Circuit Court for Prince George's County
Case No. CAP03-10923

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 60

September Term, 2018

ONA RECKLING

v.

LEONARD RAYFORD

Friedman,
Beachley,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: April 1, 2019

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

Ona Reckling, appellant, and Leonard Rayford, appellee, are the parents of J.R., a minor child. In 2004, the Circuit Court for Prince George's County entered a consent order directing Mr. Rayford to pay Ms. Reckling $2,072 per month in child support. In 2017, Ms. Reckling filed a petition for contempt and to enforce the child support order, claiming that Mr. Rayford had not made any contributions towards his child support obligations since April 2005 and therefore, was in arrears $296,296. Mr. Rayford filed an opposition and a motion to terminate his child support obligation. Following an evidentiary hearing, the court entered a written order on December 13, 2017, finding that Mr. Rayford was not in contempt; assessing his child support arrearages at zero; and terminating his child support obligations. On January 3, 2018, Ms. Reckling filed a motion for reconsideration, which the court denied on February 2, 2018. On appeal, Ms. Reckling contends that the court abused its discretion in denying her motion for reconsideration because, she claims, the December 13, 2017, order retroactively modified Mr. Rayford's child support obligations in violation of § 12-104 of the Family Law Article. Because the court did not abuse its discretion in denying Ms. Reckling's motion for reconsideration, we affirm.

Although abuse of discretion is ordinarily a highly deferential standard of review, the required degree of deference is even greater when the appeal challenges a discretionary decision not to revise a judgment. In that context, "even a poor call is not necessarily a clear abuse of discretion." *Stuples v. Baltimore City Police Dep't*, 119 Md. App. 221, 232 (1998). Moreover, "the ruling in issue does not have to have been right to survive so minimal and deferential a standard of review." *Id*. That is because "an appeal from the

primary judgment itself is the proper method for testing in an appellate court the correctness of such a legal ruling." *Hardy v. Metts*, 282 Md. 1, 6 (1978). "At most, the very parochial inquiry we shall undertake is into whether [the circuit court's] denial of the Motion to Revise was so far wrong – to wit, so egregiously wrong – as to constitute a clear abuse of discretion." *Stuples*, 119 Md. App. at 232.

In claiming that the court abused its discretion in denying her motion for reconsideration, Ms. Reckling's sole contention is that the December 13, 2017, order constituted an unlawful retroactive modification of Mr. Rayford's child support obligations. We disagree. To be sure, § 12-104(b) of the Family Law Article prohibits the court from retroactively modifying a child support award prior to the date of a filing of a motion for modification. However, based on our review of the record, that is not what occurred here. Specifically, the court found that: (1) Ms. Reckling and J.R. had moved in with Mr. Rayford in 2006 and lived with Mr. Rayford until 2016; (2) during that time Mr. Rayford had, "with [Ms. Reckling's] consent spent his total child support obligation and substantially more directly on [J.R.];" (3) Mr. Rayford was entitled to a credit for those expenditures against his child support arrearages; and (4) after applying those credits, his child support arrearages were zero. Thus, the court did not alter Mr. Rayford's child support obligations. Rather, it determined that he had satisfied those obligations based on the money that he had spent to support J.R. during the period that the parties cohabitated. *See generally Child Support Enforcement Admin v. Shehan*, 148 Md. App. 550, 562 (2002) (holding that it was presumed, "absent evidence to the contrary, that [the appellant] spent his child support obligation on the child during the periods that the parties actually

cohabitated" and remanding to the circuit court "to establish the amount of any support credits to which [the appellant] [might] be entitled"). Because Ms. Reckling has not established that the circuit court retroactively modified Mr. Rayford's child support obligations, we cannot say that the court abused its discretion in denying her motion for reconsideration.

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