Circuit Court for Montgomery County
Case Nos. 06-I-20-000070, 06-I-20-000071

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 1478

September Term, 2025

IN RE: M.P. & E.P.

Graeff,
Tang,
Raker, Irma S.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Graeff, J.

Filed: March 23, 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 persuasive value only if the citation conforms to Md. Rule 1-104(a)(2)(B).

This appeal arises from an order issued by the Circuit Court for Montgomery County, sitting as a juvenile court, which changed the permanency plans for minor siblings, M.P. and E.P.,[1] each of whom was adjudicated a child in need of assistance ("CINA").[2] The order changed the permanency plan from reunification with Ms. P. ("Mother") concurrent with custody and guardianship to custody and guardianship for M.P. and adoption to a non-relative for E.P.

On appeal, Mother presents the following issue for our review, which we have modified slightly, as follows:

> Did the juvenile court err in changing the permanency plans for each child away from reunification with Mother?

For the reasons set forth below, we shall affirm the judgments of the circuit court.

FACTUAL AND PROCEDURAL BACKGROUND

M.P. was born to Mother and O.D. in February 2011. E.P. was born to Mother and G.L. in November 2017. The children's fathers were not involved in the case below or on appeal.

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[1] In the interest of privacy, we will refer to the children and their family members by their initials.

[2] A "CINA" is a child whom the court has determined requires court intervention because he or she has been abused or neglected, or has a developmental disability or mental disorder, and whose parents, guardian, or custodian either cannot or will not "give proper care and attention to the child and the child's needs." *In re J.J.*, 456 Md. 428, 432 n.1 (2017) (quoting Md. Code Ann., Cts. & Jud. Proc. ("CJ") §3-801(f) (2025 Supp.)), *cert. denied sub nom.*, E.B. v. Wicomico Cnty. Dep't of Soc. Servs., 586 U.S. 821 (2018).

In January 2018, the Montgomery County Department of Health and Human Services ("the Department") received a report that Mother was observed hitting, slapping, and punching M.P. Mother admitted to flicking M.P. in the ear and threatening her. She also admitted to spanking M.P. M.P. stated that Mother sometimes would hit her with a hanger and threw objects at her when Mother was upset.

In July 2019, there was another incident, and when the police responded to the home, M.P. stated that Mother punched her, slapped her, and struck her with a candlestick. M.P. had red linear marks on her thighs, a welt above her right eye, and red marks on her ear. Mother stated that M.P. kicked her, and she hit M.P. with a candlestick in response. Mother stated that she struggled to manage M.P.'s behaviors and M.P. had behavioral difficulties at school.

In July 2020, the police again responded to the home. They observed that M.P. had marks on her face, red marks and bruising on her neck, and a swollen left forearm. Mother was not present in the home, but she reportedly caused M.P.'s injuries. M.P. and E.P. were transported to the Montgomery County Police Department Special Victims Investigations Division (SVID). The Department began a joint child physical abuse investigation with the SVID unit.

During M.P.'s forensic interview, she stated that Mother was upset with her for watching YouTube on her phone in the morning that day.[3] Mother slapped M.P., hit her

[3] In a previous assessment, Mother mentioned that M.P. watching adult content on YouTube was a problem.

with frying pans and a foil pan, attempted to hit her with the tube of a vacuum but was unsuccessful because it broke, pinned M.P. between the wall and door, stepped on her chest, hit her with the butt of a knife, and threatened to stab her. Mother broke several objects when she used them to strike M.P. Mother hit M.P. in the mouth and caused her to bleed. M.P. reported that Mother threatened to leave her on the streets and told her that if she did not want to be killed, she had to go.

When Mother was interviewed, she admitted to attempting to hit M.P. with a frying pan and vacuum, as well as brandishing a knife at M.P. and causing M.P.'s mouth to bleed. Mother denied choking M.P., but she admitted that she yanked M.P. tightly by the collar.

M.P. and E.P. were then transported to Adventist HealthCare Shady Grove Medical Center for forensic medical evaluations and placed in foster care. Mother was charged with 1st Degree Assault and 2nd Degree Child Abuse, and detained at the Montgomery County Correctional Facility.

On July 8, 2020, the Department filed a petition, asking the court to find M.P. and E.P. to be CINAs. The petition included allegations that Mother physically abused M.P. and neglected both children.

On August 4, 2020, a hearing on the CINA petition was held. Mother did not object to the allegations in the CINA petition, but she did not admit anything. The court sustained the facts alleged in the CINA petition and found the children to be CINA. The court committed both children to the Department. It stated that, while Mother was incarcerated,

she would have supervised in-person visitation with the children at a minimum of once a month.

On December 7, 2020, in preparation for the first CINA review hearing, the Department filed a report indicating that, although Mother was eager to speak to E.P., her conversations with M.P. had been unhealthy and inappropriate.[4] Mother began working with a parenting coach, but she was not receptive to the information she received.

At the December 15, 2020 review hearing, the Department recommended a permanency plan of reunification. The court agreed, noting that Mother was willing to participate in services, but she was not receptive to the recommendations of the parenting coach. The court found that the children were still CINA and out-of-home placement was necessary.

On May 3, 2021, a permanency plan hearing was held. Prior to the hearing, the Department submitted a report advising that Mother suspended her virtual calls with M.P. from the end of December 2020 to the beginning of February 2021. On March 31, 2021, Mother informed the Department that she wished to indefinitely suspend her virtual contact with M.P. The Department reported no concerns about Mother's interaction with E.P., but Mother continued to have inappropriate interactions with M.P. She was making negative comments about M.P.'s appearance, which negatively affected M.P. Mother did not understand how her behaviors negatively impacted M.P. emotionally. Mother was still

[4] The court must conduct a review hearing six months after the filing of a CINA petition in order to make certain findings regarding the safety of the child and the progress of the case. Md. Code Ann., CJ §3-816.2 (2020 Repl. Vol.).

working with a parent educator, but Mother opposed her advice and stated that it did not work for individuals of certain ethnic backgrounds, including her. The Department recommended that M.P. and E.P. continue to be found CINA, and the permanency plan remain reunification.

The court found that the children could not be safe in Mother's home, and the permanency plan remained reunification. Although Mother was willing to participate in services, she could not begin the majority of those services until after her criminal matter was resolved. The court found that E.P. was "attached to his foster parents and they had built a positive relationship with him," the potential harm to the children was high if they were removed from their placements, and the children "would be harmed if they remained in state custody for an excessive period of time."

On October 19, 2021, the court held the next permanency review hearing. In its report, the Department advised that there were concerns about how Mother interacted with M.P., noting that M.P. had refused to participate in three virtual visits and M.P.'s placement suspended their visits due to Mother's hostile behavior. The Department noted that during Mother's calls with E.P., she was often distracted, surrounded by family members, and allowed family members to speak with E.P., despite the court order restricting her from doing so.

At the October 19, 2021 review hearing, the Department recommended, and Mother agreed, that the permanency plan of reunification should be continued. The court agreed and the permanency plan remained reunification. The court found that out-of-home

placement was still necessary despite Mother continuing to engage in services to mitigate the concerns that brought the children into state custody. Mother's interactions with M.P. seemed to improve dramatically when Mother restarted parenting education with a new educator.

On March 24, 2022, the court held a status hearing. The Department recommended, and Mother agreed, that the permanency plan of reunification should be continued. Mother requested in-person visitation with the children, subject to the restrictions of her criminal matter. In its report, the Department advised that Mother and M.P.'s interactions had greatly improved, as had M.P.'s behavior in her placement. The Department stated, however, that Mother continued to disparage M.P.'s placement to M.P. and was often distracted in her virtual visits with E.P. The court found that Mother had better visits and positive interactions during the review period. It noted that Mother pleaded guilty in her criminal case on March 10, 2022, and she would be sentenced on May 3, 2022.

On June 22, 2022, the court held another permanency planning review hearing. The Department reported that, following her sentencing hearing, Mother had separate in-person visits with the children. Mother had her psychological evaluation scheduled for July 19, 2022. Mother's interactions with M.P. continued to improve, but she had a few incidents of tardiness and inappropriate behavior. Mother was supposed to contact the Department to schedule additional in-person visits with M.P., but the Department's social worker had not heard from her. Mother arrived late to most in-person and virtual visits with E.P. The court continued out-of-home placement and reunification as the permanency plan.

On November 22, 2022, the court held another permanency planning review hearing. In its report, the Department advised that Mother refused to have any visits, virtual or in-person, with M.P. The Department stated that, if Mother continued to refuse visitation with M.P. or if there were no improvements, it would request a change to the permanency plan. It requested another permanency planning review hearing in three months. During this review period, Mother traveled out of the country for approximately two months and did not contact the Department or the children. Mother did not show up to her scheduled psychological evaluation, but she rescheduled her appointment and completed the evaluation in September 2022. After returning to the country, Mother met with her parenting educator a few times, but her parenting educator had not heard from her since September 2022. In September 2022, Mother had two in-person visits with the children that resulted in Mother and M.P. arguing and required the Department to step in to de-escalate the situation. During the reporting period, Mother arrived 30 minutes late to a visit with E.P., failed to show up to another, and did not confirm her visit beforehand as requested.

During the hearing, Mother requested that all visits be virtual during the holidays to accommodate her seasonal employment. Mother stated that, while she was out of the country, she was not on vacation; she was taking care of her sick brother and did not have Wi-Fi. The court continued the permanency plan as reunification and set the next hearing for five months, pending the result of Mother's psychological evaluation.

Before the next hearing, the Department reported that Mother had made minimal progress with her court-ordered services and had issues with visitation. Mother failed to confirm her visits with E.P. seven times and with M.P. nine times. Mother confirmed five visits but did not show up. During the review period, Mother engaged with her parent educator a few times, but the phone calls were inconsistent because of her work schedule and then the program shut down.

At the May 9, 2023 review hearing, the Department recommended, and Mother agreed, to continue the permanency plan of reunification. The Department noted that there should be significant progress by the next hearing, or it would ask for a concurrent or different permanency plan moving forward. The Department and Mother stated that reunification may proceed more quickly with one child than the other. The court found that the children remained CINA and continued the permanency plan of reunification.

On October 18, 2023, the court held another review hearing. In its submitted report, the Department advised that Mother had made some progress with her court-ordered services. Mother and M.P. attended a family therapy session, but they got into an argument and the session was cut short. The Department recommended that Mother and E.P. engage in unsupervised visits as there was "no future likelihood of abuse and neglect." The Department encouraged Mother to engage in family therapy with E.P., but Mother declined, stating that she had no issues with E.P. and was not court-ordered to participate in therapy with him. The Department recommended that Mother and M.P. participate in loosely supervised visits as it was already occurring and had mostly gone well.

At the October 18, 2023 hearing, M.P.'s attorney and Mother requested that Mother have once a month unsupervised visits off campus with M.P. Mother also requested that the Department help transition E.P. to overnights with her, which the Department opposed. The court found that out-of-home placement was still necessary, and the permanency plan would continue to be reunification. It ordered Mother to have weekly two-hour unsupervised visits with E.P., with the goal to increase the length of those visits as time progressed, and weekly one-hour unsupervised visits with M.P. The court set a non-statutory review for January 2024 to review the terms of Mother's visitation.

On January 24, 2024, the court held a non-statutory review hearing. The Department reported that, during the prior 90-day period, Mother's visits with M.P. had gone well, but Mother arrived late and left late on multiple occasions. Despite being ordered to attend family therapy with M.P. as soon as possible, Mother had not attended any of the numerous attempted family therapy sessions.[5] During October and November 2023, Mother's visits with E.P. went well, despite there being small issues with tardiness and accommodations. At the beginning of January 2024, E.P. indicated that he did not want to see Mother and

[5] Mother requested, and was given, documentation to provide to her employer, which stated that she was required to attend family therapy sessions. M.P.'s therapist provided Mother a cab confirmation for every in-person family therapy session, but Mother did not show up. On a few occasions, Mother confirmed her attendance, claimed that she was running late, and eventually did not show up. M.P.'s therapist suggested zoom sessions and those were unsuccessful as well.

hid from his foster family to prevent them from dropping him off to see Mother.[6] The Department decided to go back to four-hour visits until E.P. felt better. The Department also reported that E.P. was exhibiting problematic sexual behaviors, including asking girls his age to pull their pants down or doing it himself. With the help of the Department, E.P.'s foster parents were in the process of getting E.P. age-appropriate assistance. E.P.'s school counselor reported that Mother and E.P.'s visits had been impacting E.P. at school and limited his availability for learning.

The Department opposed expanding Mother's visitation with M.P. beyond supervised visits because family therapy had not occurred during the review period. The children's attorney requested that Mother engage in therapy with E.P. to work through his anxious feelings about her and that Mother's visits with E.P. remain four hours or less per visit. Mother requested that family therapy with M.P. be moved from Rockville to somewhere closer to Baltimore to make it more feasible for her work schedule. Mother also asked the court to select a different therapist for family therapy with E.P., one who was closer to her. The court clarified that M.P.'s therapist had suggested therapy be virtual, and virtual therapy would be explored for E.P. The court stated that it was given no information to make any changes, but it wanted more information regarding

[6] After his six-hour visit with Mother, E.P. reported that Mother was on the phone speaking loudly, and he wanted to use the restroom, but he did not want to tell her. By the time he told her he wanted to use the restroom, he had already had an accident. Mother yelled at him. After his 12-hour visit with Mother, E.P. reported that Mother was very angry and scared him. E.P.'s foster parents reported that he had shown signs of heightened anxiety since that visit.

communication between Mother and the therapists. The court stated that Mother had the responsibility of emailing the children's therapists and informing them of her availability.

On April 2, 2024, the court held a permanency plan review hearing. In its report, the Department noted that Mother had made some progress with her court ordered services, including individual therapy, parenting intervention, and family therapy with M.P. Although Mother attended three family therapy sessions with M.P., M.P.'s therapist reported that little process had been made, noting that Mother had not expressed regret over the incident that brought M.P. into the Department's custody. Mother's psychological evaluation revealed the following:

> Due to her strong need for control and fragile self-esteem, [Mother] is easily frustrated, especially in situations where she is not able to maintain control of the people or situation in her environment. [Mother] has historically reacted to these situations through outbursts of verbal and physical anger, particularly toward [M.P.]. Due to her inflexibility and low self-awareness, [Mother] expects the children to submit to exactly her way of doing things, and there is little to no leeway for mistakes or misbehavior. Harsh punishment was historically administered to [M.P.] because "she should have known better." She has responded to negative feedback or behavior by the children through emotional rejection (e.g., refusing to visit). [Mother] views corporal punishment as an appropriate means of bringing children's behavior back under her control. She sees little value in positive reinforcement and engaging in warm and supportive interactions. She has a high likelihood of continuing to engage in physical discipline.

The Department would not recommend unsupervised visits between Mother and M.P. unless Mother took responsibility for her abusive behavior toward M.P. and improved her level of empathy for M.P.

The Department was concerned that Mother's boyfriend was often present during her visits with E.P. and that her boyfriend encouraged E.P. to act in a sexually inappropriate

manner as a joke.[7] When the Department spoke with Mother, she denied E.P.'s claims and stated that he was lying like his sister.

The court asked the Department why it was continuing to recommend reunification when, at that time, the children had been in custody for 45 months. The Department stated that it continued to recommend reunification because Mother was engaging in some of the things needed and there were delays at the beginning of the case due to Mother's pending criminal case and COVID-19. The children's attorney stated that a concurrent plan would make sense, considering how slow family therapy had been. Mother requested that E.P.'s visits be expanded, moving towards overnight visitation. Mother additionally requested that the court find that there was no further likelihood of abuse or neglect of M.P., so Mother and M.P. could start having unsupervised off-campus visits. The court stated that it struggled with the Department's recommendation of reunification solely, but it would allow all the parties one more chance to work towards that goal before it changed the permanency plan.

On September 5, 2024, the court held another permanency plan hearing. In its report, the Department recommended that the children's permanency plans be changed to a concurrent plan of reunification with Mother and custody and guardianship to non-relatives. The Department reported that Mother made slight progress with her court-ordered services. Over the five-month review period, Mother and M.P. were scheduled for

[7] E.P.'s foster parents found money in E.P.'s pocket. E.P. stated that Mother's boyfriend gave it to him to slap Mother's butt while she was sleeping.

weekly family therapy sessions, but only six occurred.[8] M.P.'s therapist reported that Mother did not communicate when she was going to miss sessions, and minimal progress had been made due to the inconsistent attendance. M.P.'s therapist also reported that Mother had been dismissive and inflexible during therapy, and she used the sessions to voice her grievances with M.P.'s placement. After the last hearing, M.P. reported that Mother yelled at her for what she said in court. M.P. stated that she was not ready for unsupervised visits or to live with Mother. The Department requested the court to find that there was no future likelihood of abuse and neglect to occur during visitation with M.P. because the Department wanted to encourage Mother and M.P. to interact more. The Department recommended that Mother and M.P. have unsupervised visits, occurring gradually, in accordance with the rules of M.P.'s placement.

Mother and E.P. had begun working towards family therapy sessions by starting to meet individually with E.P.'s new therapist. E.P.'s therapist reported that Mother expressed enthusiasm for starting family therapy, but E.P. continued to show signs of anxiety, impulsivity, and emotional reactivity. Mother and E.P. continued to have unsupervised visits, but Mother frequently was late, made last-minute changes, and on occasion, failed to show up without notice.

[8] M.P.'s therapist was on vacation for one week in June and July. M.P. went to her previous treatment foster parents for three weeks, which partly overlapped with Mother being on vacation for three weeks. M.P. also had field trips scheduled, and Mother did not want to reschedule the missed appointments from those days.

At the hearing, the Department and the children's attorney requested that the permanency plan be changed to add concurrent plans of custody and guardianship to a non-relative for both children. Mother opposed changing the permanency from reunification to a concurrent plan. She requested a minimum of four-hour weekly visits with E.P. and unsupervised, off-campus visits with M.P., beginning with community visits and then transitioning to visits in the home. She stated that, given E.P.'s emotional attachment to his foster parents, she spoke to E.P.'s foster parents about them becoming godparents to E.P. because she did not want to take him away from the relationships he had built.

The court found that it was in the best interest of the children to change the permanency plan to a concurrent plan of reunification and custody and guardianship to a non-relative. The court found that there was no further likelihood of abuse or neglect of M.P. and ordered Mother to have unsupervised visits with M.P. It ordered Mother to have four-hour weekly visits with E.P., stating that it was not in E.P.'s best interest to order more than four hours per week at that time.

On February 4, 2025, the court held another permanency plan review. The Department reported that Mother continued to participate in visitation with E.P., but E.P. remained uneasy about his visits with Mother. During this reporting period, Mother showed progress in her ability to communicate with E.P.'s foster family and her timeliness. Mother and E.P. had not begun family therapy because E.P. was still adjusting to his new therapist, but Mother continued to have individual sessions with E.P.'s therapist. The Department recommended that Mother have a weekly minimum of six-hour visits with E.P. Mother

continued to participate in visits with M.P., but she was less consistent since October 2024. Due to the limited availability of space at M.P.'s placement, Mother and M.P.'s visits had moved to off-campus visits shortly after the last hearing. Mother and M.P. reported that their visits were going well, but M.P.'s therapist was not convinced because, although they had similar responses during family therapy, M.P. shared concerns during her individual sessions.

On October 23, 2024, M.P.'s school principal contacted the Department, Mother, and the police because M.P. left school during lunch and had not returned. On October 26, 2024, Mother accessed M.P.'s social media account and then contacted M.P.'s previous foster parents' nephew, who was still in contact with M.P. The nephew alerted M.P., and M.P. changed her password, returned to her placement, and had a heated exchange with Mother. M.P. subsequently refused to participate in family therapy, and when she did participate, the sessions were explosive. M.P.'s therapist reported that Mother was incapable of letting go of what M.P. said to her during their heated exchange and blamed and shamed M.P. about her departure. From the end of October 2024 to the beginning of January 2025, Mother and M.P. had a strained relationship and inconsistent visits. On January 9, 2025, Mother requested more time with M.P., and M.P. indicated that she was comfortable with eight-hour visits on Saturdays and Sundays. Throughout the review period, Mother and M.P. continued to attend family therapy sessions, but they frequently involved heated exchanges. Mother and M.P. did not attend family therapy in January because M.P.'s therapist believed that there had been poor progress and they needed a

break. The Department explored external therapist options for Mother and M.P., and after completing their evaluations, Mother and M.P. were waiting to be assigned a therapist. The Department recommended that Mother have weekly eight-hour visits with M.P., limiting E.P.'s joint attendance to twice a month

At the February 4, 2025, permanency plan hearing, the children's attorney disagreed with the Department's recommendation to limit the times the children visited Mother together. The children's attorney requested that the visitation order include overnight visits, when appropriate. Mother agreed with the children's attorney and stated that she wanted to work with E.P.'s foster family to coordinate extended and overnight visits around his weekend practices. M.P.'s attorney requested that Mother and M.P. engage in three to four consecutive weeks of family therapy before moving to one overnight visit. The court continued the concurrent permanency plan of reunification and custody and guardianship to a nonrelative. The court ordered Mother to have weekly unsupervised six-hour visits with E.P., increasing over the review period to potentially include overnights. The court ordered Mother to have weekly unsupervised eight-hour visits with M.P., increasing over the review period to potentially include overnights.

On July 15, 2025, the parties appeared for a three-hour permanency plan hearing. Mother appeared with new counsel, who was standing in for two other attorneys who regularly handled the case, both of whom were ill. Mother's counsel requested a postponement, stating that she did not have any information that would be sufficient to provide Mother with effective representation. The court granted the request, noting that

"this is probably going to be a sensitive hearing and a contested hearing requiring the full three hours we had devoted for it today." The court proposed rescheduling the hearing for two weeks, but Mother's counsel responded: "I don't know if that would be adequate, Your Honor, because I believe that it's going to be contested, and that [counsel] will have to get up to speed and prepare herself for this case." The court rescheduled the three-hour review hearing for August 15, 2025.

On August 15, 2025, the court held the rescheduled permanency plan review hearing. In its July 3, 2025 report, submitted to the court, the Department recommended reaffirming the concurrent permanency plan of reunification and custody and guardianship to non-relatives for both children. Although Mother had made progress with her court-ordered services, little progress was made in her engagement with E.P. and M.P. From February to May 2025, Mother had consistent visits with M.P., including multiple overnight visits. During that time, M.P. described her visits with Mother as "fine."

On May 11, 2025, however, the following incident occurred:

> [M.P.] wanted to go out with a family friend while her mother had dinner with her boyfriend, but her brother, [E.P.], was unwilling to join them. According to [Mother], she left for dinner, leaving [M.P.] and [E.P.] at home. [M.P.] suggested walking or taking the bus to visit their family friend, Ms. Love, but her mother insisted on Ms. Love picking them up. When Ms. Love arrived, [M.P.] asked [Mother] if she and [M.P.] could join Ms. Love for church, but according to [Mother], she declined, stating she needed to drop [E.P.] off by a specific time. [M.P.] indicated that her mother agreed. She felt frustrated, particularly since the incident occurred on Mother's Day, highlighting her perception that her mother prioritized time with her boyfriend over family obligations and the court ordered visitation.
>
> The situation escalated into a verbal argument, with [Mother] reportedly using harsh language. When [Mother] arrived at her complex, neither [M.P.]

> nor [E.P.] was present initially, but they soon returned with Ms. Love. [M.P.] had contacted her therapist during this time, and the call deteriorated into an argument. [M.P.] experienced a panic attack during the confrontation, and [M.P.'s therapist] reported that [Mother] was dismissive. [M.P.'s therapist] heard [M.P.] screaming as she walked across the street. Eventually, [Mother] called the police, and they came to the scene. [M.P.] was evaluated by EMS; she was later transported back to [her placement] by [Mother] without further communication occurring between them during the ride.

Following this incident, M.P. expressed concerns about Mother's behavior during visits, including Mother's boyfriend "being present in the home, perceived meanness, differential treatment between her and her brother, and feeling ignored or blamed for minor issues." M.P. reported that she felt uncomfortable hearing Mother and Mother's boyfriend engage in intimate activities in the home. When visiting Mother, M.P. would sleep on the floor while E.P. slept on the couch. Mother and M.P. were not in contact from May 11, 2025 to June 14, 2025, when Mother contacted M.P. to schedule a visit the following weekend. Before approving the visit, M.P.'s therapist requested that M.P. and Mother have a discussion, which took place on June 20, 2025. The discussion ended poorly and involved yelling, resulting in M.P. stating that she did not want to visit Mother anymore. Mother and M.P. did not meet again during this reporting period.

After the first overnight with Mother, involving the May 11 incident, E.P. reported that he did not want to have overnight visits with Mother. Before his visits with Mother, E.P. experienced visible anxiety, including stomachaches, crying, and throwing himself down on the ground. After his visits with Mother, E.P. would often lash out for one to two days, "experiencing emotional outbursts, avoidant behaviors, increased anxiety, physical symptoms, behavioral regression, and defiance or aggression toward [his foster family],

along with sleep disruption and negative self-talk." In July 2025, E.P.'s camp reported an incident where E.P. was found climbing the wall higher than the allowed limit, and when he was told that it was unsafe, E.P. stated: "If I die, I die. No one will care." Mother's relationship with E.P.'s foster parents had deteriorated as Mother failed to follow visitation schedules and accused them of sabotaging her reunification efforts. Mother continuously allowed people to be around E.P. without the Department's consent. Mother was ordered to participate in family therapy with both children, but the family therapist for M.P. discharged Mother and M.P., citing inconsistent attendance and lack of communication as the reason. M.P.'s family therapist stated that Mother and M.P. "showcased avoidance tendencies that hindered meaningful engagement in therapy." Mother and E.P. had not participated in family therapy, but both had worked with E.P.'s therapist individually to reach that goal.

In its report, the Department recommended stopping overnight visits with E.P. and continuing daytime visits only. The Department also recommended that E.P., Mother, and E.P.'s foster parents undergo a bonding study to assess the emotional attachment and relationship between E.P. and his caregivers. M.P. was ready to be discharged from her

placement, but since she could not be transferred to Mother, the Department recommended that she be placed in a congregate care setting.[9]

At the August 15, 2025 hearing, the Department reported that Mother and M.P. were having overnight visits and E.P. had one on July 4, 2025. E.P. and M.P. requested a minimum of two sibling visits a month. The children's attorney requested the court to change the permanency plan from a concurrent plan to custody and guardianship to a relative or non-relative for M.P. and adoption to a non-relative for E.P. The children's attorney explained that E.P. needed permanency and he had physical manifestations of anxiety when spending time with Mother. At that point, Mother requested that E.P.'s foster parents be excused "until - - and if anyone's going to call them," stating that the "hearing has appeared to evolve into a contested proceeding, which I will be heard after we hear from the foster parents." Mother objected to a change of permanency plan, stating that the Department did not provide the required ten-day notice, and if the court was considering a change of the permanency plan, she would like the opportunity to present testimony and call witnesses.

[9] "[C]ongregate care is defined as a placement setting of group home (a licensed or approved home providing 24-hour care in a small group setting of 7 to 12 children) or institution (a licensed or approved child care facility operated by a public or private agency and providing 24-hour care and/or treatment typically for 12 or more children who require separation from their own homes or a group living experience)." U.S. Dep't of Health and Hum. Servs., Admin. for Child. and Fam., Child.'s Bureau, *A National Look at the Use of Congregate Care in Child Welfare* 1 (2015), https://acf.gov/sites/default/files/documents/cb/cbcongregatecare_brief.pdf, available at https://perma.cc/N6CH-D8NR (last visited Mar. 17, 2025).

The Department clarified that it was not requesting a change in the permanency plan, and the children were making the request through their counsel. The Department did not advocate for or against the children's request.

Mother requested that a reunification specialist be assigned to the case to help Mother and E.P.'s foster parents discuss parenting E.P. Mother opposed a bonding assessment because the Department often requests those types of assessments when they plan to go forward with terminating parental rights. She requested that the permanency plan remain a concurrent plan. She stated that she was no longer in a relationship with her boyfriend, and he would not be around the children. Mother alleged that there had not been sufficient evidence presented to the court to justify a change in the permanency plan. Mother reported that she had a three-hour unsupervised visit with M.P. the day before the hearing.

In its ruling, the court stated that, because the Department did not request the change in the permanency plan, no notice was required. The court noted that it allowed everyone several opportunities to make arguments and make any requests of the court, and "no party ha[d] specifically requested a continuance or postponement or an evidentiary hearing," so the court was going to make its decision.

The court then discussed the factors set forth in Md. Code Ann., Family Law ("FL") § 5-525(f)(1) (2025 Supp.).[10] It found that, although M.P. had deep affection for Mother and E.P., and E.P. loved Mother, it would be unsafe for M.P. to reside full-time in Mother's home because there had been altercations during visits, and it would be unsafe for E.P. to reside full-time in Mother's home because of the anxiety and distress he experienced during overnight stays. With respect to the children's emotional attachment to their current caregiver and length of time at that placement, the court stated that M.P. was at a residential treatment center and had "clearly benefited" from being at that placement since May 1, 2023. The court found that E.P. was bonded with his foster parents, noting that he was relaxed and at ease with them, he invited them to his therapy sessions, and they were a safe space for him. E.P. was placed with his foster family in August 2020 and had been with them for more than half his life.

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[10] The court considered what was in the best interest of the children and the factors set forth below:

> (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.

Md. Code Ann., Fam. Law ("FL") § 5-525(f)(1) (2025 Supp.).

The court found that M.P.'s current placement tailored support to her behavioral and emotional needs, and she needed to be where she was. The court found that removing E.P. from his current foster care placement would cause emotional instability and impact "his emotional, developmental, and educational progress." The children had been in the Department's care for 60 months and nine days at the time of the hearing. Although there had been hurdles with COVID-19 and Mother's criminal conviction, after those hurdles were resolved, there was not a lot of movement toward reunification from 2022 to 2024.

The court found that M.P. was excelling academically. E.P. was passing in nearly all subjects and had a plan in place with special accommodations tailored to his needs.

The court found that M.P. and E.P. were safe in their current placements and all their needs were met. It stated that an out-of-home placement remained essential for M.P. as she and Mother continued to have conflicts, including issues in communication skills, structured family therapy, and altercations. An out-of-home placement remained essential for E.P. because he continued to experience anxiety and behavioral changes that were impacting his overall emotional wellness as a result of overnight visits.

The court found that the family was no closer to reunification than they were when the case began. Although Mother demonstrated progress in completing the court-ordered services, she lacked consistency. The court found that the Department had made reasonable efforts towards the concurrent permanency plan, noting the various actions taken by the Department.

The court found that it was in E.P.'s best interest for the permanency plan to change to adoption and in M.P.'s best interest for the permanency plan to change to custody and guardianship. E.P. and M.P. continued to be CINA. The court ordered Mother to have weekly unsupervised visits with E.P., not exceeding four hours, and weekly unsupervised visits with M.P., in accordance with M.P.'s current and future placement.

This appeal followed.

STANDARD OF REVIEW

We review child custody cases under three interrelated standards of review. *In re R.S.*, 470 Md. 380, 397 (2020). The court's factual findings are reviewed for clear error. *Id.* Matters of law are reviewed *de novo*, without deference to the juvenile court. *Id.* Finally, "when reviewing a juvenile court's decision to modify the permanency plan for the children, [we] 'must determine whether the court abused its discretion.'" *In re A.N.*, 226 Md. App. 283, 306 (2015) (quoting *In re Shirley B.*, 419 Md. 1, 18-19 (2011)).

An abuse of discretion occurs when "no reasonable person would take the view adopted by the trial court, or when the court acts without reference to any guiding rules or principles." *Gizzo v. Gerstman*, 245 Md. App. 168, 201 (2020). To warrant reversal, the juvenile court's decision must "be well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable." *In re Shirley B.*, 419 Md. at 19 (quoting *In re Yve S.*, 373 Md. 551, 583–84 (2003) (internal quotations omitted)).

DISCUSSION

Mother contends that the juvenile court erred when it removed reunification as a permanency plan for E.P. and M.P. She makes several arguments in this regard. First, she asserts that the court improperly changed the plans without holding an evidentiary hearing when there were material factual disputes. Second, she argues that the "proffers" of evidence demonstrated that the statutory factors supported reunification. Third, she asserts that reunification remained in the best interests of the children.

The Department contends that the juvenile court properly exercised its discretion when it removed the concurrent plan of reunification for E.P. and M.P. The Department argues that the court properly considered the required factors when it determined that changing the permanency plans was in the children's best interest. It asserts that Mother had the opportunity to present evidence at the August 2025 hearing, but she failed to do so.

The children contend that the juvenile court did not abuse its discretion in changing the permanency plan for M.P. and E.P. after scheduling the three-hour, contested permanency plan hearing to accommodate Mother, and then considering the Department's reports, and the parties' arguments, when Mother elected not to present additional evidence or testimony. The children argue that the court acted within its discretion by concluding that reunification was no longer in the children's best interest since they had been in the Department's care for five years but were no closer to reunification.

I.

Evidentiary Hearing

We address first Mother's contention that the court erred in changing the permanency plan without holding an evidentiary proceeding. As explained below, we agree with the children that the court did not abuse its discretion "by proceeding based on argument, proffer, and previously filed reports when all the parties had the opportunity to offer testimony or other evidence but did not do so."[11]

Parents have a "protect[a]ble liberty interest in the care and custody of [their] children . . . and when a state seeks to affect the relationship of a parent and child, the due process clause is implicated." *Wagner v. Wagner*, 109 Md. App. 1, 25, *cert. denied*, 343 Md. 334 (1996) (internal citations omitted). "At [t]he core of due process is the right to notice and a meaningful opportunity to be heard." *Estate of Brown v. Ward*, 261 Md. App. 385, 457 (2024) (quoting *Knapp v. Smethurst*, 139 Md. App. 676, 704 (2001)). Due process does not "require procedures so comprehensive as to preclude any possibility of error," but only "*reasonable* procedural protections, appropriate to the fair determination of the particular issues presented in a given case." *Wagner*, 109 Md. App. at 24.

[11] The Department argues that, "[b]ecause Mother failed to request that the court hear additional evidence, postpone, or continue the hearing, Mother waived the argument that she did not have an opportunity to present evidence to the court." Although, as the circuit court stated, no party specifically requested an evidentiary hearing, Mother's counsel did state at one point that if the court was going to change the plan, they "need to have a contested hearing" and they were merely "going back and forth with arguments as opposed to actual testimony." Based on these statements, we will consider the argument on the merits.

The juvenile court is required to conduct "a permanency planning hearing to determine the permanency plan for a child." Md. Code Ann., Cts. & Jud. Proc. ("CJ") §3-823(b) (2025 Supp.). Here, there is no question that Mother received adequate notice and time to prepare for the August 15, 2025 permanency plan review hearing. *See In re Katherine C.*, 390 Md. 554, 575 (2006) (parties are entitled "to adequate notice of the time, place, and nature of [the] hearing, so that they could adequately prepare") (quoting *Phillips v. Venker*, 316 Md. 212, 222 (1989)). The hearing was supposed to be held on July 15, 2025, but Mother requested a postponement. The attorney representing her that day requested that the court schedule the hearing at a later date than the court suggested, because the hearing was going to be contested, and counsel would need time to prepare for the case. The court granted the postponement, noting that a contested hearing would require three hours.

The issue here is whether the court abused its discretion in proceeding with proffers, arguments, and reports instead of an evidentiary hearing. In assessing that claim, we note that, in conducting a permanency plan hearing, "'the court may, in the interest of justice, decline to require strict application' of the Rules of Evidence 'other than those relating to the competency of witnesses.'" *In re Billy W.*, 387 Md. 405, 431 (2005) (quoting *In re Ashley E.*, 387 Md. 260, 294 (2005)). "The statutory scheme governing dispositional and review hearings in CINA cases envisions that the juvenile court will rely on reports submitted by the Department and other entities." *In re Faith H.*, 409 Md. 625, 641-42 (2009).

Here, at the hearing, the Department submitted on its report. The children requested a change in the permanency plan to eliminate the concurrent plan of reunification. Mother then requested that E.P.'s foster parents be excused from the courtroom "until -- and if anyone's going to call them." The court asked if she was going to, but she declined and stated that the "hearing ha[d] appeared to evolve into a contested proceeding." The court then asked if the foster parents or the Court Appointed Special Advocate (CASA) were going to speak, but both had filed written statements, on which they relied.[12] Counsel for Mother then stated that notice of a request for a change of the permanency plan needed to be given 10 days prior to the hearing, which was not done. The court noted, however, that the notice required by CJ § 3-823 applies only if the Department requested the change, and in this case, the Department did not make the request. Counsel for Mother then argued why the permanency plan should not be changed, relying on reports and Mother's response to those reports. Counsel then stated that, if the court was considering a change to the permanency plan, she "would like the opportunity . . . to be able to present testimony, call witnesses, go through the whole spiel."

The court then asked counsel how they thought the court should proceed at that point. The Department stated that the court should decide if it was in the children's best interest to change the permanency plan. Children's counsel noted that, until the end, Mother did not request testimony and witnesses, but everyone proffered and argued.

[12] The CASA for E.P. did add that E.P. was a great kid, who loved Mother and his foster parents, but the situation was causing great anxiety.

Counsel stated that the court had all the information it needed to make a decision. Counsel for Mother stated that the court heard "all argument and hearsay," and there was not "sufficient evidence presented to the [c]ourt to change the plan." Counsel stated that the plan should stay the same. She said there should be a contested hearing, but she did not ask that Mother or any other witness be permitted to testify. She ended by saying, "we're just going back and forth with arguments as opposed to actual testimony," and she had nothing to add. The court then clarified that counsel for Mother was requesting that the permanency plan stay the same. When asked if there was anything else, counsel stated that she was requesting that family therapy finally be implemented. Counsel stated that those were all her requests.

Mother contends that the Department's report was "replete with information from multiple sources that was not admitted as evidence through testimony or sworn affidavits or even presented as a true proffer of evidence." As indicated, however, the Supreme Court of Maryland has held that such reports are admissible and "available for consideration for any purpose and could be accorded any weight by the court, depending on any extrinsic challenge of reliability by admission of other evidence." *In re Faith H.*, 409 Md. at 646. *See also In re M.H.*, 252 Md. App. 29, 51 (2021) ("[S]tatus reports were required by law pursuant to CJ § 3-826(a)(1) . . . and were therefore admissible under the public records exception."). Moreover, as in *Faith H.*, 409 Md. at 647, Mother did not specifically challenge "the reliability of the reports for authenticity, hearsay, or inadmissible opinions."

This case is unlike *In re Damien F.*, 182 Md. App. 546 (2008), and *In re M.C.*, 245 Md. App. 215 (2020), upon which Mother relies. In *Damien F.*, we held that the court abused its discretion when it refused a request to hear testimony. 182 Md. App. at 583-84. In this case, by contrast, the court specifically asked counsel for Mother what she was requesting, and she did not request that she or any other witness be permitted to testify.

In *M.C.*, 245 Md. App. at 221-22, the local department filed a motion to change the parent's visitation to supervised visitation in a CINA case. The parent opposed the motion, asked for a hearing, and proffered testimony to dispute the Department's allegations. *Id.* at 219, 230-31. The juvenile court granted the Department's motion, without a hearing, and changed the parent's visitation from unsupervised to supervised. *Id.* at 222. On appeal, this Court held that the juvenile court "abused its discretion when, based on conflicting proffers, it changed [the parent's] visitation order from *unsupervised* to *supervised* without holding a hearing." *Id.* at 224. We held that "a court abuses its discretion by not receiving testimony as to material, disputed allegations when requested by a party unless the disputed allegation is immaterial" to the court's decision. *Id.* at 231-32.

There are several differences between *M.C.* and this case. Initially, the court here did not proceed solely by proffer; the Department admitted its report and Mother did not object to its admission. Moreover, in this case, unlike in *M.C.*, there was a hearing and when asked how the court should proceed, Mother did not request to be allowed to present specific evidence or cross-examine specific witnesses. The court did not abuse its discretion in proceeding on reports, proffers, and argument when Mother had the

opportunity to offer testimony or evidence but did not specifically request to do so, despite the court asking what she wanted the court to do.

II.

Change in Permanency Plan

Mother contends that the juvenile court abused its discretion in changing the permanency plan to eliminate reunification with her. She argues that the statutory factors supported reunification, and reunification remained in the best interests of the children.

A parent's right to raise his or her children without undue interference by the State is a fundamental constitutional right that cannot be taken away "unless clearly justified." *In re A.N.*, 226 Md. App. at 306 (quoting *In re Yve S.*, 373 Md. at 566). That right, however, is not without limitation, and it must be balanced against the State's interest in protecting the health, safety, and welfare of the child. *Id.* In CINA cases where the child has been placed outside of the home, the Department's primary concern in the development of a permanency plan is the best interests of the child. *See* Md. Code Ann., Fam. Law ("FL") § 5-525(f)(1) (2025 Supp.) ("In developing a permanency plan for a child in an out-of-home placement, the local department shall give primary consideration to the best interests of the child[.]"); *In re Andre J.*, 223 Md. App. 305, 320 (2015) ("[Where a CINA is] placed outside the family home, the juvenile court must determine a permanency plan consistent with the child's best interests.").

CJ section 3-823(e)(1) provides, in part, as follows:

(e)(1) At a permanency planning hearing, the court shall:

> (i) Determine the child's permanency plan, which, to the extent consistent with the best interests of the child, may be, in descending order of priority:
>
> 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;
> 3. Adoption by a nonrelative;
> 4. Custody and guardianship by a nonrelative under § 3-819.2 of this subtitle[.]

"A critical factor in determining what is in the best interest of a child is the desire for permanency in the child's life." *In re Adoption of Jayden G.*, 433 Md. 50, 582 (2013). Reunification with a parent is the first option because it is presumed to be in the child's best interest to remain in the care and custody of his or her biological parent. *In re Adoption of Cadence B.*, 417 Md. 146, 157 (2010). Nonetheless, "if there are weighty circumstances indicating that reunification with the parent is not in the child's best interest, the court should modify the permanency plan to a more appropriate arrangement." *Id.* "[I]t is in a child's best interest to be placed in a permanent home and to spend as little time as possible in foster care." *In re Adoption of Jayden G.*, 433 Md. at 84.

In determining a permanency plan that is in the best interest of the child, the Department shall consider the following factors:

> (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).

After the court establishes the initial permanency plan, the plan must be revisited periodically to evaluate progress toward the permanency goal and to assess whether the permanency plan should be changed based on current circumstances. CJ § 3-823(h)(1) and (2) (addressing review of permanency plan); *In re Andre J.*, 223 Md. App. at 322. At the review hearing, the court must consider, *inter alia*, whether the commitment remains necessary and appropriate, whether reasonable efforts have been made to finalize the plan, and the extent of progress that has been made "toward alleviating or mitigating the causes" that necessitated commitment. CJ § 3-823(h)(2)(i)–(iv); *In re Yve S.*, 373 Md. at 581. A change in the permanency plan is warranted if it would be in the child's best interest. *In re Yve S.*, 373 Md. at 581 (quoting CJ § 3-823(h)(2)(vii)). *See also In re Adoption of Cadence B.*, 417 Md. at 157 ("[I]f there are weighty circumstances indicating that reunification with the parent is not in the child's best interest, the court should modify the permanency plan to a more appropriate arrangement.").

Here, in determining whether a change in the children's permanency plan was appropriate, the court "read the entire file," and it then applied the factors set forth in FL § 5-525(f)(1). As to the first factor, the court found that M.P. and E.P. would not be safe if returned to Mother's care:

> It would be unsafe for [M.P.] to reside full-time in [Mother]'s home. Based on previous incidents, such as the altercations that have occurred during

> visits, there are concerns regarding the emotional environment and potential conflict between [M.P.] and [Mother].
>
> *   *   *
>
> [E.P.] would not be emotionally safe and healthy in his mother's home, though there are no concerns for his physical safety. He has expressed significant anxiety and distress regarding visits, particularly overnight stays.

To be sure, as Mother notes, there had been times when family visits had gone well. Despite that, the evidence showed poor communication and recent altercations between M.P. and Mother, including one in May 2025 that resulted in police involvement. M.P. preferred to be placed in a group home or foster home, as opposed to reunification with Mother. The record reflected that visits with Mother caused E.P. distress. After visits, E.P. suffered dysregulation, including frequent tantrums, difficulty sleeping, and stomach pains.

With respect to the second factor, the children's emotional attachment, the court found that M.P. and E.P. had an emotional attachment to Mother, but E.P. tried to protect Mother's feelings by concealing his true emotions. Nevertheless, the children requested a change to the permanency plan so they could move toward permanency.

The third, fourth, and fifth factors address the children's emotional attachment to the current caregiver and the caregiver's family, the length of time the child has resided with the current caregiver, and the potential emotional, developmental, and educational harm to the child if moved from that placement. The court stated that, for more than two years, M.P. had been at a residential treatment center that offered "a crucial, highly structured environment tailored to support her complex behavioral and emotional needs." With respect to E.P., almost five of his seven-and-a half years of life had been with the

same foster parents, and the foster parents embraced him as an integral member of their family. The court found that E.P. had a strong bond with his caregivers and moving him from his placement could "severely impact his emotional, developmental, and educational progress." *See In re M.*, 251 Md. App. 86, 127-28 (2021) (removing a child from a placement where the child has formed emotional attachments can cause potential emotional, developmental, and educational harm to the child) (quotation marks and citations omitted).

In addressing the sixth factor, the court considered the potential harm to M.P. and E.P. in remaining in State custody for an excessive period of time. See *In re Jayden G.*, 433 Md. at 82–84 (in children's best interests to quickly transition them from foster care to a safe, permanent, and nurturing home). The children had been out of Mother's care for more than 60 months. The court was concerned with how long the children had been in State custody and the lack of progress in moving toward reunification during that time. It found that "an extended period in care [could] lead to emotional instability, developmental delays, and increased trauma and stress." The court found that, after five years, there had been various services provided, but the family was "no closer to reunification than they were . . . when the case kind of came into the Department's purview."

The trial court "is in the unique position to marshal the applicable facts, assess the situation and determine the correct means of fulfilling a child's best interests." *In re Adoption Nos. J9610436 & J9711031*, 368 Md. 666, 696 (2002) (quoting *In re Mark M.*, 365 Md. 687, 707 (2001)). On this record, we conclude that the juvenile court adequately

addressed and considered the required statutory factors when reviewing the permanency plans for M.P. and E.P. The court did not abuse its discretion in concluding that it was in the children's best interests to change their permanency plans.

JUDGMENTS OF THE CIRCUIT COURT FOR MONTGOMERY COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.