

Circuit Court for Prince George's County
Case No.: CINA-19-0037

CHILD ACCESS

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 1755 & 2513

September Term, 2025

IN RE: S.A.

Leahy,
Albright,
Harrell, Glenn T., Jr.,
(Senior Judge, Specially Assigned),

JJ.

Opinion by Albright, J.

Filed: July 9, 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).

In these appeals, Appellant M.A. (“Mother”), the mother of a child found to be in need of assistance, challenges two permanency plan orders issued by the Circuit Court for Prince George’s County, sitting as a juvenile court. Mother’s child, the respondent below and one of the Appellees here, is S.A. The first order, issued on September 16, 2025, added a concurrent plan of custody and guardianship to a non-relative to S.A.’s then-existing plan of reunification with Mother.¹ The second order, issued on January 9, 2026, changed the first order’s concurrent plan to a sole plan of custody and guardianship to a non-relative.

The first order was issued after the juvenile court sustained S.A.’s exceptions to a magistrate’s recommendation that S.A. have a trial home visit with Mother. About three months before the first order, in June 2025, the magistrate recommended the trial home visit occur at the start of July 2025 and that S.A.’s permanency plan be changed from a sole plan of reunification to a concurrent plan of reunification and custody and guardianship with a non-relative.² S.A.’s attorney filed de novo exceptions, which the juvenile court sustained after a hearing. In its order, the court found that the trial home

¹ As we shall explain below, custody and guardianship to a non-relative became S.A.’s “primary” permanency plan, while reunification with Mother became S.A.’s “secondary” permanency plan.

² The magistrate’s recommendation appears to recommend a tripartite permanency plan, including a third goal of placement with a relative for custody and guardianship. The magistrate’s oral ruling indicates only two, not three, plans were recommended, and, in its brief, the Department posits that the third box on the relevant form was checked in error. No one contends otherwise.

visit was not in S.A.’s best interest and allowed S.A. to decline visits with Mother. Mother then noted the first of the appeals now before this Court (the “First Appeal”).

In December 2025, the court changed the permanency plan to “a sole plan of custody and guardianship to a non-relative (specifically foster parent [Dr. K.])[,]” eliminating reunification with Mother from the plan. Mother appealed (the “Second Appeal”).

In these consolidated appeals, Mother³ presents three questions for our review,⁴ which we have consolidated and restated as follows:

1. Did the juvenile court abuse its discretion in changing the permanency plan goals and eliminating the trial home visit?
2. Did the juvenile court abuse its discretion in permitting S.A. to decline visits with Mother?

For the reasons that follow, we answer “no” to both questions and affirm.

³ S.A.’s father, J.D. (“Father”), never participated in S.A.’s CINA case.

⁴ In her appellate brief, Mother phrases her questions as follows:

1. Did the court err when it sustained the child’s exception to the magistrate’s recommendation, eliminating a sole plan of reunification and the trial home visit?
2. Did the court err in allowing S.A. to refuse visits with her mother which would hamper reunification efforts when the court authorized a concurrent plan including reunification?
3. Did the court err when it eliminated reunification from the plan altogether?

BACKGROUND

S.A.’s Early Life, Mother’s Mental Health, & Department Involvement

S.A. was born on July 17, 2017. From her birth until early November 2018, S.A. lived with Mother.

In 2018, Mother began to struggle with her mental health. In October of 2018, Mother was hospitalized for psychiatric treatment because she was hearing voices and experiencing depression and anxiety. She was diagnosed with bipolar disorder and prescribed medication, but insurance issues prevented her from filling the prescriptions. Mother struggled to receive treatment because she did not have a vehicle. During her psychiatric stay, providers recommended that Mother undergo psychiatric treatment, and Mother’s aunt, M.G., volunteered to take Mother to the appointment. Mother physically assaulted M.G. in front of the psychiatrist’s office, and M.G. pressed charges. The following month, Mother sent S.A. to live with Father, at his home in California.

Just a few weeks later, S.A. returned to Maryland after Father physically harmed another child in his care, his six-year-old son. The California Department of Social Services (“CDSS”) had intervened and requested that Mother come to California to pick up S.A. Mother initially did not believe Father had harmed a child and did not express concern for S.A.’s safety after the incident. Flight arrangements were made for Mother, but she missed her flight. It took Mother a month to go to California and get S.A.

The Maryland Department of Social Services (the “Department”) got involved in January 2019. Concerned about Mother’s reticence and advised of the physical altercation between Mother and M.G. in October, CDSS requested a safety assessment of

Mother's home by the Department. Danielle Clarke, a Child Protective Services worker for the Department, visited the home of J.B., S.A.'s maternal great-grandmother ("Great-Grandmother"), where Mother was living with S.A. and S.A.'s four-year-old half-sibling, N.A. Mother discussed the recent reported events, including her hospitalization, her altercation with her aunt, and Father's assault of his child. Mother told Ms. Clarke that she had been living at Great-Grandmother's home for the last year. She reported she did not have a job but received "a little" child support from N.A.'s father and benefits from the District of Columbia, including Temporary Cash Assistance, food stamps, and medical assistance. Mother's grandmother (S.A.'s great-grandmother) helped Mother in meeting her children's needs.

Over the next three weeks, Ms. Clarke followed up with Mother three more times. Mother stated that things were going fine but that she wanted to move to her own place with the kids. Great-Grandmother told Ms. Clarke that Mother was "bottl[ing things] up" and having "anger outburst[s]" in the home. Ms. Clarke made multiple attempts to locate a therapy provider for Mother but was unsuccessful.

On February 15, 2019, Ms. Clarke visited Great-Grandmother's home to visit with Mother, S.A., and N.A. Mother told Ms. Clarke that things were going fine, and Ms. Clarke observed Mother and the girls were "in good spirits[.]"

But later that day, after Ms. Clarke left, Mother had a physical altercation with Great-Grandmother's son ("Great-Uncle"). Great-Grandmother and Great-Uncle heard Mother yelling at S.A. while getting S.A. dressed. Great-Uncle told Mother he was concerned about her yelling and cursing. They began to argue, and Mother began to yell

and curse at him. She broke off her wooden bedpost and threw it at Great-Uncle. The children were present for this incident. Mother was arrested and removed, and Great-Uncle filed a protective order, preventing Mother from returning to the home.

Four days later, on February 19, 2019, Great-Grandmother contacted Ms. Clarke to tell her about the February 15 incident. She confirmed that Mother had been in contact since the incident but could not return to the home. Great-Grandmother was willing to care for N.A. and S.A. but had an upcoming out-of-state trip and no family to care for the children while she was gone.⁵ She agreed to bring the children⁶ to the Department for placement.⁷

S.A. 's CINA Adjudication

On February 21, 2019, the Department petitioned for S.A. to be found a Child in Need of Assistance (“CINA”).⁸ The next day, following a hearing, the court authorized continued shelter care for S.A. S.A. was placed in a licensed foster home.

⁵At this time, Father remained incarcerated for the maltreatment of his child in 2018.

⁶ The Department was able to reunify N.A. with her father. As of the August 2025 hearing, N.A. still lived with her father and visits Mother without limitation.

⁷ After the Department notified CDSS of the recent report and the Department’s intention to remove S.A. to shelter care, CDSS closed its case.

⁸ A child becomes a CINA when court intervention is required 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.” CJP § 3-801(f)(1)–(2).

On March 12, 2019, the juvenile court found S.A. to be CINA based on Mother's neglect and committed S.A. to the Department. Specifically, the court found that Mother reportedly became "verbally aggressive" with S.A. and physically aggressive with Great-Uncle when he attempted to intervene, that the Department and Mother's family had concerns about Mother's untreated mental health, and that Mother had been indicated for abuse and neglect of N.A. in 2016. The court granted Mother liberal and supervised visitation with S.A. S.A. remained in the foster home until May 14, 2019, when she was placed with Great-Grandmother.

Mother's Minimal Contact & Irregular Visitation

A permanency planning/review hearing was held on July 22, 2019. Mother was not in contact with the Department until just before the hearing, and her visits with S.A. had been frequent but inconsistent. She was participating in mental health treatment and consented to the release of that treatment information to the Department. The permanency plan goal was reunification with Mother, and her visitation was ordered to be liberal and supervised.

Over the next year, the court held three permanency planning review hearings. Mother's contact with S.A. and with the Department continued to be inconsistent. The regularity of her visits with S.A. decreased during this time. Mother was ordered to participate in individual therapy, a psychological evaluation, and medication management as needed.

In July 2020, more than a year after S.A. had been found CINA, Mother was not taking any medications and was waiting on intake with a new therapist. She advised the

court that she did not need any services from the Department. At the July 2020 review hearing, the court changed S.A.’s permanency plan to custody and guardianship with a relative (Great-Grandmother). Mother continued to have liberal supervised visitation with S.A.

Mother’s Mental Health Treatment

In December 2020, Mother began receiving mental health services through Innovative Clinical Associates (“ICA”). She presented to Dr. Charles Besong for a psychiatric evaluation and participated in weekly therapy with Judith Johnson. She told Dr. Besong that she was diagnosed with bipolar disorder and had been “battling with [post-traumatic stress disorder (“PTSD”)] for years[.]” She confirmed she was currently homeless and had a history of multiple psychiatric hospitalizations. She reported she was taking multiple medications as prescribed and had received outpatient mental health treatment from a psychiatrist and a therapist that year.

Great-Grandmother’s Decline

The next permanency plan reviewing hearing was held on December 8, 2020, and January 5, 2021.⁹ Mother apparently provided no evidence of her treatment with ICA, and the court continued to order that Mother have a psychological evaluation, mental

⁹ At the December 8 hearing, the court determined that the Department had not made reasonable efforts toward the permanency plan and granted the Department’s request for a short continuance to obtain additional information regarding the efforts made. The hearing was continued on January 5.

health services, and medication management. The permanency goal remained custody and guardianship with a relative.

On June 8, 2021, another permanency reviewing hearing was held. The court noted its concerns that the Department had not contacted Mother during the review period and had not followed up on Mother’s progress with her mental health treatment. The court changed the permanency plan to concurrent goals of reunification with Mother and custody and guardianship with a relative.¹⁰

The next permanency review hearing was held on October 15, 2021. Great-Grandmother’s age and reported dementia had started to affect her ability to care for S.A. during this period. S.A. was overdue for her medical, physical, vision, and dental exams, and still was not enrolled in the developmental support program the court had ordered.¹¹ Mother, however, had made progress toward reunification. She provided documentation confirming her engagement in weekly individual therapy and her medication compliance. She had recently started substance abuse treatment and planned to complete a

¹⁰ At the end of 2020, there was a plan to transition S.A. from Great-Grandmother’s home to the home of her maternal grandmother, A.H. (“Grandmother”), but there were delays in the home study ordered to be done on Grandmother’s home. Sometime in early 2021, S.A. sustained a cigarette burn under her left eye while visiting Grandmother’s home, and the home study was paused during the investigation, from which an unsubstantiated finding followed.

¹¹ Enrollment in the developmental support program was first ordered in August 2020, after S.A. was found eligible for services with Child Find after an intake on February 6, 2020. The Department’s contact notes and status reports do not indicate the basis for S.A.’s eligibility, nor do the later court orders. In February 2022, the Department reported that S.A. was found ineligible for services because she did not display any developmental delays.

psychological evaluation with that provider. She also obtained housing, and a home health assessment was to be performed by the Department a few days after the hearing. Mother had maintained contact with S.A., and their visits “appear[ed] to go well.” The court ordered that Mother’s visits could become unsupervised upon a successful home assessment and changed the permanency plan to a concurrent plan of reunification with Mother and “[c]ustody and guardianship by a non-relative[.]”

S.A.’s Placement with Dr. K.

On March 1, 2022, a permanency planning review hearing was held. S.A. had been removed from Great-Grandmother’s home and placed in the foster home of Dr. K. in November 2021. Mother continued to provide documentation of her participation in individual therapy, and her home passed the Department’s assessment. She was ordered to have liberal, supervised visitation, with possible unsupervised visitation made conditional on regular supervised visits and S.A.’s participation in play therapy. The permanency plan remained unchanged. The court ordered Mother to have a psychological evaluation “ASAP.”

Mother’s Psychological Evaluation

Mother completed a psychological evaluation with Dr. Johnathan Vital at the Center for Therapeutic Concepts, Inc. (“CTC”) in April 2022. She was informed at the outset that the information was to be used “to determine her cognitive, mental, and psychoemotional stability as well as her capacity for prudent insight, judgment, and decision-making” and that the data gathered would be shared with the Department.

There were several inaccuracies in the information Mother provided to Dr. Vital. In recounting why S.A. had been removed from her care, Mother claimed S.A. was placed in the foster care system as a result of Father’s abuse of his girlfriend’s child and omitted any mention of her mental health, psychiatric hospitalization, or physical altercations with her aunt and uncle. She provided “a very limited history of mental health concerns” to Dr. Vital, denying any history of psychiatric hospitalization, psychiatric diagnosis, psychotropic prescriptions, or even therapeutic counseling. She denied any history of trauma or abuse. When asked about her legal history, she did disclose the 2018 incident where she was charged with assault of her Great Uncle.

Dr. Vital concluded that Mother “presents with no noteworthy mental or psychoemotional instability.” Though he noted Mother “may yet be disinclined to recognize her shortcomings in a way that might stymie her ability to make necessary adjustments in her life[,]” he determined “that she would likely function appropriately in most settings and that she is ca[pa]ble and inclined to care for the welfare and interest of her child/children.”

Mother’s Continued Progress

At the next review hearing, on August 1, 2022, the court noted Mother’s progress towards reunification, including her completion of the CTC psychological evaluation and the successful supervised visits with S.A. at the Department. Mother was referred to career counseling and vocational support. The court changed the permanency planning goal to reunification with Mother.

By the next hearing, on January 3, 2023, Mother’s visitation with S.A. was going well. Unsupervised visits between Mother and S.A. began in early August 2022, and overnight visits commenced in early December 2022. The permanency plan did not change.

S.A. Expresses Discomfort with Visitation

At the next hearing, on June 22, 2023, the court noted concern about Mother’s visitation becoming inconsistent again. According to the court, S.A. displayed behavioral issues after Mother’s visits and when Mother’s visits were cancelled. The court found that “[m]ore consistent contact and visits from the mother are needed.” The permanency plan goal and ordered visitation did not change.

At the next hearing, on November 20, 2023, there was discussion about S.A.’s discomfort with visitation. She recently expressed not wanting to stay overnight with Mother and “ha[d] become more anxious about the visits than usual.” The permanency plan goal and ordered visitation did not change.

At a visit with the Department caseworker on April 16, 2024, S.A. reported that she liked spending time with Mother, but “does not like it being just her and her mother in the home.” She “sometimes does not feel comfortable at her mother’s home because she misses being with Dr. [K].”

The next hearing was on April 23, 2024. The court noted that S.A. “has become more vocal about not wanting to spend the night with her mother. She has not been able to verbalize the reason.” The permanency plan goal and ordered visitation did not change.

At a visit with a Department case specialist in June, S.A. shared that she gets nervous at Mother’s house by herself “because sometimes her mother can be rude toward her” and that she would like her older sister, N.A., to be present during her overnight visits with Mother. This was discussed at the permanency planning hearing on July 25, 2024. The Department referred S.A. to talk therapy and the court ordered Mother and S.A. to participate in family therapy. The court also ordered a trial home visit with Mother to take place prior to the next court hearing. Visitation and the permanency plan remained unchanged.

The Department faced difficulties in arranging the trial home visit. The worker attempted to contact Mother throughout August and September but reported Mother was “being hesitant and has not shown that [she] is ready to do extended overnights/home visits[.]” S.A. told the Department case specialist that “she will not be having overnight visits with her mother anymore.”

At the next hearing, on December 5, 2024, the court recognized S.A.’s reticence to stay at Mother’s home without her sister. The court noted Mother and S.A. had not yet participated in family therapy and repeated its order for family therapy to commence. The permanency plan goal remained reunification, and there were no changes to Mother’s visitation, with a trial home visit to be facilitated if “therapeutically appropriate.”

By the next review hearing, Mother and S.A. had begun family therapy. The court noted that the therapy had been helpful and productive, and Mother’s parenting coach reported “an increase in the bond between [S.A.] and her mother.” S.A. had weekly overnight visits with Mother but was reportedly “resistant to the visits with her mother[.]”

S.A.’s “mood swings” continued and were “more paramount.” The court directed the Department to facilitate a trial home visit between Mother and S.A. “if determined to be therapeutically appropriate and by the agreement of the parties.” Visitation remained otherwise unchanged, and the permanency goal remained reunification.

S.A.’s feelings on visitation with Mother were again discussed at the next permanency review hearing on June 13, 2025. In the last review period, S.A. had continued her weekly visitation with Mother. Dr. K. described how the visits affected S.A., reporting that the mornings before the visits were “always a struggle” with S.A. sometimes crying. S.A. reported to the Department caseworker that she did not like having visits with Mother, who often uses foul language and yells. The Department advised that it was having trouble “moving this case forward” as a result of S.A.’s lack of desire for visitation with her Mother. Mother “is aware of [S.A.’s] reluctance to return home, which makes her complicit in this case’s hesitation” and “continues to have a nominal motivation of working towards home trial visits.” The Department recommended,¹² and the magistrate recommended, a concurrent plan of reunification with Mother and custody and guardianship by a non-relative. The magistrate also recommended that S.A. be placed on a trial home visit with Mother beginning July 1, 2025. S.A.’s attorney filed exceptions and sought a de novo hearing on them. S.A.’s attorney argued that the magistrate erred in three ways: (1) “forcing” S.A. to participate

¹² The Department and S.A.’s counsel had recommended concurrent plans of reunification and custody and guardianship to a non-relative at the two previous hearings.

in family therapy with Mother before she is “open and ready[;]” (2) failing to clarify S.A.’s ability to decline visits with her Mother; and (3) failing to enter an order granting custody and guardianship to Ms. K.

Concurrent Permanency Plan Goals & S.A.’s Ability to Decline Visitation

At the exceptions hearing in August 2025, the court consulted privately with S.A. alone¹³ and heard testimony from S.A.’s social worker, S.A.’s therapist, Dr. K., and Mother. The social worker testified that a trial visit would be contrary to S.A.’s mental health and recommended that S.A. remain with Dr. K. S.A.’s therapist testified it was not therapeutically appropriate to make S.A. participate in overnight visits or family therapy.

Mother testified that, although S.A. should not be forced to visit her, S.A. “d[id]n’t really know what she wants” and should “understand that you do have days where you do come with your mom.” Mother admitted to raising her voice and using curse words, but denied “yelling” or cursing at S.A. directly. She also disclosed, for the first time, that S.A. communicated with Father while in Mother’s care. When asked whether Father was in prison “for the abuse of his other child,” Mother stated she “thought it was for [his girlfriend’s] child, and not his.” To answer why she had not disclosed this contact to the Department, she claimed she was “not aware [that she was] supposed to tell anybody that.” She did not recall being told by the Department in June 2022 that the Department did not approve contact between Father and S.A.

¹³ After consulting with S.A., the judge recounted, on the record, the substance of what she and S.A. had discussed.

The court sustained S.A.’s exceptions in a September 16, 2025 order (the “Exceptions Order”). The court found S.A. to be “credible and forthright” and “[gave] weight to the testimony and letter of the respondent’s therapist, and also to the Court’s consultation with the Respondent.” The court ordered a “primary” permanency plan of custody and guardianship to Dr. K. and a “secondary” permanency plan of reunification with Mother. As to visitation, the court

ORDERED, that visits between the child and the mother may be liberal and unsupervised, including overnight and extended visits, as arranged by the Department or its designee, and by agreement of Mother and the Respondent.

It is further ORDERED, that the Respondent is not to be forced to visit with her [m]other, and the Respondent may decline a visit with her [m]other.

The Court FINDS that a trial home visit would not be in the child’s best interest at this time, for the reasons stated above regarding the determination of the child’s permanency plan.

Mother appealed.

Sole Plan of Custody & Guardianship

At the next review hearing in December 2025, the Department and S.A.’s attorney requested a sole plan of custody and guardianship with Dr. K.¹⁴ The court heard testimony from Dr. K. and Mother. The Department’s report, including a home study for Dr. K., was admitted into evidence. Since the last hearing, S.A. visited Mother three times, twice supervised and once unsupervised. The court repeated the same orders for Mother’s visitation as the previous hearing, ordering visitation only by agreement of both

¹⁴ According to the Department’s brief, the Department and S.A.’s attorney would have requested closure of the CINA case with custody and guardianship to Dr. K. but could not do so due to the pending appeal.

Mother and S.A. and allowing S.A. to decline visits with Mother. The court stated that the case was “ready to close, but for the ongoing appeal.” The court also noted, “A lot more work would need to be done before a return to [Mother] could occur.” The court ordered a sole permanency plan of custody and guardianship to Dr. K., finding this plan to be “in the best interest of the child.” Mother timely noted a second appeal.

Additional facts will be supplied as necessary.

DISCUSSION

I. Standard of Review

In CINA cases, we review judgments of the juvenile court using “three interrelated standards.” *In re T.K.*, 480 Md. 122, 143 (2022). “We review the court’s factual findings for clear error; we review matters of law de novo; and we review ultimate conclusions of law and fact, when based on sound legal principles and factual findings that are not clearly erroneous, under an abuse of discretion standard.” *In re I.Q.*, 264 Md. App. 265, 298 (2025) (cleaned up). Clear error occurs when there is not “competent or material evidence in the record to support the court’s conclusion.” *Id.* at 310 (cleaned up).

Orders relating to visitation also are reviewed for abuse of discretion. *In re Billy W.*, 387 Md. 405, 447 (2005). “An abuse of discretion may . . . be found where the ruling under consideration is clearly against the logic and effect of facts and inferences before the court, or when the ruling is volati[v]e of fact and logic.” *In re Yve S.*, 373 Md. 551, 583 (2003) (cleaned up).

In reviewing the court’s findings and conclusions, we will not reweigh the evidence on appeal. *See State Sec. Check Cashing, Inc. v. Am. Gen. Fin. Servs. (DE)*, 409

Md. 81, 110 (2009) (cleaned up) (“[T]he appellate court should not substitute its judgment for that of the trial court on its findings of fact[.]”); *Gruss v. Gruss*, 123 Md. App. 311, 321 (1998) (“We, as an appellate court, will not make factual determinations properly left to the trial court.”).

II. Legal Framework

We start by reviewing the legal framework pertinent to this case. When a child is declared CINA and placed out of their home,¹⁵ the Department must develop a permanency plan for the child. *See* Md. Code Ann., Fam. Law (“FL”) § 5-525(f)(1). In doing so, the Department “shall give primary consideration to the best interests of the child[.]” *Id.* The permanency plan should “set the tone for the parties and the court by providing the goal toward which they are committed to work.” *In re M.Z.*, 490 Md. 140, 145–46 (2025) (cleaned up). The permanency plan determines what services the local social service department must provide the family as well as what commitments the parents and child must make. *In re Damon M.*, 362 Md. 429, 436 (2001). The court reviews the Department’s recommended plan, considers the factors specified in FL § 5-525(f)(1), and establishes a permanency plan that is “consistent with the best interests of the child[.]” CJP § 3-823(e).¹⁶

¹⁵ “[O]ut-of-home placement” is the “placement of a child into foster care, kinship care, group care, or residential treatment care.” FL § 5-501(i).

¹⁶ Most recently, our Supreme Court reiterated the importance of permanency plans for CINA children in out-of-home placements. It said, “[d]etermining a permanency plan for a child who has been committed to an out-of-home placement is critical to a child’s long-term well-being. The permanency plan defines the intended

(continued)

In establishing a permanency plan, the court considers the factors specified in FL § 5-525(f)(1)(i) through (vi). CJP § 3-823(e). These 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)(i)–(vi).

There is a default permanency plan: reunification with the child’s parent or guardian. *In re I.Q.*, 264 Md. App. at 307. Thus, reunification is the priority when the Department recommends, and the juvenile court establishes, a permanency plan. *See, e.g.*, CJP § 3-823(e)(1)(i) & FL § 5-525(f)(2).¹⁷ But that priority gives way when a parent

permanent placement of the child and must be in the child’s best interests.” *In re K.B.*, ___ Md. ___, No. 052, Sept. Term, 2025, slip op. at 41 (June 22, 2026)(omitting citation). Here, the court held numerous permanency plan review hearings, establishing reunification as the plan for S.A. for three years, from August 2022 to August 2025, before determining a change would be in S.A.’s best interests.

¹⁷ In descending order of priority, the hierarchy of placement options is:

1. Reunification with the parent or guardian;
2. Placement with a relative for:
 - A. Adoption; or
 - B. Custody and guardianship under § 3-819.2 of this subtitle;

(continued)

“ha[s] yet to make enough progress that reunification [is] foreseeable and that prolonging the lack of permanency would be detrimental to [the child].” *See, e.g., In re M.*, 251 Md. App. 86, 125 (2021). In other words, the priority of reunification yields, as do all considerations in a CINA proceeding, to the best interests of the child. *Id.* at 123 n.10.

In *In re M.*, three-year-old M. was declared CINA due to neglect and removed from her parents’ custody. 251 Md. App. at 95–96. M.’s father had “a history of incarceration and unstable housing, with periods of homelessness and unemployment” and had “little contact” with M. during her first three years. *Id.* at 93, 95. After six years of “[o]bstacles and setbacks to reunification includ[ing] [M.’s f]ather’s multiple incarcerations, living situations, and failure to care for M. during unsupervised visitations in a safe manner[,]” the juvenile court ordered custody and guardianship to M.’s longtime caregiver, supervised visitation with her father, and closed the case. *Id.* at 93–94. Although M.’s father “contend[ed] that the juvenile court abused its discretion in failing

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3. Adoption by a nonrelative;
 4. Custody and guardianship by a nonrelative under § 3-819.2 of this subtitle;
or
 5. For a child at least 16 years old, another planned permanent living arrangement that:
 - A. Addresses the individualized needs of the child, including the child’s educational plan, emotional stability, physical placement, and socialization needs; and
 - B. Includes goals that promote the continuity of relations with individuals who will fill a lasting and significant role in the child’s life[.]

CJP § 3-823(e)(1)(i); *see also* FL § 5-525(f)(2).

to implement the statutory priority favoring parent reunification over custody and guardianship to a relative[.]” we concluded the juvenile court acted within its discretion in closing the case in a manner that did not reunify the child with her father. *Id.* at 124–25. There, we confirmed that permanency planning “begins” with the presumption that reunification is in a child’s best interests, but this presumption must align with or yield to the best interests of the child:

[T]he bedrock of CINA permanency planning is the “best interests of the child” standard. Although such planning begins with the presumption that reunification with parents is in a child’s best interests, that presumption may be rebutted when, as in this case, the court determines, after considering the statutory factors in FL § 5-525(f)(1), that “weighty circumstances” dictate that a different plan is in the child’s best interests.

Id. at 123 n.10 (internal citations omitted).

The juvenile court must change a child’s permanency plan “if a change . . . would be in the child’s best interest.” CJP § 3-823(h)(2)(vii). Determinations of a child’s best interest require a court to “assess the reality of the child[]’s circumstances and make findings accordingly.” *In re Ashley S.*, 431 Md. 678, 711 (2013). “In balancing fairness to the parent and fulfilling the needs of the child, the child prevails.” *Id.* at 719.

“[I]n situations where reunification may not be possible, the court may set a concurrent permanency plan and take concrete steps to implement both primary and secondary permanency plans[.]” *In re Z.F.*, 266 Md. App. 444, 453 (2025) (cleaned up). Nevertheless, the juvenile court must carefully scrutinize proposed concurrent plans that are “diametrically inconsistent” with each other, as these give “no real guidance” to the Department or the parents. *In re Karl H.*, 394 Md. 402, 422 (2006) (holding that

concurrent plans that call for “reunification or family placement . . . should not share the spotlight with a completely inconsistent court-approved plan of terminating parental rights, especially when the inconsistent plan calls for a TPR petition to be filed before the next scheduled review of the permanency plan”).

III. The juvenile court did not abuse its discretion in changing the permanency plan goals and eliminating the trial home visit.

A. Changing Permanency Plan Goals

Mother first argues that “the evidence was insufficient to change [S.A.’s] [permanency] plan away from reunification alone pursuant to the statutory factors.” Mother contends that the court failed to “acknowledge” that reunification with a parent “is the preferred permanency plan and should be granted priority when consistent with the child’s best interests.” Regarding the juvenile court’s analysis of the FL § 5-525(f)(1) factors, Mother repeats that “there was insufficient evidence to warrant changing the plan away from solely reunification.” We disagree and now review the juvenile court’s findings, and Mother’s challenges to them, factor by factor.¹⁸

FL § 5-525(f)(1)(i)

As to “the child’s ability to be safe and healthy in the home of the child’s parent” under Section 5-525(f)(1)(i), the court found that S.A. could not necessarily be safe in Mother’s home. Specifically, Mother’s mental illness had not been properly treated

¹⁸ Mother makes the same arguments as to both the August 2025 order and the January 2026 order. We surmise that this is because the court, in the second order, reiterated its FL § 5-525(f)(1) and CJP § 3-823(e)(2) findings from its first order. Thus, we take up Mother’s arguments as to both orders at the same time, using the findings and conclusions included in the court’s first order.

because she had failed to disclose relevant parts of her mental health history to the family therapist, that Mother lacked awareness about the risks of having facilitated contact between S.A. and her Father, and that S.A. feared returning to Mother. The court weighed this factor in favor of concurrent permanency plan goals:

While there have been no assertions of recent danger to the Respondent’s physical safety if placed with her Mother, there is concern from mental illness that is not properly treated. Mother’s Exhibit 1, which are [visit] notes from [a family therapy provider], states that the Mother reports no psychiatric history, no symptoms, no family history, and no history of trauma, whereas in fact such history does exist. The Court is also concerned by the Mother’s lack of awareness in facilitating contact between [S.A.] and her Father without notifying or discussing this with the Department, and without apparent consideration regarding the Father’s criminal history.

In addition, the child’s safety is not just physical safety. The child’s safety includes emotional safety. The child would not have emotional safety if placed with her Mother now. The Respondent expressed to the Court fear of returning to her Mother.

In an attempt to overcome this finding, Mother argues that “[t]here was no evidence of safety concerns for S.A. in her mother’s home[.]” She acknowledges that the family therapy notes “might reveal that [Mother] downplayed her distant history of mental illness during an intake for *family* therapy” but asserts that Mother has continued to treat her bipolar disorder with counseling and medication management since January 2021. She notes that S.A. has enjoyed unsupervised visits with Mother since 2022 and that no expert testified her regarding S.A.’s alleged lack of safety in Mother’s home. We disagree.

On appeal, we do not reweigh the evidence. Before the court was substantial evidence that S.A. would not be safe in Mother’s home. This was, as the juvenile court

outlined, that Mother was not forthright about her psychiatric history, her symptoms, her family history of mental illness, or her history of trauma; that disclosure of this history was necessary to treating Mother’s mental illness and resolving visitation issues with S.A.; that Mother had not appreciated the risk of S.A.’s contact with her Father or disclosed it to the Department; and that S.A. feared returning to her Mother. That Mother would have liked the court to weigh the evidence differently, or focus on other evidence, or draw different inferences from the evidence, are not sufficient reasons for us to disturb the court’s findings.

Aside from her sufficiency argument, Mother also argues that the court erred in considering S.A.’s *emotional* safety in evaluating “the child’s ability to be safe and healthy” in Mother’s home. Again, we disagree.

Plainly read, CJP § 3-823(e) and FL § 5-525(f)(1)(i) do not prohibit the court from considering a child’s emotional safety in determining whether a child can be “safe and healthy” in a parent’s home. One purpose of the CINA subtitle is “[t]o provide for the care, protection, safety, and *mental and physical* development of any child coming within the provisions of [the CINA] subtitle[.]” CJP § 3-802(a)(1) (emphasis added). Children are adjudicated CINA, i.e., come within the provisions of the CINA subtitle, if they have been “abused . . . [or] neglected” and their parent is “unable or unwilling to give proper care and attention to the child and the child’s needs[.]” among other bases. CJP § 3-801(f)(2). “Abuse” and “neglect” both include “mental injury” or “substantial risk of mental injury.” *See* CJP §§ 3-801(b)(2) and (t)(1). “Mental injury means the observable, identifiable, and substantial impairment of a child’s mental or psychological ability to

function.” CJP § 3-801(s). Here, because S.A. was adjudicated CINA, the juvenile court was charged with guiding S.A.’s “mental and physical development[,]” among other responsibilities. Accordingly, we see no error in the juvenile court’s consideration of S.A.’s “emotional safety” when it established a permanency plan to serve S.A.’s best interest. Doing so was part of the juvenile court’s responsibility to guide S.A.’s “mental and physical development.”

FL § 5-525(f)(1)(ii)

As to “the child’s attachment and emotional ties to the child’s natural parents and siblings” under Section 5-525(f)(1)(ii), the court found that while there was “some attachment” between Mother and S.A., that attachment was “not sufficient” to disrupt S.A.’s placement with Dr. K. The court concluded that this factor, too, weighed in favor of concurrent goals:

[T]here is some attachment between the child and her Mother; however[,] the child reports fear of returning to live with her Mother, and the attachment between child and Mother is not sufficient to disrupt the child’s placement where she has been living for nearly 4 years, nearly half her life.

Mother challenges this finding by arguing that while S.A. and Mother have not lived together since 2019, there have been many successful overnight and multi-day visits since 2022. Mother asserts that S.A. had, in the past, made positive statements about loving her visits and time with Mother and only made negative statements “that highlighted the economic advantages and resources” S.A. enjoyed at Dr. K.’s house.

Mother’s arguments are unpersuasive because they are inconsistent with our standard of review. In assessing whether the juvenile court clearly erred in making its

factual findings, we do not reweigh the evidence or substitute our judgment for that of the juvenile court by asking whether the evidence could have supported other factual findings. Below, there was evidence to support the court’s conclusion that S.A.’s attachment to Mother was “not sufficient” to warrant disrupting the placement with Dr. K. Specifically, the evidence showed that S.A. did not want to live with her Mother, and that interactions between S.A. and Mother were “distant” and unemotional. That the juvenile court could have focused on other, more-dated, evidence, i.e. successful overnights and multi-day visits since 2022, but did not, is not a basis on which to find clear error in the juvenile court’s factual findings.

Mother next argues that the court inappropriately shifted the burden to Mother when it stated that “the attachment between [S.A.] and Mother is not sufficient to disrupt the child’s placement where she has been living for nearly 4 years, nearly half her life.” We disagree.

In evaluating a permanency plan, the juvenile court must consider the FL § 5-525(f)(1) factors and choose a permanency plan that is “consistent with the best interests of the child[.]” CJP § 3-823(e). To do so requires a “balancing” of the considerations spelled out in these factors, *see Ashley S.*, 431 Md. at 719, including a consideration of the child’s emotional attachment to their natural parent and their current caregiver. Specifically, Section 5-525(f)(1)(ii) concerns “the child’s attachment and emotional ties to the child’s natural parents[.]” while Section 5-525(f)(1)(iii) looks at “the child’s emotional attachment to the child’s current caregiver” Thus, in its mandated consideration of these factors, the court did not “shift” any burden to Mother; instead, it

compared S.A.’s attachments and balanced S.A.’s attachment to Mother relative to her attachment to Dr. K. The court did not abuse its discretion in doing so.

FL § 5-525(f)(1)(iii)

As to “the child’s emotional attachment to the child’s current caregiver and the caregiver’s family” under Section 5-525(f)(1)(iii), the court found that this factor weighed against having reunification as a sole permanency goal. The court found that S.A. had a “strong and secure attachment” to Dr. K., saying:

The child has a strong and secure attachment to her foster parent, [Dr. K.]. The Court gives weight to the testimony of the bond between the Respondent and her foster parent.

Mother argues that this factor actually weighed in favor of reunification with Mother, because S.A.’s attachment to Dr. K. is “not wholly positive.” She points to the June 2025 report by the Department and a November 2024 report by the Department¹⁹ to suggest that, based S.A.’s separation anxiety when being away from Dr. K., S.A.’s attachment to Dr. K. makes it less likely that S.A. could reunify with Mother.

To the extent that Mother is arguing that the concurrent goals of custody and guardianship to a non-relative and reunification are improperly inconsistent, we disagree. To be sure, the juvenile court cannot order concurrent permanency goals that are “diametrically inconsistent” with each other, as these give “no real guidance” to the

¹⁹ Neither report was included in Appellant’s Appendix. The November 2024 report referenced by Mother was not entered into evidence at any of the relevant hearings, and, thus, the court was not in error to not rely on the information therein. The June 2025 report cited by Mother states: “[S.A.] continues to have a very secure attachment to Dr. K[.], to which she becomes highly distressed when she is away from her for long periods of time.” Although Mother looks at this comment as a negative, the court did not do so.

Department or the parents. *In re Karl H.*, 394 Md. at 422. Here, however, the goals of custody and guardianship to a non-relative and reunification are not “diametrically inconsistent” if for no other reason than custody and guardianship to a non-relative does not work a termination of Mother’s parental rights. In fact, the court ordered services that continued to work toward reunification, such as family therapy for Mother and S.A., a parent coach for Mother “directed toward parenting a child with [S.A.]’s needs[,]” and individual therapy for both Mother and S.A.

Mother also contends: “If bonding with the foster resource were the dispositive factor, no child would ever be returned to their parent.” But this factor was not dispositive. The court weighed its findings under this factor in conjunction with the other factors. And we have found no error or abuse of discretion in the court’s other findings.

FL § 5-525(f)(1)(v)

As to “the potential emotional, developmental, and educational harm to the child if moved from the child’s current placement” under FL § 5-525(f)(1)(v),²⁰ the court weighed this factor toward a plan that would allow S.A. to remain with Dr. K. The court found that moving S.A. from Dr. K.’s home would cause her harm, specifically that:

there would be emotional harm to the Respondent if moved from the Respondent’s current placement. The Court gives weight to the testimony regarding the Respondent’s bond with her foster parent, and to the child’s statements to the Court about wanting to stay with [Dr. K.].

²⁰ Mother does not challenge the court’s finding regarding “the length of time the child has resided with the current caregiver” under Section 5-525(f)(1)(iv).

In attempt to overcome this finding, Mother does not appear to contest that S.A. wants to remain with Dr. K. or that there would be emotional harm to S.A. if she were removed. Instead, Mother argues that there would be harm to S.A. by remaining with Dr. K., harm that the court’s finding does not account for. Mother misreads FL § 5-525(f)(1)(v).

Plainly read, the focus of FL § 5-525(f)(1)(v) is not what harm the child may suffer by remaining in their current placement.²¹ Indeed, FL § 5-525(f)(1)(v) focuses on the “harm to the child *if moved from the child’s current placement.*” (Emphasis added.) Here, the evidence showed, and Mother does not dispute, that S.A. would have been harmed by being removed from Dr. K.’s home. We see no clear error or abuse of discretion in that finding.

FL § 5-525(f)(1)(vi)

As to “the potential harm to the child by remaining in State custody for an excessive period of time” under FL § 5-525(f)(1)(vi), the court also weighed this factor in favor of changing the permanency plan. The court found that the delay in permanency caused S.A. stress, and moving toward concurrent goals including a plan of custody and guardianship, would move S.A. toward permanency. The court said:

[T]here is harm to the child from remaining in State custody for an excessive period of time. The child has been in care for over 6 years. The lack of certainty and stability for the child, and the ongoing court case, causes the child great anxiety. The emotional toll from delaying permanency for the child is too much. The Court gives weight to the testimony of the Respondent’s physical reaction to the stress of speaking with the Court at the

²¹ Instead, such considerations come in, conversely, with FL § 5-525(f)(1)(vi), “the potential harm to the child by remaining in State custody for an excessive period of time.”

June 13, 2025 hearing. The plan of custody and guardianship to her foster parents can be achieved soon. Building and improving the relationship between the Respondent and her Mother will take time. Effectuating permanency for the child with her current foster parent is the proper and timely way to give the child permanency and enable her to exit state custody.

In attempt to overcome this finding, Mother argues that the court failed to “acknowledge” the reunification with a parent takes priority over other permanency plans. Mother points out, “[t]he length of time a child spends in substitute care is only one factor of the court’s analysis.” According to Mother, the court abused its discretion in making this finding. We disagree.

Here, the court did prioritize reunification in S.A.’s case until, as in *In re M.*, Mother’s “parental priority and preferences were outweighed” by the evidence that reunification is not S.A.’s best interests. *See* 251 Md. App. at 126. Just like the father in *In re M.*, Mother “enjoyed the benefits of a reunification plan throughout these CINA proceedings” and she “received services from the Department,” which she did, and does not, dispute amounted to reasonable efforts to implement that reunification plan. *See id.* at 125. Despite these services and reasonable efforts, Mother failed to secure reunification, even during the three years (August 2022 to August 2025) when reunification was the sole permanency plan. The court *did* prioritize reunification, but Mother failed to do the same, continuing to demonstrate a reticence with mental health treatment, with her daughter’s visitation, and with the Department. Under these circumstances, we perceive no error or abuse of discretion in the juvenile court’s decisions to change the permanency plan away from a sole plan of reunification and then to a sole plan of custody and guardianship to Dr. K.

B. Home Visit

At the August 2025 hearing, the court concluded the trial home visit was not in S.A.’s best interests, for the same reasons it concluded that reunification as the sole permanency plan goal was not in S.A.’s best interests. Specifically, the court found:

The child has been in care for over 6 years. The lack of certainty and stability for the child, and the ongoing court case, causes the child great anxiety. The emotional toll from delaying permanency for the child is too much. The Court gives weight to the testimony of the Respondent’s physical reaction to the stress of speaking with the Court at the June 13, 2025 hearing. The plan of custody and guardianship to her foster parents can be achieved soon. Building and improving the relationship between the Respondent and her Mother will take time. Effectuating permanency for the child with her current foster parent is the proper and timely way to give the child permanency and enable her to exit state custody.

In an attempt to overcome this finding, Mother argues that eliminating the home visit was against S.A.’s best interest, particularly in light of the fact that the permanency plan included reunification as a goal.²² According to Mother, she was “denied the only service and opportunity which would move her closer toward having her family again” and toward the permanency plan of reunification. Again, we disagree.

What services a family receives from the local department is a function of what permanency plan is in place for a child. Indeed, a child’s permanency plan determines what services the local social service department must provide the family, as well as what commitments the parents and child must make. *Damon M.*, 362 Md. at 436 (“Services to be provided by the local social service department and commitments that must be made

²² The trial home visit had been included in the permanency plan orders since January 2023 and had been recommended with a specific deadline by the magistrate in the June 2025 hearing.

by the parents and children are determined by the permanency plan.”). Here, the trial home visit, i.e., part service, part commitment, was eliminated only after the juvenile court concluded that reunification would no longer be S.A.’s sole or primary permanency plan. Because we have found no clear error or abuse of discretion in the permanency plan change that prompted the elimination of the trial home visit, we, similarly, find no clear error or abuse of discretion in the decision that followed, i.e. to eliminate the trial home visit.

III. The juvenile court did not abuse its discretion in ordering that S.A. not be forced to visit with Mother and that S.A. be allowed to decline such visits.

Mother argues that the court improperly delegated the visitation decision to a non-judicial person—S.A.—in allowing S.A. to refuse visits with Mother. Specifically, Mother points out that courts may not delegate visitation decisions to non-judicial persons and that this non-delegation principle applies to children. She asserts that the court erred as a matter of law in granting Mother visitation while allowing S.A. “full discretion to refuse those visits.” We disagree.

“In determining visitation, the [juvenile] court is required to consider the best interests of the child, and therefore, visitation may be restricted or denied when the child’s health or welfare is threatened.” *In re J.J.*, 231 Md. App. 304, 347 (2016), *aff’d*, 456 Md. 428 (2017). This is “[b]ecause visitation generally is awarded to non-custodial parents not for their gratification or enjoyment, but to fulfill the needs of the child.” *Boswell v. Boswell*, 352 Md. 204, 221 (1998). We review the juvenile court’s findings of fact for clear error and its visitation decisions for abuse of discretion. *In re G.T.*, 250 Md.

App. 679, 698–99 (2026). We “will not disturb such decisions ‘unless there has been a clear abuse of discretion.’” *Id.* at 698 (quoting *Billy W.*, 387 Md. at 698).

Where a child does not wish to visit with their parent, the juvenile court need not ignore the child’s wishes. Instead, the juvenile court may consider the child’s wishes as a factor in making a visitation determination. *In re G.T.*, 250 Md. App. at 700 (affirming the juvenile court’s visitation determination where the court gave “great weight” to the child’s wishes but those “wishes were not the only factors that the court considered”). *See also* Code of Maryland Regulation (“COMAR”) 07.02.11.05(C)(7)(c) (indicating the Department is responsible for implementing a visitation plan that “[d]oes not force a child to participate in visitation but refers the child to a therapist for assistance in resolving the visitation issues[,]” among other responsibilities). Considering the child’s wishes as a factor in determining visitation, even according the child’s wishes “great weight,” is not tantamount to completely delegating the visitation determination to the child. *In re G.T.*, 250 Md. App. at 700 (“Our review of the judge’s oral findings and her later written order makes it clear that the court used G.T.’s wishes as a factor and that it did not delegate its authority to G.T.”).

We see no abuse of discretion in the juvenile court’s determination that S.A. was not to be forced to visit with Mother and that S.A. could decline a visit with Mother. The court’s findings make clear that the court only used S.A.’s wishes as a factor in its decision. Indeed, the court also placed weight on the testimony and recommendation of S.A.’s therapist. Specifically, the court said:

She still needs to be in therapy. That’s going to take a while for her to feel safe, emotionally, living with her mother and spending the night.

. . . S.A. should not be forced to visit. And maybe being told in a therapeutic setting that she has a choice may make her feel more comfortable or more ready to say yes, I want to visit my mom, but right now the emotional toll is too much for this Court to place on this child.

Moreover, S.A. does not have unfettered discretion to deny visitation. Read in its entirety, the juvenile court’s order afforded S.A. the ability to decline visitation on a visit-by-visit basis, not generally. The order said that S.A. “may decline *a* visit with her Mother.” (emphasis added). The court also ordered family therapy for Mother and S.A. when therapeutically recommended and individual therapy for S.A. ., including trauma-focused cognitive behavioral therapy. Taken together, these provisions for therapy indicate that the court was anticipating, if not expecting, that as therapy progressed, S.A.’s feelings toward her Mother could well change.²³ The “a visit” provision was such that as therapy progressed, S.A. could revisit her feelings about each visit rather than stand on a blanket rejection of all visits. In other words, allowing S.A. to decline “a visit,” rather than all visits, was consistent with the court’s expectation.²⁴

To the extent that Mother argues that the juvenile court improperly delegated its authority to a nonjudicial party or agency, we see no such delegation. The juvenile court ordered that Mother have liberal and supervised visits “by agreement of Mother and

²³ In this regard, the juvenile court said, “And maybe being told in a therapeutic setting that she has a choice may make her feel more comfortable or more ready to say yes, I want to visit my mom, but right now the emotional toll is too much for this Court to place on this child.”

²⁴ Between the August 2025 hearing and the December 2025 hearing, three visits occurred between S.A. and Mother. Thus, S.A. did not decline all visits with Mother.

[S.A.]” and that “[S.A.] is not to be forced to visit with her Mother, and [S.A.] may decline a visit with her Mother.” For the reasons above, we see no abuse of discretion in this visitation arrangement.

**JUDGMENT OF THE CIRCUIT COURT
FOR PRINCE GEORGE’S COUNTY
AFFIRMED; COSTS TO BE PAID BY
APPELLANT.**