IN THE SUPREME COURT OF THE UNITED STATES

EVEYLON FERGUSON, Petitioner,

v.

BALTIMORE CITY DEPARTMENT OF SOCIAL SERVICES, Respondent.

In re C.F. and L.F.

On Petition for a Writ of Certiorari to the Supreme Court of Maryland

APPLICATION TO EXTEND TIME TO FILE A PETITION

To the Honorable John G. Roberts, Jr., Chief Justice of the United States and Circuit Justice for the Fourth Circuit:

Pursuant to Rules 13.5, 22, 30.2, and 30.3 of this Court, Petitioner Eveylon Ferguson, proceeding pro se, respectfully requests an extension of 60 days, up to and including January 18, 2027, to file a petition for a writ of certiorari.

1. The Appellate Court of Maryland affirmed the judgment terminating Petitioner's parental rights on April 9, 2026. Its decision is attached as Exhibit 1. The Supreme Court of Maryland denied review on August 21, 2026. Its notice of order is attached as Exhibit 2.

2. The petition for a writ of certiorari is presently due November 19, 2026. This application is submitted at least ten days before that deadline.

3. This Court's jurisdiction would be invoked under 28 U.S.C. § 1257(a). Petitioner intends to seek review of federal constitutional questions concerning the fundamental parent-child relationship and due process under the Fourteenth Amendment. Petitioner requests additional time to review the state-court record and accurately frame the questions presented.

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4. Good cause exists for this extension. Petitioner is proceeding without counsel. For approximately the past month, a civil rights legal organization evaluated whether it could represent her in seeking review by this Court. Petitioner was informed on November 5, 2026, that the organization could not take her case.

5. Petitioner now needs additional time to seek legal assistance, research the relevant constitutional questions and this Court's rules, and prepare a petition that accurately presents the issues and procedural history. The case involves complex questions and the permanent termination of parental rights, with profound consequences for Petitioner and her children.

6. Petitioner is employed full-time and pursuing higher education while preparing to proceed pro se. The extension is requested in good faith, not for delay.

WHEREFORE, Petitioner respectfully requests that the time to file a petition for a writ of certiorari be extended through January 18, 2027.

Dated: November 7th 2026

Respectfully submitted,

Signature: _____

Eveylon Ferguson, Petitioner, Pro Se

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Exhibit 1: Appellate Court of Maryland opinion (April 9, 2026)

Exhibit 2: Supreme Court of Maryland notice of order (August 21, 2026)

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Appellate Court of Maryland
4/9/2026 1:20 PM

Circuit Court for Baltimore City
Case Nos. T23067011
T23067012

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 1639

September Term, 2025

IN RE: C.F. & L.F.

Berger,
Leahy,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned)

JJ.

Opinion by Leahy, J.

Filed: April 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).

On August 4, 2025, almost 4 years after appellee, Baltimore City Department of Social Services ("the Department"), first filed child in need of assistance[1] ("CINA") petitions for appellees C.F. and L.F. (collectively "the Children"), the Circuit Court for Baltimore City, sitting as a juvenile court, issued its ruling on the Department's petition for termination of parental rights ("TPR"). More specifically, the juvenile court granted the petitions for guardianship with the right to consent to adoption filed by Department for the Children, who were both age 4. Appellant, who is the Children's mother ("Mother" or "E.F."), appeals from that ruling. The Children's father was deemed to have consented to the termination of his parental rights by operation of law.[2]

Mother presents two questions for our review,[3] which we combine and rephrase as:

[1] A child in need of assistance is a "child who requires court intervention because: (1) The child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and (2) The child's parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child's needs." Md. Code (1973, 2020 Repl. Vol. 2025 Supp.), Courts & Judicial Proceedings Article ("CJP") § 3-801(f).

[2] When the Department became involved with the Children, the person identified as their father was K.R. More than two years later, the Department learned that Mother was married to another man, T.F.-H., when the Children were conceived and born and remained married to him. K.R. was served with the TPR petition by posting and T.F.-H. was personally served with that petition. Neither filed an objection.

[3] The questions as posed by Mother are:

> 1. Did the court commit legal error in concluding – based on erroneous factual findings – that exceptional circumstances existed such that continuation of the parent-child relationship was detrimental to C and L?
>
> 2. Did the court abuse its discretion in declining to consider less-restrictive alternatives to TPR before deciding to terminate?

I. Did the juvenile court err in its assessment of the statutory factors or abuse its discretion by determining that exceptional circumstances made the continuation of the parent-child relationship detrimental to the best interests of C.F. and L.F.?

For the following reasons, we answer "No" to that question and affirm the judgments of the juvenile court.

FACTS AND PROCEEDINGS

In March 2021, Mother, age 32, gave birth to twins, C.F. and L.F., at Bellevue Hospital in New York City. Mother had a substance use disorder and had been using heroin and methamphetamines for more than 5 years. C.F. tested positive for methamphetamine at birth and both babies spent over a week in the neonatal intensive care unit ("NICU").

Mother did not have housing. Mother's mother, M.F., ("Grandmother") traveled to New York and brought Mother and the twins to back to her home in Baltimore to live with her.

Mother lived with C.F and L.F. at Grandmother's home for the first three months of their life. She began an outpatient drug rehabilitation program at Sinai Hospital, but did not complete it.

Mother Leaves the Children with Grandmother

At the beginning of July 2021, Mother told Grandmother she was feeling "a little overwhelmed" and "needed to take a break." Over Grandmother's objections, Mother left to visit New York City over the July 4th weekend. Before she left, Mother signed a form that purported to give Grandmother temporary custody of the Children. Mother told Grandmother she would return in one to two days.

Mother called Grandmother two days later and said she would be returning that night. She did not return. She called again the next day, told Grandmother she lost her phone and her money, and asked Grandmother to help her. Grandmother would not allow Mother to move back home unless she entered drug rehabilitation. She suggested that Mother reach out to the director of the outpatient program at Sinai Hospital.

Mother continued to occasionally contact Grandmother by telephone in the first few months after she left, asking to come home. Grandmother reiterated that Mother could not return if she was actively abusing drugs. The contact then tapered off.

The Department Files a CINA Petition

On November 1, 2021, Grandmother, who was in her 70s, reached out to the Department for help obtaining medical insurance for the Children. The Department initiated a child protective services ("CPS") investigation for neglect. Mother's whereabouts were unknown at that time. A CPS investigator visited Grandmother's house and deemed it safe for the Children. On January 26, 2022, the Department indicted Mother for neglect.

Simultaneously, the Department filed CINA petitions and requests for shelter care. The Children were sheltered with Grandmother and, on December 3, 2021, found to be CINAs and committed to the limited guardianship of the Department for continued placement with Grandmother.

Mother's Sister Returns to Maryland to Help Care for the Children

In April 2022, when the Children were a year old, Mother's older sister, S.F. ("Aunt"), moved back to Baltimore from London, where she had lived and worked for over a decade, to help Grandmother care for the Children. Prior to moving back to Baltimore, Aunt and other family members provided financial aid to Grandmother to permit her to hire a nanny. Aunt has lived with Grandmother and the Children since that time and is the person the Department has identified as the Children's adoptive resource.

Modifications of the Children's Permanency Plans and Filing of the TPR Petition

For the first nine months, the Children's permanency plan was reunification with Mother. On September 17, 2022, the juvenile court modified that plan to a concurrent plan of placement with a relative for adoption or custody and guardianship. Mother's whereabouts were unknown to the Department when the permanency plan was modified.

On March 31, 2023, when the Children were two years old, the juvenile court modified their permanency plan to a sole plan of placement with a relative for adoption. At the same time, the Department filed the instant TPR petitions. Mother was served with a copy of the petitions while incarcerated in New York. She filed an objection in May 2023.

Mother's Incarceration and Substance Abuse Rehabilitation

In January 2023, unbeknownst to the Department, Mother was arrested and detained in New York on a criminal charge of conspiracy to possess stolen property.[4] She would remain in pretrial detention for seven months.

In June 2023, Mother was released into an inpatient drug rehabilitation program known as Phoenix House as part of a pretrial release program. Her primary counselor at Phoenix House was Gina Henderson, a credentialed alcoholism and substance abuse counselor ("CASAC").

While at Phoenix House, Mother completed parenting classes twice, attended group and individual therapy, submitted to twice weekly urinalysis, and was prescribed buprenorphine to treat her opioid use disorder. Mother was very successful in her treatment and, at the time of the TPR hearing, had been sober since August 2023. Mother graduated from Phoenix House on May 31, 2024.

Upon graduating, Mother entered Liberty House, a transitional, supportive housing program operated by Justice Works, an organization for women with criminal court involvement. At Liberty House, Mother continued to engage with outpatient drug rehabilitation through the Phoenix House. Her primary counselor in that program was

[4] In her testimony at the TPR hearing, Mother explained that she originally was arrested on this charge in 2022 but was granted pretrial release. When she failed to appear for her next court date, however, a warrant was issued for her arrest. She was arrested on this warrant in January 2023.

Alanna Quinn, the clinical supervisor of the outpatient program. Mother also attends Alcoholics Anonymous meetings on a near daily basis.

In March 2025, Mother got a job at The Bridge, a non-profit that provides supportive housing, substance abuse treatment, and community outreach services. The next month, Mother moved out of Liberty House and into an apartment in New York City. Mother is working towards obtaining her CASAC certification.

Mother's Contact with the Department

Chika Anige, an out-of-home placement worker with the Department, was assigned to the Children's case in November 2021 and remained their worker until August 2023. During that time, he had two contacts with Mother: 1) in March 2022 while she was hospitalized in New York, and 2) in August 2022 when she briefly detained at Rikers Island. Each phone call lasted less than five minutes. In each instance, Mr. Anige attempted to contact Mother again at the same number and learned that she had been released.

In August 2023, Stephanie Hamlin, a caseworker assigned to the Department's adoption unit, took over the Children's case. Mother did not reach out to the Department while she was in inpatient rehabilitation or make any attempt to arrange visits, either in person or virtually. An attorney from the Office of the Public Defender appointed to represent her in the TPR matter did know Mother was at Phoenix House until March 2024. The first time Ms. Hamlin had contact with Mother was in June 2024 when Mother, through counsel, requested visits with the Children.

Mother's Visits with the Children

In June 2024, after Mother attended a hearing in the TPR case, she asked the Department to set up visits with the Children. Ms. Hamlin set up a virtual visit in July 2024. Over the next nine months, Mother attended a visit every month. All those visits were in-person and were supervised by Ms. Hamlin at a visitation center in Baltimore City except a visit in September 2024, which was virtual. Grandmother and Aunt also attended these visits. Mother behaved appropriately at the visits and brought presents for the Children.

Ms. Hamlin did not offer Mother any additional visits because the permanency plan was adoption and the adoption unit provides visits on a monthly basis. According to Ms. Hamlin, if Mother had requested additional visits, either in person or virtually, that would have been something Ms. Hamlin would have spoken to her supervisor about.

The TPR Hearing

The TPR hearing went forward on May 14 and 15, 2025.[5] In its case, the Department called six witnesses: Mother, Grandmother, Aunt, Mr. Anige, Ms. Hamlin, and Diana Donoho, the CPS worker who investigated Mother for neglect. In her case, Mother testified and called three witnesses: Ms. Henderson, Ms. Quinn, and Dr. Lorie Goshin, a

[5] The TPR hearing was repeatedly postponed because though Mother had filed an objection in May 2023, her appointed counsel was unable to locate her until March 2024. After counsel was in contact with Mother, the Department learned for the first time that Mother was married to T. F.-H. when the Children were born. Thereafter, the Department filed an amended TPR petition naming T. F.-H. and ultimately served him in October 2024. After the time for T. F.-H. to object expired, the TPR hearing was set for April 2025. It was postponed again to May 2025 due to a scheduling conflict with the juvenile court.

psychiatric mental health nurse practitioner, who provided psychotherapy to Mother and was accepted by the juvenile court as an expert in maternal/child involvement in the juvenile justice and criminal justice systems. In addition to the above stated facts, the following evidence was adduced at the hearing.

Mother testified that she had attempted to reach out to Mr. Anige through a social worker at Rikers Island in 2022, but he did not return her calls. She tried to stay in touch with Grandmother, but Grandmother said things that were hurtful to Mother, and Mother stopped trying to reach out. Mother did not have a relationship with Aunt and did not have her phone number. Mother maintained a relationship with another sister, R.F. They spoke daily and R.F. sent her pictures of the Children on a weekly basis.

When Mother was at Phoenix House, she did not pursue visitation with her Children because she was "very unsure" if she was allowed to be in contact with them because of the indicated neglect finding.

Grandmother testified that Mother's contact with her since July 2021 was sporadic. She called several times when she was hospitalized, and Grandmother provided her with Mr. Anige's name and phone number. Mother had not asked to attend the Children's medical appointments or preschool events, had not requested photographs of the Children, and had provided no financial assistance for the Children.

The Children called her Grandma. When the Children visited with Mother, they referred to her by her first name, but when they were not with her, they referred to her as

"my mom." The Children were integrated with their extended family and family friends in Baltimore and had visited extended family in other parts of the country.

Aunt testified that Mother had never reached out to her in the three years that Aunt had been living with Grandmother and the Children. Though Aunt did not believe that Mother knew her phone number, she knew her physical address and her email address. Aunt explained that she and Mother had not spoken since before the Children were born and do not have a relationship.

Aunt observed L.F. to be a "bit unsettled" in the days after visits with Mother. She had trouble listening and difficulty settling down at night. The teachers at L.F.'s preschool asked Aunt to notify them before visits so they could provide L.F. with extra attention. C.F. was not "fazed" by visits with Mother. He was less introspective and more "happy-go-lucky" than his sister.

The Children called Aunt "Auntie" or "Auntie S[.]" Like Grandmother, Aunt testified that the Children referred to Mother by her first name in person but as their mom outside her presence.

Aunt said that the Children love receiving cards in the mail and love looking at family photographs. They had photos of Mother around the house and the Children knew who she was. Aunt looked at photographs with the Children "all the time" and wanted them to know "who they are and where they come from." The photos are accessible to the Children, and they do not need permission to look through the family albums. Aunt explained that she made a conscious choice to be open with the Children about her familial

relationship with them. She also talked openly with them about adoption and what that means.

Ms. Henderson, Mother's inpatient counselor at Phoenix House, testified that Mother made "wonderful progress" while enrolled there. She was "full of goals" and had "positive insight." Mother's end goal was always to reunite with Children. On cross-examination, Ms. Henderson acknowledged that visitation with children, either in person or virtually, was both allowed and encouraged at Phoenix House.

Dr. Goshin testified that she began providing psychotherapy and medication management for Mother in July 2024. Mother was diagnosed with opioid use disorder, methamphetamine use disorder, attention deficit hyperactivity disorder ("ADHD"), and post-traumatic stress disorder ("PTSD"). She was prescribed Buprenorphine to treat her opioid use disorder and Concerta to treat her ADHD.

Dr. Goshin opined that Mother was well suited to continue to engage with her children. She reasoned that Mother was in "sustained remission from substance use" and is actively in treatment both for substance use and to address her mental health needs. Dr. Goshin was impressed with Mother's insight into the Children's developmental needs and how she prepared for visits with them.

Dr. Goshin further opined that the maternal/child bond can be repaired with support. Mother's early interaction with the Children for the first three months of their life "started the attachment relationship" and that bond could be repaired with sustained reconnection.

On cross-examination, Dr. Goshin acknowledged that the first year of a child's life is a crucial period for forming secure attachments. Once a child forms a secure attachment with a caregiver, being removed from that caretaker can cause trauma.

In closing, counsel for the Department argued that the juvenile court could find Mother unfit based upon her neglect of the Children and her prior substance abuse, but also addressed the statutory factors addressed to a finding of exceptional circumstances in detail. In sum, he argued that Mother's choice to abandon the Children and her "stunning lack of proactive work" to reconnect with them for three years justified the grant of the Department's petition.

Counsel for the Children also advocated for the grant of the petition, emphasizing the theme of Mother's absence from their lives. Though commending Mother for her immense progress since she was released from detention in June 2023, counsel emphasized that the court needed to focus upon the welfare of the Children and argued that their best interests would be served by severing their ties with Mother to allow them to create a permanent legal tie with their Aunt.

Mother's counsel argued that her fundamental right to parent the Children could not be "trumped by the mere passage of time[.]" She argued a lack of effort on the part of the Department to locate Mother and to offer Mother services until she proactively requested visits in June 2024. Counsel asserted that it would not be in the Children's best interest to "take away such a positive person out of their lives." Mother did not advocate for

reunification to occur immediately and for the Children to be moved to New York, but rather to be given more time to reconnect with them and not sever her legal relationship.

The Juvenile Court's Decision and Mother's Post-Judgment Motion

On August 4, 2025, the juvenile court announced its ruling from the bench and issued a written decision granting the TPR petition. In sum, the court concluded that though Mother's efforts to adjust her circumstances were commendable, exceptional circumstances justified the grant of the petition. We will discuss the court's findings under the pertinent factors in our discussion.

Mother moved to alter or amend, arguing, in part, that the juvenile court failed to consider the less restrictive option of granting custody and guardianship to Grandmother and/or Aunt rather than terminating Mother's parental rights and that it failed to order that Mother receiving continuing notice of the guardianship hearings in the Children's cases. Mother also requested that she be allowed to continue visitation with the Children during the pendency of her appeal. The Department and the Children conceded that Mother was entitled to notice of the guardianship hearing, but otherwise opposed the motion.

On September 29, 2025, the court heard argument on Mother's motion to alter or amend. It issued an order granting the motion, in part, ordering that Mother receive notice of future guardianship hearings and that she be allowed visitation during pendency of the appeal, and otherwise denied it. This timely appeal followed.

STANDARD OF REVIEW

We apply three interrelated standards of review to a juvenile court's determinations in a TPR proceeding. *In re Adoption of Ta'Niya C.*, 417 Md. 90, 100 (2010) (quoting *In re Yve S.*, 373 Md. 551, 586 (2003)). The court's factual findings are reviewed under the "clearly erroneous" standard of review. *Id.* Matters of law are reviewed *de novo*, without deference to the juvenile court. *In re Adoption of Jayden G.*, 433 Md. 50, 96 (2013). We review final conclusions for abuse of discretion when they are based on "'sound legal principles' and factual findings that are not clearly erroneous[.]" *Ta'Niya C.*, 417 Md. at 100 (quoting *Yve S.*, 373 Md. at 586). An abuse of discretion occurs "'where 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.'" *In re Adoption/Guardianship No.* 3598, 347 Md. 295, 312 (1997) (quoting *North v. North*, 102 Md. App. 1, 13 (1994)).

"Legal conclusions of unfitness and exceptional circumstances are reviewed without deference." *In re Adoption/Guardianship of C.E.*, 464 Md. 26, 47 (2019). Our function, however, when reviewing the findings of the juvenile court, "is not to determine whether, on the evidence, we might have reached a different conclusion." *In re Adoption/Guardianship of C.A. & D.A.*, 234 Md. App. 30, 46 (2017) (quoting *In re Adoption No. 09598 in the Circuit Court for Prince George's County*, 77 Md. App. 511, 518 (1989)). Instead, our function is to decide "whether there was sufficient evidence – by a clear and convincing standard – to support [the court's] determination that it would be in

the best interest of [the child] to terminate the parental rights of [the parent]." *Id.* (quoting *In re Adoption No 09598*, 77 Md. App. at 518)).

DISCUSSION

Two competing interests are at stake in termination of parental rights cases. First, "parents have a fundamental right to raise their children and make decisions about their custody and care." *In re Adoption/Guardianship of H.W.*, 460 Md. 201, 215-16 (2018). There is "'a presumption of law and fact – that it is in the best interest of children to remain in the care and custody of their parents.'" *Id.* at 216 (quoting *In re Adoption/Guardianship of Rashawn H.*, 402 Md. 477, 495 (2007)). Second, the State has a strong interest in "protect[ing] children[ ] who cannot protect themselves[ ] from abuse and neglect." *Rashawn H.*, 402 Md. at 497. The transcendent standard that governs the balancing of those interests is the best interests of the children. *H.W.*, 460 Md. at 216.

Under Maryland Code (1984, 2019 Repl. Vol.), Family Law Article ("FL"), § 5-323(b), a court may terminate parental rights only after finding that 1) a parent is unfit *or* 2) that exceptional circumstances exist and that continuing the parental relationship is detrimental to a child's best interests:

> If, after consideration of factors as required in this section, a juvenile court finds by clear and convincing evidence that a parent is unfit to remain in a parental relationship with the child or that exceptional circumstances exist that would make a continuation of the parental relationship detrimental to the best interests of the child such that terminating the rights of the parent is in a child's best interests, the juvenile court may grant guardianship of the child without consent otherwise required under this subtitle and over the child's objection.

FL § 5-323(d) sets out the non-exclusive list of factors governing that determination. These factors "serve both as the basis for a court's finding (1) whether there are exceptional circumstances that would make a continued parental relationship detrimental to the child's best interest, and (2) whether termination of parental rights is in the child's best interest." *Ta'Niya,* 417 Md. at 116; *Rashawn H.*, 402 Md. at 499 ("[The statutory] factors, though couched as considerations in determining whether termination is in the child's best interest, serve also as criteria for determining the kinds of exceptional circumstances that would suffice to rebut the presumption favoring a continued parental relationship and justify termination of that relationship.").

The juvenile court's ultimate role in a TPR case is

> to give the most careful consideration to the relevant statutory factors, to make specific findings based on the evidence with respect to each of them, and, mindful of the presumption favoring a continuation of the parental relationship, determine expressly whether those findings suffice either to show an unfitness on the part of the parent to remain in a parental relationship with the child or to constitute an exceptional circumstance that would make a continuation of the parental relationship detrimental to the best interest of the child, and, if so, how.

Rashawn H., 402 Md. at 501.

The Juvenile Court's Findings

Before turning to Mother's contentions of error, we set out the court's findings under the FL § 5-323(d) factors and its ultimate ruling.

(d)(1)

Subsection (d)(1) requires the juvenile court to consider:

> (i) all services offered to the parent before the child's placement, whether offered by a local department, another agency, or a professional;
>
> (ii) the extent, nature, and timeliness of services offered by a local department to facilitate reunion of the child and parent; and
>
> (iii) the extent to which a local department and parent have fulfilled their obligations under a social services agreement, if any;

Under the first subfactors, the juvenile court found that no services were offered to Mother prior to the Children being placed with Grandmother. The court found that this failure "resulted from two intersecting factors: (1) [the Department's] limited engagement with the family following the May 4, 2021 home inspection and prior to Mother's departure; and (2) Mother's voluntary removal from the state and failure to maintain contact or provide updated information regarding her whereabouts." This factor was neutral in the juvenile court's analysis.

Next, the court found that the Department "offered sufficient services to facilitate the potential reunification" of Mother and the Children "within the limits of what was reasonably feasible under the circumstances." The Department's inability to offer services to Mother stemmed from her being out of state, her lack of a stable address, and her sporadic contact with Grandmother and the Department. Citing *In re Adoption of Cadence B.*, 417 Md. 146, 160 (2010), the juvenile court reasoned that Mother's choice to leave Maryland without the Children, despite promising to return within days, was relevant in assessing the Department's efforts. The Department's services are "significantly limited" when a parent resides out of state, and this is even more so when that parent "cannot reliably be contacted." Mother's "prolonged absence from Maryland" and her failure to maintain

contact with the Department impaired the Department's ability to offer her services to support reunification. The court weighed this factor against Mother.

The juvenile court found that the third sub-factor was neutral because the Department never offered Mother a service agreement and, thus, neither she nor the Department had any obligations to fulfill.

(d)(2)

The next factor requires the court to assess "the results of the parent's effort to adjust the parent's circumstances, condition, or conduct to make it in the child's best interests for the child to be returned to the parent's home," including four considerations, which we discuss in turn. FL § 5-323(d)(2).

Overall, the juvenile court found that Mother "made significant and sustained efforts to adjust her circumstances, condition, and conduct, particularly within the past two years[.]" She successfully completed inpatient drug rehabilitation and had maintained sobriety for over 18 months at the time of the TPR hearing. She attended parenting classes, began regular mental health counseling, and was engaged in individual therapy on a weekly basis. Mother's adjustment of her circumstances "c[a]me late in the life of the case" but was "significant and ongoing" and weighed in favor of Mother.

(i) whether the parent has "maintained regular contact" with the child, the Department, and the child's caregiver, if possible

Mother had been in consistent contact with the Department and the Children since June 2024. Prior to that time, however, Mother did not have any contact with the Children for a period of three years. The juvenile court credited Mother's testimony that she made

efforts to contact Grandmother and "was occasionally successful." She also made attempts to reach out to the Department through a prison social worker unsuccessfully. The court also credited Mother's testimony that she misapprehended the impact of the 2022 indicated neglect finding, thinking that she was not permitted contact with the Children.

(ii) whether the parent is contributing to the child's care and support, if feasible

Mother had not provided any financial support to the Children, but the court found that Mother lacked the resources to do so and did not weight this factor against her.

(iii) the existence of a parental disability

This factor was not relevant, and the court did not consider it.

(iv) "whether additional services would be likely to bring about a lasting parental adjustment" that would allow the child to be "returned to the parent" within 18 months of the date of placement or longer if the juvenile court made a specific finding that it was in the best interests of the children to extend the time for a specified period.

The juvenile court found that the case was well beyond the 18-month timeline as the Children lived with Grandmother since they were born and had been formally placed in her care since December 2021, three years and 8 months earlier. They had lived with Aunt since April 2022, more than three years earlier. Given that the Department was not in contact with Mother until June 2024, however, the juvenile court found that it was in the Children's best interest to extend the period by beginning the 18-month clock in June 2024.

With this extension, however, the juvenile court found that even if additional reunification services were provided, that would not bring about a lasting parental adjustment that would permit the Children to return to Mother's care by December 2025,

four months from then. The court emphasized that Mother lived and worked in New York and had expressed no plans to move to Maryland where the Children were "fully integrated into their home, school, and community[.]" The court weighed this factor against Mother.

(d)(3)

This factor is addressed to certain aggravating factors. First, under (d)(3)(i), the court found that Mother had neglected the Children based upon the sustained adjudicatory facts and dispositional findings in the CINA cases. Second, under (d)(3)(ii), the court found that when C.F. was born, he tested positive for methamphetamines. Both factors weighed against Mother.

Under the last three sub-factors, the court found that Mother did not subject the Children to chronic abuse, neglect, sexual abuse or torture; had never been convicted of a crime of violence against her children or another parent of her children; and had never involuntarily lost parental rights to another child.

(d)(4)

The fourth factor is addressed to the child's emotional bonds to their biological parents, their siblings, other significant persons in their life, their adjustment, their feelings about the severance of the parent-child relationship, and the projected impact of that severance on their best interests.

The juvenile court found that the Children had "significant emotional ties" to Aunt and Grandmother. They were four years old and had lived with Grandmother since their

birth and with Aunt since they were a year old. Grandmother's home was the only home the Children had ever known.

In contrast, the court found that the Children lacked a significant bond with Mother, whom they only began seeing monthly in June 2024—three years after she left them with Grandmother. L.F. was "unsettled" after visits with Mother and needed extra attention at her preschool. C.F. was not emotionally affected.

The Children were well adjusted to their placement with Aunt and Grandmother. They attended a local preschool and spent time with extended family and family friends in the area. Mother did not testify to any plans to move back to Maryland to pursue reunification within the Children's existing community.

The court found that the Children were unlikely to have strong feelings about the severance of the parent-child relationship. The impact on their daily lives would be minimal because their primary caregiving figures were Grandmother and Aunt. The Children were taught who Mother was and understood the nature of their familial relationships.

Termination of Mother's parental rights would positively impact the Children's wellbeing because it would allow them to achieve legal permanency with the only caregivers they have ever known. There was no evidence that their lives would be disrupted in any way by termination or that they would experience emotional trauma.

Weighing of the Factors

In concluding that the Department had met its burden to show exceptional circumstances that made continuation of the parent child relationship detrimental to C.F. and L.F.'s welfare, the juvenile court distilled the following from its collective consideration of the statutory factors. The court emphasized the length of time the Children had lived with and been cared for exclusively by Grandmother and Aunt, with no contact from Mother. During that time, the Children had developed secure, loving attachments with Aunt and Grandmother in the only home they knew. Though Mother's improvement of her circumstances was noteworthy, the court found that she "continues to reside out of state, remains a limited presence in the [C]hildren's daily lives, and there are ongoing and substantial barriers to reunification." Reunification, and court explained, "would require additional, sustained changes in Mother's circumstances – changes that would take considerable time and carry no guarantee of success." The Children's interest in permanency was paramount and it was not in their best interest to remain in legal limbo to "await a possible future reunification that remains speculative at best."

Contentions of Error

Mother contends that the juvenile court was clearly erroneous in finding that exceptional circumstances made continuation of the parent-child relationship detrimental

to the Children's welfare.[6] She challenges both reasons offered by the court to support this finding: 1) the extent of the Children's bond with Aunt and Grandmother and 2) Mother's residence out of state. She also emphasizes that the only expert testimony adduced at the hearing came from Mother's therapist, who opined that Mother should retain parental rights and her ability to maintain contact with the Children.

The Department responds that the juvenile court did not err or abuse its broad discretion in weighing the statutory factors to reach its ultimate decision that exceptional circumstances made the continuation of the parent-child relationship detrimental to the Children's best interests. The Children agree, arguing that Mother "fundamentally misstates" the legal basis for the juvenile court's finding that the Children would be harmed by a continuing relationship with Mother.

Analysis

A. The juvenile court was not clearly erroneous in any of its factual findings.

Mother challenges two of the juvenile court's factual findings under the FL § 5-323(d) factors. A finding is not clearly erroneous where there is competent or material evidence in the record to support it. *Lemley v. Lemley*, 109 Md. App. 620, 628 (1996).

[6] Mother points out that neither counsel for the Department nor Children's counsel argued in the juvenile court that exceptional circumstances justified termination of Mother's parental rights. Though Mother is correct that counsel for the Department did not use those words, as mentioned previously, counsel argued the statutory factors addressed to a finding of exceptional circumstances in detail in support of a finding of exceptional circumstances. Children's counsel's argument likewise supported such a finding.

First, Mother contends that the court was clearly erroneous in finding "that reunification would not be possible in the near future." She emphasizes the legal framework for transferring a CINA case from one jurisdiction to another and Mother's sobriety, employment, and housing. Here, the evidence overall established that Mother had begun living independently just two months before the TPR hearing. Mother presented no evidence about the size or conditions of her living space. Mother did not testify that she had explored preschool or daycare options or testify about any steps she had taken to begin caring for twin 4-year-olds. Mother also did not express any intent to move back to Maryland. This was evidence supporting the juvenile court's finding that reunification was not a near-term reality.

Second, Mother contends that the juvenile court was clearly erroneous in finding that the Children would have "minimal feelings about the severance of their parent-child relationship with Mother" and, relatedly, that their "relationship" to Mother would remain the same even if her parental rights were terminated. Mother primarily makes this argument by reference to scholarly articles that were not before the juvenile court, and we decline to consider those materials. Mother maintains that the Children bonded with Mother during the first three months of their lives and during the "fifteen months

preceding".[7] the TPR decision. She emphasizes that there was no evaluation presented by a professional to show that the Children were not bonded with Mother. In contrast, Mother points out that she presented Dr. Goshin's expert testimony on the importance of a child's connection to their mother for their overall well-being.

The juvenile court's finding was not clearly erroneous. The evidence established that though the Children knew that Mother was their mom, they called her by her first name, in contrast to the familial names they used for Aunt and Grandmother. The evidence showed that C.F. had no reaction to visits with Mother and that L.F. was unsettled after visits. Ms. Hamlin testified that the visits went "pretty good", and that Mother behaved "appropriate[ly]." She stated that Mother brings snacks and toys for the Children and that during the visits, the Children play and "run around the room." There was no evidence that the Children asked to see Mother between visits or that she sought out increased time with them or had sent them letters or cards in between the monthly visits. This was evidence supporting the court's finding that after three years of no contact, removal of that contact was unlikely to impact the Children significantly.

Dr. Goshin's testimony does not alter that analysis. She offered an opinion that Mother was "well-suited to continue to engage with her children at this time[,]" that a

[7] The record reflects that Mother had ten visits – two virtual and eight in person – prior to the TPR trial. She was allowed continued monthly visits pending the juvenile court's August 4, 2025, decision to terminate parental rights and its September 29, 2025 order, denying her motion for reconsideration. The fifteen-month figure used by Mother in her brief thus necessarily includes five post-trial visits. We are reviewing the decision of the juvenile court based upon the evidence presented to it at a the two-day TPR hearing in May 2025, and we confine our analysis to that record.

maternal-child bond that has been broken can be "repaired with support[,]"and that because Mother had been able to reconnect with the Children recently, the bond they formed with her during the first three months of their lives had "likely been able to . . . resume[.]" In sum, Dr. Goshin did not offer an opinion that severance of Mother's parental rights would harm the Children, in the short term or the long term. Rather, she offered an opinion that the bond between Mother and the Children could be repaired over time if the appropriate supports were put in place and that Mother was well-suited to engage with her Children. Even if she had offered such an opinion, the juvenile court was free to accept or reject any or all her testimony. *See, e.g., Dackman v. Robinson*, 464 Md. 189, 216 (2019) (observing that "the fact-finder is free to reject [an] expert's opinion and accord it little or no weight").

B. The juvenile court did not in err in determining that exceptional circumstances made the continuation of the parent-child relationship detrimental to the welfare of the Children.

We begin with Mother's threshold contention that the court's preliminary focus should have been "on the relationship between the parent and child" before considering the best interests of the Children. This is inconsistent with our case law. "[I]n all cases where the interests of a child are in jeopardy the paramount consideration is what will best promote the child's welfare, a consideration that is of transcendent importance." *In re Adoption/Guardianship No. A91-71A*, 334 Md. 538, 561 (1994) (cleaned up). "[T]he controlling factor . . . is not the natural parent's interest in raising the child, but rather what best serves the interest of the child." *In re Adoption/Guardianship No. 10941*, 335 Md. 99, 113 (1994). Though the juvenile court must determine that a parent is unfit *or* that there

are exceptional circumstances that would make a continued parental relationship detrimental to the child's best interest before it may terminate parental rights, the exceptional circumstances analysis is based upon the FL § 5-323(d) factors, which also serves as the basis for the best interest analysis. *In re Adoption of Ta'Niya C.*, 417 Md. 90, 117 (2010). The juvenile court "cannot make a determination of whether there are exceptional circumstances that would overcome the presumption of parental rights and make continuation of parental rights detrimental to the child's best interest without looking into the child's best interest, the ultimate focus of the juvenile court's inquiry must be on the child's best interest." *Id.*

We now turn to the juvenile court's exceptional circumstances analysis. Mother contends that the juvenile court abused its discretion by focusing upon 1) the length of time the Children were placed with Aunt and Grandmother and the strength of their bond with those caregivers and 2) Mother's residence in New York as the bases for its finding of exceptional circumstances. We disagree.

Citing *In re Adoption/Guardianship of Alonzo D.*, 412 Md. 442 (2010), Mother asserts that "[a] child's bond with a caregiver cannot be the basis of an exceptional circumstances finding." In that case, despite a well-established and close father-child relationship, the father's consistent visitation with the child throughout his life, and his efforts to achieve reunification, the juvenile court terminated parental rights based primarily upon the length of time the child was placed with his foster parent and the loving and bonded relationship established in her home. *Id.* at 444-45, 460. On appeal, our

Supreme Court reversed, concluding that the juvenile court had placed too much emphasis upon the child's bond with the foster parent and failed to adequately consider the child's bond with his father. *Id.* at 468.

In this case, had the juvenile relied primarily or entirely on the fact that the Children are thriving in their current home to grant the Department's petition, that would be error. *See In re Adoption/Guardianship of H.W.*, 460 Md. 201, 233 (2018) (evidence that a child "thrived in his foster care placement" would not be enough, standing along, to justify severing parental rights). Rather, "'[f]or exceptional circumstances to exist, the court must also find that the passage of time when the parent and the child were apart makes continuation of the parental relationship detrimental to the best interest of the child.'" *Id.* (quoting *Ta'Niya C.*, 417 Md. at 112). That is what occurred here. The juvenile court appropriately considered the Children's ties to Grandmother and Aunt under FL § 5-323(d)(4), but its primary focus was upon their lack of ties to Mother. The Children had spent a total of less than 20 hours with Mother since they were three months old. It was this lack of any parental bond, from the Children's perspective, that the court weighed more heavily in reaching its ultimate determination.

Mother also contends that the juvenile court improperly focused upon her continued residence in New York, emphasizing that there was no legal impediment to reunification occurring in another state. The court did not suggest otherwise, instead focusing its analysis appropriately upon the Children's welfare. It reasonably concluded that Mother's choice to remain in New York when the Children's home, community, doctors, and school

were in Maryland made any attempt at reunification significantly more difficult and the period to achieve it lengthier. As Mother's own expert testified, reunification would need to occur gradually and with appropriate supports in place. Mother's distance from the Children necessarily would impede this process and the juvenile court did not err by considering it.

We also reject Mother's overarching argument that the juvenile court was required to find that the Children would be directly harmed by continuing to have a relationship with her and that absent evidence of this harm, termination was improper. Our Supreme Court's decision in *In re Adoption of Cadence B.*, 417 Md. 146, 150-52 (2010), is instructive in this regard. There, a child was placed in foster care when she was ten months old due to neglect by both her parents. Her father began living in Pennsylvania when the child was an infant, remaining there after a brief incarceration. *Id.* at 152. He was allowed unsupervised visits with her in Maryland, which went very well, but he only came to visit 11 times over the course of 19 months. *Id.* at 153. When the child was almost 2 years old, the juvenile court granted the local department's request to change her permanency plan from reunification with a parent to adoption by a non-relative, *i.e.*, her foster parents. *Id.* at 154-55. The father appealed from that ruling.

In affirming the juvenile court's decision, our Supreme Court reasoned that the father "made the choice to absent himself from [his child'] life" by remaining in Pennsylvania after a brief incarceration there even though his child was in Maryland. *Id.* at 160. He also had not taken advantage of the opportunity to see his child more frequently,

having spent approximately 72 hours with her over an 18-month period. The Court emphasized the juvenile court's finding that the father was more like a "beloved uncle" to the child rather than a parental figure. *Id.* at 162. It reasoned that our statutory scheme and our case law favor permanence because the prolonged uncertainty of foster care is detrimental to children. *Id.* at 164.

In the instant case, unlike in *Cadence B.*, the juvenile court did not find that the Children were bonded with Mother. They knew her identity as "their mom" but she otherwise was a virtual stranger to them. This was a consequence of choices Mother made, albeit initially while in the throes of addiction. Though the juvenile court credited Mother's testimony that she mistakenly believed that she was not allowed contact with the Children due to the finding of indicated neglect, a call to the Department when she was incarcerated from January 2023 to June 2023 or when she was in drug rehabilitation at Phoenix House from June 2023 until May 2024 would quickly have cleared up this misapprehension. There was evidence before the juvenile court that Phoenix House would have encouraged and facilitated virtual or even if person visits, should those have been possible to arrange. Thus, Mother's recent sobriety and stability notwithstanding, the Children grew up completely without contact with her, formed a bond with Aunt and Grandmother, and established supportive ties in Baltimore with friends, teachers, and medical caregivers.

The harm or detriment envisioned by our case law and our statutory scheme encompasses all the FL § 5-323(d) factors. The issue before the juvenile court and before this Court in review of that decision is not whether the Children would suffer a particular

harm if Mother continued to visit with them monthly or more frequently, but whether the Children would be harmed if Mother's interest in reunifying with them was given priority over their interest in finality within their well-established home and community.

The Supreme Court of Maryland has recognized that a child's childhood is finite and that time is of the essence. *Rashawn H.*, 402 Md. at 501 (observing that "children have a right to reasonable stability in their lives and . . . permanent foster care is generally not a preferred option"). "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, 82 (2013). "Long periods of foster care are harmful to the children and prevent them from reaching their full potential." *Id.* at 83 (cleaned up).

Maintaining Mother's parental rights indefinitely while she attempts to establish a bond with the Children would place their "status in a state of suspended animation until a future date that may never occur." *In re Adoption/Guardianship of C.A. & D.A.*, 234 Md. App. 30, 56 (2017). For all these reasons, the juvenile court did not err by ruling that it was to the detriment of C.F. and L.F.'s best interests to continue the parent-child and that it was in their best interest to grant the TPR petition. *See In re Karl H.*, 394 Md. 402, 416 (2006) (explaining that where there is a "conflict between the rights of the parents or legal guardian and those of the child, the child's best interest shall take precedence"); *accord Rashawn H.*, 402 Md. at 497.

We reiterate and affirm the court's acknowledgement that Mother has made significant and meaningful strides in her life. We agree with the juvenile court, however,

that under the circumstances, it would not be in the best interests of the Children to uproot them from the only home they have ever known, where they are "fully integrated into their home, school, and community" under the exclusive care of their Grandmother and Aunt.

C. The juvenile court was not obligated to consider less restrictive measures before granting the Department's petition.

Mother argued for the first time in her motion to alter or amend that the juvenile court should have considered less restrictive alternatives, such as a grant of custody and guardianship under CJP § 3-819.2, before terminating her parental rights. As the Department correctly points out, however, that outcome was not permissible within the guardianship proceeding and was not before the juvenile court for decision. In any event, the legislature had determined in the context of CINA proceedings that a permanency plan of adoption is prioritized over a permanency plan of custody and guardianship. *See* CJP § 3-823(e)(1)(i) (establishing a descending order of priority for permanency plans). Further, and contrary to Mother's appellate contention, the Children's permanency plan was solely adoption by a relative since March 2023, more than a year before Mother resumed contact with the Children and more than two years before the TPR trial.

The juvenile court correctly tethered its analysis to the statutory factors under FL § 5-323(d) and made non-clearly erroneous findings by clear and convincing evidence. We decline Mother's invitation to revisit the legal standard applicable in TPR cases and to impose a heightened standard not reflected in the statutory framework or our extensive caselaw.

JUDGMENT OF THE CIRCUIT COURT FOR BALTIMORE CITY, SITTING AS A JUVENILE COURT AFFIRMED. COSTS TO BE PAID BY APPELLANT.

E-FILED
Gregory Hilton, Clerk,
Supreme Court of Maryland
8/21/2026 1:21 PM

Supreme Court of Maryland

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Gregory Hilton,
Clerk

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August 21, 2026

NOTICE OF ORDER

In Re: C.F. and L.F.
Petition No. 87, September Term, 2026

On August 21, 2026, the Court entered an order[1] denying the petition in this Court.

/s/ Gregory Hilton
Clerk

Copy to: All counsel of record
Any unrepresented parties
Clerk, Appellate Court of Maryland
Clerk, Circuit Court

[1] The Court's order can be viewed online at https://www.mdcourts.gov/scm/petitions.

DECLARATION OF SERVICE

I, Eveylon Ferguson, declare under penalty of perjury that on 11/7/2026, 2026, I served the following parties by depositing in United States first-class mail, postage prepaid, a copy of my Application to Extend Time to File a Petition for a Writ of Certiorari and the two attached Maryland court decisions:

Anthony G. Brown, Office of the Attorney General of Maryland, 25 South Charles Street, 10th Floor, Baltimore, MD 21201. Counsel for Baltimore City Department of Social Services. Office telephone: (410) 576-6300.

William E. Crist, Maryland Legal Aid, Charles H. Dorsey, Jr. Building, 500 East Lexington Street, Baltimore, MD 21202. Counsel for the Children. Office telephone: (410) 951-7777.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11/07/2026, 2026, at 10:27 AM.

Signature: _____

Eveylon Ferguson, Petitioner, Pro Se

75 West End Avenue, Apt. C4M, New York, NY 10023

Telephone: (516) 903-7833

NOTARY ACKNOWLEDGMENT / JURAT (to be completed by notary, if required):

(Jurat attached)

_____

Rachel Sophie Powlen
Notary Public, NY State
Witnessed 11/7/2026
at New York County,
NY State

RACHEL SOPHIE POWLEN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01PO0039151
Qualified in New York County
Commission Expires July 07, 2029

State of New York

County of New York

Subscribed and sworn to (or affirmed) before me on this 7 day of November, 2026, by Evelon Ferguson, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Notary Public

RACHEL SOPHIE POWLEN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01PO0039151
Qualified in New York County
Commission Expires July 07, 2029