

Circuit Court for Montgomery County
Case No. 06-I-18-000105FL

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2483

September Term, 2019

IN RE: K.S.

Friedman,
Wells,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Eyler, James R., J.

Filed: September 11, 2020

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

This appeal arises from an order by the Circuit Court for Montgomery County, sitting as a juvenile court, which excluded appellant C.C. (“Mother”), the natural mother of K.S., a child adjudicated in need of assistance (“CINA”),¹ as a party to the continuation of the CINA proceedings. Mother timely noted an appeal of the juvenile court’s order, asking us to consider whether the juvenile court erred or abused its discretion when it ordered her excluded as a party from the case.

For the reasons that follow, we affirm the order of the juvenile court.

FACTS AND LEGAL PROCEEDINGS

On June 26, 2018, the Montgomery County Department of Health and Human Services, Child Welfare Services (“the Department”), filed a CINA petition relating to then nearly-17-year-old K.S. Therein, the Department detailed that K.S., although in the legal custody of Mother, had been living with non-relative caregivers, Mr. and Mrs. B., since September 2017, due to Mother’s continued neglect and abandonment.²

¹ Pursuant to Md. Code, §3-801(f) of the Courts & Judicial Proceedings Article (“CJP”), a “child in need of assistance” means “a child who requires court intervention because: (1) The child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and (2) The child’s parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child’s needs.”

² K.S. had lived for the most part with her father, L.S., in Frederick County until 2016. (L.S. died in early 2018). K.S. had initially come to the attention of the Frederick County Department of Social Services in 2015 after Mother filed a protective order against L.S. on K.S.’s behalf. No evidence of mistreatment was found, but K.S. moved to Mother’s home in Montgomery County in 2016.

The Department became involved with the case in 2016 after receiving allegations of unsafe and unsanitary conditions at Mother’s home, including the presence of drug users and prostitutes. The Department was also concerned that K.S. had run away from home

(Continued)

The Department expressed concern that Mother had failed to cooperate with Mr. and Mrs. B. in relation to signing guardianship papers, enrolling K.S. in school, and obtaining necessary medical and mental health services, causing K.S. to receive no formal education during the 2017-18 school year and to miss required specialist medical care for a health condition. Mother refused to have K.S. returned to her care, but she also would not give permission for K.S. to stay with Mr. and Mrs. B., instead seeking to have K.S. placed in foster care. The Department requested that K.S. be committed to its custody for a minimum of 30 days pending further investigation.

Following a hearing, the juvenile court granted the Department limited guardianship of K.S. The court also granted the Department’s request for shelter care, with fictive kinship placement with Mr. and Mrs. B.

Prior to an adjudicatory and disposition hearing on July 24, 2018, the Department filed an amended CINA petition, alleging that in the year prior to her departure from Mother’s home, K.S. had been exposed to ongoing drug use, frequent parties, fighting among Mother’s family members and many visitors, and insufficient amounts of food. In addition, K.S. suffered from anxiety and depressive episodes, but she had not received treatment or medication because she had no health insurance.

At the hearing, K.S. agreed with the allegations in the amended CINA petition, and Mother stood silent, essentially “acknowledging that if these allegations are sustained, it would be a basis for a CINA finding.” The juvenile court sustained the allegations in the

on several occasions and that Mother had failed to address K.S.’s mental health needs and allowed the child to self-medicate with alcohol.

amended CINA petition, found that K.S. had been neglected, and adjudicated K.S. a CINA. The court ordered Mother to participate in psychological and substance abuse evaluations and to follow recommendations for treatment. The court also ordered individual therapy for K.S.’s mental health issues.

Prior to a review hearing on November 20, 2018, the Department noted that K.S. was doing well in her placement with Mr. and Mrs. B.—participating in therapy, obtaining her learner’s permit, and enrolling in a pre-GED track in home schooling. K.S. had not had contact with Mother during the review period because the thought of interacting with Mother greatly increased her anxiety.

To the Department, Mother had expressed a desire for reunification and concern about K.S.’s mental health and education, but she had not made significant progress in alleviating the causes of the child’s removal from her home. The Department had no safety concerns about K.S.’s placement with Mr. and Mrs. B. and recommended continued placement there because Mother had not demonstrated that K.S.’s needs would be met if she returned home.

Following the hearing, the juvenile court ordered that K.S. remain a CINA, with a permanency plan of reunification. The court continued her placement with Mr. and Mrs. B. and granted them educational decision-making powers.

In December 2018, the Department provided the juvenile court with a psychological evaluation of Mother. The report detailed that Mother exhibited “very little insight and empathy regarding her conflict” with K.S. To the psychologist, Mother described her daughter only in negative terms, calling her “crazy” and “highly emotionally fragile,”

despite having had no recent interaction with the child. Mother had crafted no plan to improve her relationship with K.S., other than to make a vague suggestion that K.S. “get away” from Mr. and Mrs. B., and she did not appear willing to meet K.S.’s needs.

In March 2019, Mr. and Mrs. B. notified the Department that they could no longer be a resource for K.S., as they were moving, but they offered a long-term transition. K.S. identified a family friend, L.D., as someone who had agreed to be a resource for her. Because the juvenile court had suspended communication between K.S. and Mother “until deemed therapeutically appropriate,” Mother said she “could not speak to what was in [K.S.’s] best interest.” Mother expressed a desire that K.S. reconcile with her family but only in a manner that did not entail her living with them. Mother was receptive toward a potential change in K.S.’s permanency plan toward the transitioning youth unit.

The Department began exploring L.D. as a resource in early March 2019, but in late March the Department learned that K.S. had already moved in with L.D. without its knowledge or approval. Neither K.S.’s nor Mother’s attorneys opposed the placement, but the Department was unable legally to make the recommendation because L.D. was not a relative.

The Department requested a non-statutory emergency change of placement hearing. Following the April 3, 2019 hearing, the juvenile court rescinded Mr. and Mrs. B.’s limited guardianship for educational purposes and changed K.S.’s placement to L.D.’s home.

Ahead of a May 10, 2019 permanency plan hearing, the Department recommended that K.S.’s permanency plan change to Another Planned Permanent Living Arrangement (“APPLA”), due to K.S.’s age and high level of functioning in her placement with L.D.,

her refusal to be reunited with Mother because of their “very limited and strained relationship,” and Mother’s lack of progress toward reunification. According to the Department, “[t]he plan of APPLA will support the youth’s goals in developing life skills as she approaches adulthood,” while the “supportive services in place. . . will also continue to encourage reconciliation with her family of origin while managing her dual responsibilities to employment, housing, medical/mental health, and education needs.”

At the hearing, the juvenile court found the permanency plan change from reunification to APPLA to be appropriate, as reunification, adoption, and custody and guardianship were not viable options. The court ordered that K.S. remain a CINA and in her placement with L.D. In light of an apparent recent improvement in the relationship between K.S. and Mother, the court further ordered unsupervised visitation. The court also required K.S.’s and Mother’s continuation in weekly counseling until discharged.

The Department’s report in advance of an October 11, 2019 permanency plan review hearing detailed that K.S.—who had by then turned 18—was doing well after having moved to her own apartment, obtained a full-time job, and begun college on a part-time basis. K.S. had proven adept at “navigating the complications of living independently,” and she had no desire to visit with Mother or even contact her by phone. Despite having been discharged from therapy because of repeated missed appointments due to her inconsistent schedule, she had received a new referral and wanted to resume therapy.

At the hearing, attorneys for K.S. and the Department agreed that the teen was doing “really well” in the transitioning youth unit—mature beyond her years, and able to

advocate for herself.³ Mother, through counsel, expressed concerns that K.S. had missed some medical appointments, was no longer in therapy, and had had no contact with family members. Moreover, she continued, K.S. allegedly had been seen at a June 2019 music festival using marijuana. Mother believed that the Department was not “focused on the proper concerns in order to keep this young woman, who is now 18, on the right track.” The Department disputed any claim of marijuana use by K.S. and reiterated that she was doing “exceptionally well.”

The juvenile court, while suggesting that therapy should be a priority for K.S., adopted the Department’s statement of K.S.’s good adjustment and compelling reasons for continuation of the permanency plan of APPLA in a semi-independent living arrangement. The court further ordered therapist-facilitated phone contact between K.S. and Mother, with the aspiration of unsupervised visits in the future.

On January 6, 2020, K.S. filed a motion to exclude Mother as a party to the remainder of the CINA case. In her motion, K.S. explained that since coming under the court’s jurisdiction, she had seen Mother only a handful of times and that whenever they met, Mother was “extremely critical” of her appearance and life choices, as well as “controlling, manipulative, and emotionally abusive,” to the point that K.S. did not want a relationship with her. K.S. reminded the juvenile court that Mother had inappropriately accused her of “negative behavior” during the October hearing, but because K.S. had been unable to attend the hearing, she had not had the opportunity to respond to the accusation.

³ K.S. was unable to attend the hearing due to a work commitment.

Proud of her progress and accomplishments, K.S. believed that Mother’s participation in the CINA hearings “negatively impacts any potential of a future relationship between them” and was therefore not in K.S.’s best interest.

In support of her request for Mother’s exclusion, K.S. pointed out she had reached the age of majority, with its attached privacy rights, and that her permanency plan was not reunification, but APPLA, which was not contingent upon Mother’s participation. Moreover, Mother no longer had rights to legal or physical custody or visitation.

Because the purpose of the CINA hearings was to ensure that K.S. was receiving services and support to lead to her success once the court no longer had jurisdiction, K.S. argued, Mother should not be permitted a forum to attack K.S. or to learn about private aspects of K.S.’s life. With Mother’s exclusion, K.S. said she would feel safe to communicate candidly with the juvenile court so the court could make its determinations based on all relevant information, not only the limited information K.S. felt comfortable sharing in front of Mother.

Mother opposed the motion to exclude her as a party, stating that she loved her daughter and wanted only the best for her. Mother expressed concern that K.S.’s anger toward her would impact the child’s future relationships and urged that “[a]ll perspectives need to be heard in order for [K.S.] to get the help she needs.” Mother said it was not her intent to interfere with the CINA hearings but to participate as part of the court process, “where the court hears information from parties in forming decisions in the best interests of the child.” Excluding her as a party, Mother concluded, would deny her effective assistance of counsel and violate Maryland law.

By order entered January 28, 2020, the juvenile court granted K.S.’s motion to exclude Mother as a party and precluded Mother from participating in further matters and receiving court reports containing K.S.’s personal information. Mother noted a timely appeal of the court’s order.

On March 18, 2020, K.S. filed a motion to dismiss Mother’s appeal, on the ground that the interlocutory order from which she appealed was not immediately appealable. Mother responded that the juvenile court’s order excluding her as a party and barring her participation was a final appealable judgment because it denied her the means of further prosecuting or defending her rights in the CINA proceeding. By order dated April 20, 2020, this Court denied K.S.’s motion to dismiss, without prejudice to seek relief in her brief.

By written notice dated April 22, 2020, this Court advised the parties that although the matter pertains to a CINA, “the captioned appeal is not subject to expedited scheduling and decision,” pursuant to Maryland Rule 8-207(a), because the issues did not arise from an order that “declare[s] that child is a child in need of assistance,” that “grants, denies, or establishes custody of or visitation with a minor child,” Md. Rule 8-207(a), or that deprives a parent, grandparent, or natural guardian of the care and custody of a child or modifies such an order pursuant to CJP §12-303(3)(x).

DISCUSSION

Mother contends that the juvenile court abused its discretion and erred as a matter of law when it ordered her excluded as a party from the CINA case. She argues that as a

biological parent and statutorily identified party to the CINA case, she maintains a due process right to remain a party to the CINA proceedings.

Appealability

Although K.S. did not re-address the issue of Mother’s right to appeal in her brief, this Court, as a matter of Maryland appellate procedure, may address the issue *sua sponte*. See, e.g., *East v. Gilchrist*, 293 Md. 453, 458 (1982) (quoting *Biro v. Schombert*, 285 Md. 290, 293 (1979)) (“[T]his Court will dismiss an appeal *sua sponte* when it notices that appellate jurisdiction is lacking.”).

Generally, a party has the right to appeal from a final judgment. See CJP §12-301. “An order that is not a final judgment is considered to be an interlocutory order and ordinarily is not appealable” unless it falls within a recognized exception. *In re Samone H.*, 385 Md. 282, 298 (2005). An order excluding a party from continuation in a case is, by its very nature, interlocutory. See *In re Julianna B.*, 179 Md. App. 512, 551 (2008), *vacated on other grounds*, 407 Md. 657 (2009) (“If the record suggests that the trial court intends to take further action to dispose of a case on the merits, the order ordinarily is not regarded as final.”)

Interlocutory orders are appealable only in three circumstances: “appeals from interlocutory orders specifically allowed by statute; immediate appeals permitted under Maryland Rule 2-602; and appeals from interlocutory rulings allowed under the common law collateral order doctrine.” *Salvagno v. Frew*, 388 Md. 605, 615 (2005). The first two exceptions are not implicated in this case, but we conclude that the juvenile court’s order

excluding Mother from the remainder of the case falls under the collateral order doctrine exception.

The common law collateral order doctrine is “a well-established but narrow exception to the general rule that appellate review must ordinarily await the entry of a final judgment disposing of all claims against the parties.” *Maryland Bd. of Physicians v. Geier*, 451 Md. 526, 546 (2017). For the collateral order doctrine to apply, the interlocutory order must satisfy all of these four requirements: (1) the order must conclusively determine the disputed question; (2) the order must resolve an important issue; (3) the order must resolve an issue that is completely separate from the merits of the action; and (4) the issue would be effectively unreviewable if the appeal had to await the entry of a final judgment. *Id.*

The four requirements are satisfied here. As to the first, the juvenile court’s order granting K.S.’s motion to exclude Mother from further CINA proceedings conclusively resolved the issue of Mother’s participation going forward. The second requirement is also satisfied because the issue resolved is an undeniably important one—the due process implications of the exclusion of a party from a court proceeding. Regarding the third requirement, the order excluding Mother resolved an issue entirely separate from the merits of the action, that is, K.S.’s status as a CINA and the permanency plan appropriate for her situation. Finally, as to the fourth requirement, the juvenile’s court decision to exclude Mother from the proceedings would be effectively unreviewable on appeal from a final judgment. Once the juvenile court terminates its jurisdiction over K.S. because she either is no longer a CINA or reaches the age of 21, Mother’s participation in the process will become moot and effectively unreviewable; nothing within an appellate court’s power will

be able to turn back the clock and permit Mother’s participation. *See Quillens v. Moore*, 399 Md. 97, 115 (2007) (quoting *Cant v. Bartlett*, 292 Md. 611, 614 (1982)) (Generally, a judgment is only appealable if it is “so final as to determine and conclude rights involved, or deny the appellant means of further prosecuting or defending his rights and interests in the subject matter of the proceeding.”). We conclude that the interlocutory nature of Mother’s appeal does not preclude it from going forward.

Merits

The standard of review applicable to CINA proceedings is well-established: (1) we review factual findings of the juvenile court for clear error, (2) we determine, “without deference,” whether the juvenile court erred as a matter of law, and if so, whether the error requires further proceedings or is instead harmless, and (3) we evaluate the juvenile court’s final decision for abuse of discretion. *In re Adoption/Guardianship of H.W.*, 460 Md. 201, 214 (2018). In doing so, we must remain mindful that “only [the juvenile court] sees the witnesses and the parties, hears the testimony, and has the opportunity to speak with the child; [it] is in a far better position than is an appellate court, which has only a cold record before it, to weigh the evidence and determine what disposition will best promote the welfare of the minor.” *Baldwin v. Bayard*, 215 Md. App. 82, 105 (2013) (quoting *In re Yve S.*, 373 Md. 551, 585-86 (2003)).

When the State seeks to change the parent-child relationship, as in a CINA proceeding, “the due process clause is implicated.” *In re Maria P.*, 393 Md. 661, 676 (2006) (quoting *Wagner v. Wagner*, 109 Md. App. 1, 25 (1996)). What “process is due,” however, is determined by the totality of the facts of each case, and due process is satisfied

when “meaningful access to the courts” is provided. *In re Adoption No. 6Z980001*, 131 Md. App. 187, 199 (2000).

Despite the requirement that a litigant be given meaningful access to the courts, the right of a party to be present during hearings is not absolute, and “there are circumstances in which a civil case may proceed without the attendance of a party and, indeed, with the party excluded.” *Green v. North Arundel Hosp. Ass’n, Inc.*, 366 Md. 597, 618-19 (2001). As the Court of Appeals explained in *Green*, the focus of our analysis should not hinge upon the exclusion of the party from the proceedings, but upon “why the exclusion was prejudicial.” *Id.* at 620-21. See *In re Ashley E.*, 158 Md. App. 144, 164 (2004), *aff’d*, 387 Md. 260 (2005) (explaining that in a CINA case, “prejudice means that it is likely that the outcome of the case was negatively affected by the court’s error.”). In *Green*, the Court summarized its review of the exclusion of parties in other states, noting that “what emanates from these cases is that there is a right of presence, that the right is not absolute, and that a determination of whether exclusion of a party constitutes sufficient prejudice, either presumed or actual, to warrant a new trial depends, to some extent, on the circumstances.” 366 Md. at 620.

As a party to a CINA proceeding,⁴ which is civil in nature, a parent, who maintains a fundamental interest in the care and welfare of his or her child, is “considered a person

⁴ CJP §3-801(u) defines “party” in a juvenile cause:

(u)(1) “Party” means:

(i) A child who is the subject of a petition;

(Continued)

whose presence [at a hearing] is generally necessary under Rule 11-110(b).”⁵ *Maria P.*, 393 Md. at 672. The Court of Appeals has made clear, however, that there are some circumstances under which a juvenile court may exclude a parent from CINA proceedings, as Rule 11-110(b) clearly provides the juvenile court with the discretion to conduct a hearing outside the presence of all persons except those whose presence is necessary or “desirable.” *Id.* at 672, 677. The juvenile court’s discretion to exclude certain individuals from a juvenile proceeding “must be exercised in accord with purposes for which it was given and within applicable constitutional limitations.” *Id.* (citing *Baltimore Sun Co. v. State*, 340 Md. 437, 456-57 (1995)).

The procedure in the instant case resulted in Mother’s exclusion from the continuation of the CINA proceedings, based on K.S.’s allegations that her attainment of the age of majority (along with its associated privacy rights),⁶ her fraught relationship with

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- (ii) *The child’s parent*, guardian, or custodian;
 - (iii) The petitioner; or
 - (iv) An adult who is charged under § 3–828 of this subtitle.

(Emphasis added.)

⁵ Md. Rule 11-110(b) states that, in juvenile causes, “[a] hearing may be conducted in open court, in chambers, or elsewhere where appropriate facilities are available. The hearing may be adjourned from time to time and, except as otherwise required by Code, Courts Article, § 3-812, may be conducted out of the presence of all persons except those whose presence is necessary or desirable.”

⁶ Although K.S. was no longer a “child” when the juvenile court made its ruling, *see* CJP §3-801(e), she nonetheless “belongs to a small category of adults under the age of 21 who are still considered to be ‘children’ for the purposes of the juvenile court’s CINA jurisdiction” because “once the court obtains jurisdiction over the child, ‘that jurisdiction continues in that case until the child reaches the age of 21 years, unless the court terminates

(Continued)

Mother, her inability to be entirely candid with the juvenile court in Mother’s presence, and her permanency plan of APPLA with no likelihood of reunification, render Mother’s exclusion from the proceedings to be in her best interest. The juvenile court, in granting K.S.’s motion, implicitly agreed that Mother’s continued participation in the case would not be desirable or in K.S.’s best interest and that Mother would not be unduly prejudiced by its ruling.

Our review of the record supports a finding that the juvenile court did not abuse its discretion in excluding Mother as a party from the CINA case.⁷ To be clear, we do not take the exclusion of a natural parent from a CINA matter lightly, but, as the record elucidates, K.S.—by all accounts an extraordinary young woman capable of self-advocacy—is not a typical CINA, and this is not a typical CINA case. Our decision is guided by the particular facts of this particular matter.

K.S. spent most of her young life in the physical custody of her father, living with her mother for less than two years as a teenager before running away to the home of Mr. and Mrs. B. in 2017, after being subjected to large parties, Mother’s drug use, the presence

the case.” *In re Andre J.*, 223 Md. App. 305, 318 (2015) (quoting CJP §3-804(b)); *see also* CJP §3-819(k) (“[a]n order vesting legal custody of a child in a person or agency is effective for an indeterminate period of time, but is not effective after the child reaches the age of 21”).

⁷ Although the juvenile court described its ruling as one action, *i.e.*, excluding Mother as a party to the CINA case, the court’s order actually combined two powers: (1) eliminating Mother’s status as a party to the case pursuant to CJP §3-801(u)(ii); and (2) withdrawing from Mother the status as a “person having a direct interest” entitled to attend future hearings pursuant to CJP §3-810(b)(1). Although these are separate statuses, we find that the trial judge had the authority to, intended to, and successfully did withdraw both statuses from Mother.

of prostitutes, insufficient food, Mother's mental health issues, and lack of treatment for her own physical and mental health concerns while living in Mother's home. During K.S.'s CINA adjudicatory hearing, Mother did not contest that the facts as presented by K.S. and the Department would support a finding that K.S. was a CINA based on neglect, and she did not appeal the CINA finding.

With Mr. and Mrs. B., K.S. found stability, but Mother interfered, refusing to permit Mr. and Mrs. B. to register the child for school and failing to provide health insurance. Mother professed a desire for reunification and a healthy family relationship with K.S., but she also acknowledged that she did not want K.S. to live with her, instead preferring that her daughter enter into foster care.

Despite Mother's neglect, K.S. thrived after leaving Mother's home. She enrolled in and completed a GED program, and, after her permanency plan was changed to APPLA (a change not contested or appealed by Mother), obtained and maintained a full-time job, enrolled in college courses, and eventually moved into her own apartment, independently managing her education, home, and finances. K.S., who turned 18 in June 2019, made it abundantly clear to the juvenile court that communication with Mother increased her anxiety and that she had no interest in reunification, visitation, or even phone calls with Mother, in light of the fact that Mother tended to downplay her many accomplishments and call her decision-making into question. K.S. also expressed a strong desire to protect her legal privacy interests in her medical and educational records.

K.S. had run away from Mother's home to make a better life for herself, and she was a strong advocate for her own future. Mother, on the other hand, had neglected K.S.,

hindered her education, denigrated her foster parents and her chosen extracurricular activities, suffered from mental health and substance abuse issues, and was unable and unwilling to set forth a plan by which K.S. could be reintegrated into her biological family.

Mother, apparently operating from an outdated or inaccurate view of her daughter, worried that K.S. would not properly attend to her own physical and mental health and schooling, but those concerns are not borne out by the record. By all accounts, K.S. handled her transition to the permanency plan of APPLA and independent living admirably, ensuring that her living, work, and educational goals were being met (and, indeed, surpassed). She did not appear to require—and clearly did not desire—Mother’s support or intervention. To the contrary, K.S. claimed that Mother’s participation in the CINA case hindered her advancement and any possibility of a future relationship between the pair, due to her hesitation to be candid with the court with her private concerns in Mother’s presence.

Despite remaining under the jurisdiction of the juvenile court as a CINA, K.S. is otherwise legally an adult, able to assert privacy concerns in her medical, educational, and mental health records. The juvenile court’s involvement in K.S.’s late teenage years is solely to ensure that the Department makes reasonable efforts toward effectuating K.S.’s success as a functioning adult and assisting with her educational, emotional, housing, employment, and social needs. The juvenile court acted within its broad discretion in determining that, in light of the circumstances, Mother’s exclusion was desirable and in the best interest of K.S., who had expressed a strong and articulate reason for the exclusion.

In addition, Mother’s exclusion from the CINA case did not cause her to suffer undue prejudice. K.S., over the age of 18, expressed a strong desire to have Mother excluded, and Mother, despite the juvenile court’s continued jurisdiction over the CINA matter, maintains limited, if any, ongoing rights to guide or participate in K.S.’s medical, educational, and living decisions.

Neither Mother nor K.S. has expressed any desire for K.S. to live with Mother, and there is no suggestion in the record that K.S. is likely to undertake anything other than independent living subject to a permanency plan of APPLA until the termination of the juvenile court’s jurisdiction. As such, Mother would be entitled to no services from the Department to facilitate reunification or visitation, if not desired by K.S.⁸ And, to the extent that Mother claims her exclusion from the CINA matter deprives her of mental health or other services from the Department, there are other agencies available to assist her with any necessary services.

Upon balancing the interests of the parties, we cannot say that the juvenile court abused its discretion or erred as a matter of law in excluding Mother from the CINA proceedings. In its ruling, the court implicitly determined that K.S.’s best interest lay in the exclusion of Mother as a party from the continuation of the matter and that any prejudice to Mother in being excluded was outweighed by the benefits to K.S. There is nothing in the record to convince us otherwise.

⁸ Of course, Mother remains able to seek reunification or visitation directly with K.S., outside of the juvenile court’s jurisdiction.

**ORDER OF THE CIRCUIT COURT FOR
MONTGOMERY COUNTY, SITTING AS A
JUVENILE COURT, AFFIRMED; COSTS
TO BE PAID BY APPELLANT.**