’s “ongoing substance abuse, and lack of consistent and successful treatment for the same, render[ed] the home unsafe for an infant child.”

On October 14, 2022, the Department filed a petition in the juvenile court asking that S.S. be declared a child in need of assistance (“CINA”).² On December 7, 2022, following a hearing, the juvenile court found S.S. to be a CINA and ordered that he remain in foster care. Mother was granted supervised access to S.S. and ordered to enter into and complete all tasks in a service agreement with the Department. The service agreement required that Mother engage in substance abuse and mental health treatment, submit to drug testing, obtain stable employment and appropriate housing, complete a parenting education program, and engage in couples therapy with Father.

In February 2023, Mother reported to the Department that Father had punched her in the eye. Mother stated that this was not the first time that Father had hit her and she wanted to “get away from him.” Although Mother was transported to a domestic violence shelter, she left the shelter the following day and returned to Father.

² Section 3-801(f) of the Courts and Judicial Proceedings Article of the Maryland Code defines “child in need of assistance” as “a child who 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.”

The juvenile court held a review hearing on May 16, 2023. At that hearing, the Department reported that, although it had provided Mother with various services, Mother had failed to engage in any meaningful substance abuse or mental health treatment, had failed to obtain employment or appropriate housing, and had not completed a parenting education program. The Department also reported that Mother had three drug screenings scheduled, two of which she failed to attend and one of which came back positive for fentanyl and methadone. At the conclusion of the hearing, the juvenile court ordered that S.S. remain in foster care with a plan of reunification.

The juvenile court held subsequent review hearings on September 19, 2023, and December 19, 2023. Although Mother had made some progress, she continued to test positive for illicit substances. In addition, Mother had still failed to engage in consistent substance abuse and mental health treatment, find suitable employment and housing, complete a parenting education program, or engage in appropriate couples counseling with Father. At the conclusion of the hearing, the juvenile court again ordered that S.S. remain in foster care with a plan of reunification.

On April 30, 2024, the juvenile court held another review hearing. Although Mother had again made some progress toward satisfying the tasks set by the court and the Department, she continued to test positive for illicit substances. In addition, Mother had failed to engage in consistent substance abuse and mental health treatment, find suitable employment, complete a parenting education program, and engage in appropriate couples

counseling with Father. At the conclusion of the hearing, the juvenile court ordered that S.S.’s permanency plan be changed to adoption by a non-relative.

On November 22, 2024, the juvenile court held a contested termination of parental rights (“TPR”) hearing. At that hearing, the court took judicial notice of the CINA file and received testimony from two social workers who had overseen S.S.’s case. The evidence showed that Mother had consistently failed to remedy certain conditions that brought S.S. into care, most notably her illicit drug use. The evidence also showed that S.S. was thriving in his current placement.

At the conclusion of the hearing, the juvenile court found that it was in S.S.’s best interest that Mother’s parental rights be terminated. The court found that, although Mother had made some effort toward reunification, her failure to adequately address her substance abuse issues and the domestic violence issues resulted in a “potentially dangerous situation” and that it “would not be in the best interest for the child to be there.”

Following the TPR hearing, the juvenile court issued a written order detailing its findings and conclusions. In that order, the court outlined the requisite statutory factors and made specific findings regarding each factor. The court concluded, based on those factors, that terminating Mother’s parental rights would result in S.S. “being able to remain in a stable, family environment, and will be in [his] best interest.”

This timely appeal followed.

DISCUSSION

“‘Maryland appellate courts apply three different but interrelated standards of review’ when reviewing a juvenile court’s decisions at the conclusion of a termination of parental rights proceeding.” *In re Adoption/Guardianship of C.E.*, 464 Md. 26, 47 (2019) (quoting *In re Adoption/Guardianship of Cadence B.*, 417 Md. 146, 155 (2010)). First, we review factual findings for clear error. *Id.* Second, we review legal conclusions without deference. *Id.* Finally, if the juvenile court’s ultimate conclusion is “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 Adoption/Guardianship of Ta’Niya C.*, 417 Md. 90, 100 (2010) (citations omitted).

Mother argues that the juvenile court erred as a matter of law in terminating her parental rights without expressly making a finding by clear and convincing evidence that she is unfit or that exceptional circumstances exist. Mother contends that such a finding is required before a court can terminate parental rights, and as a result, asserts that the juvenile court’s judgment should be reversed and that the case should be remanded for the necessary findings. Both the Department and S.S.’s counsel concede error and agree that the case should be remanded. We agree.

Before terminating parental rights, the juvenile court must consider the factors set forth in § 5-323(d) of the Family Law Article of the Maryland Code. MD. CODE, FAM. LAW (FL) § 5-323(d). The primary factor a court must consider is “the health and safety of the child.” FL § 5-323(d). Other factors set forth in statute relate to the Department’s efforts in

providing services, the parent’s efforts at reunification, aggravating circumstances, and the child’s emotional well-being. FL § 5-323(d)(1)-(4). If, after considering all the statutory factors, the court “finds by clear and convincing evidence that a parent is unfit to remain in a parental relationship with the child or that exceptional circumstances exist that would make a continuation of the parental relationship detrimental to the best interests of the child,” the court may terminate the parental relationship and grant guardianship of the child to the Department. FL § 5-323(b).

The Supreme Court of Maryland has explained the requisite procedure for a juvenile court to follow in terminating parental rights:

The court’s role in TPR cases is to give the most careful consideration to the relevant statutory factors, to make specific findings based on the evidence with respect to each of them, and, mindful of the presumption favoring a continuation of the parental relationship, determine expressly whether those findings suffice either to show an unfitness on the part of the parent to remain in a parental relationship with the child or to constitute an exceptional circumstance that would make a continuation of the parental relationship detrimental to the best interest of the child, and, if so, how. If the court does that – articulates its conclusion as to the best interest of the child in that manner – that parental rights we have recognized and the statutory basis for terminating those rights are in proper balance.

In re Adoption/Guardianship of Rashawn H., 402 Md. 477, 501 (2007) (footnote omitted).

A juvenile court’s efforts will fall short, however, if

the court ... [does] not relate the findings it made with respect to the statutory factors to the presumption favoring continuation of the parental relationship or to any exceptional circumstance that would suffice to rebut that presumption. That needs to be done. On remand, the court will have to make clear

and specific findings with respect to each of the relevant statutory factors and, to the extent that any amalgam of those findings leads to a conclusion that exceptional circumstances exist sufficient to rebut the presumption favoring the parental relationship, explain clearly how and why that is so. We suggest that, since eighteen months have elapsed since the [last] hearing, the parties be given the opportunity to offer evidence of what has occurred in the meantime and the current status of [the mother] and the children.

Id. at 504-05.

Here, although the juvenile court did make specific findings as to the relevant statutory factors, it did not relate those findings to the presumption favoring a continuation of the parental relationship or to any exceptional circumstance that would rebut that presumption. As such, we must reverse the juvenile court’s judgment and remand the case for further proceedings. On remand, the juvenile court must not only make clear and specific findings as to each of the statutory factors, but must “determine expressly whether those findings suffice either to show an unfitness on the part of the parent to remain in a parental relationship with the child or to constitute an exceptional circumstance that would make a continuation of the parental relationship detrimental to the best interest of the child[.]” *Id.* at 501. In addition, if the juvenile court determines that “any amalgam of those findings leads to a conclusion that exceptional circumstances exist sufficient to rebut the presumption favoring the parental relationship,” the court must “explain clearly how and why that is so.” *Id.* at 505. Finally, because a significant amount of time has elapsed since the TPR hearing, the parties should be given the opportunity to present fresh evidence.

**JUDGMENT OF THE CIRCUIT COURT
FOR CECIL COUNTY REVERSED; CASE**

**REMANDED TO THAT COURT FOR
FURTHER PROCEEDINGS CONSISTENT
WITH THIS OPINION; COSTS TO BE
PAID BY CECIL COUNTY.**