

Circuit Court for Anne Arundel County  
Case No. C-02-FM-24-812286

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND\*

No. 159

September Term, 2024

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JEFFREY REICHERT

v.

SARAH HORNBECK

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Tang,  
Albright,  
Hotten, Michele D.  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Albright, J.

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Filed: May 13, 2025

\*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).

Jeffrey Reichert (“Father”) filed, in the District Court of Maryland for Baltimore County, a petition for a protective order against Sarah Hornbeck (“Mother”) on behalf of the parties’ minor child (“G.R.”). Father alleged that Mother had physically assaulted G.R. After the District Court granted Father’s petition and entered a temporary protective order against Mother, the District Court transferred the matter to the Circuit Court for Anne Arundel County, where the parties had a pending custody dispute involving G.R. Following an investigation by the Baltimore County Department of Social Services (“DSS”) and a final protective order hearing, the circuit court denied Father’s request for a final protective order. Father noted an appeal, presenting five questions for our review. For clarity, we have rephrased those questions as<sup>1</sup>:

- I. Was the Circuit Court for Anne Arundel County the proper venue to hear and rule on Father’s request for a final protective order?
- II. Did the circuit court err or abuse its discretion in addressing Father’s concerns regarding the nature and circumstances of DSS’s interview with G.R. during its investigation into the alleged abuse?

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<sup>1</sup> Father phrased the questions as:

1. Was Anne Arundel Circuit Court the proper venue to hear and rule on the Petition for Protective Order?
2. Did the Baltimore County Department of Social Services err in conducting the Minor Child’s interview remotely and in the presence of his alleged abusers?
3. Was the Baltimore County Department of Social Services’ investigation deficient?
4. Was the examination of the Baltimore County Department of Social Services sufficient?
5. Did the Circuit Court err in not hearing from the Minor Child?

- III. Did the circuit court err or abuse its discretion in rendering a decision on Father’s petition in light of DSS’s investigation into the alleged abuse, which Father claims was improper and insufficient?
- IV. Did the circuit court err or abuse its discretion in permitting a DSS caseworker to appear at the hearing remotely and in imposing a time limit on Father’s examination of the caseworker?
- V. Did the circuit court err or abuse its discretion in refusing to interview G.R.?

Finding no error or abuse of discretion, we affirm.

### **BACKGROUND**

In 2009, the parties married. Later that same year, G.R. was born. In 2011, the parties divorced, and an order was entered granting the parties joint physical and legal custody.

In June 2019, Father filed for and was granted a final protective order on behalf of G.R. after G.R. was found in Mother’s care while Mother was intoxicated. As a result of those proceedings, Father was awarded temporary physical custody of G.R., and Mother was awarded visitation.

In July 2020, Mother filed, in the Circuit Court for Anne Arundel County, a motion to modify the parties’ original custody order. At the time, Father lived in Anne Arundel County. In her petition, Mother alleged that Father was denying her access to G.R. In April 2021, the parties agreed to a *pendente lite* order whereby Father would continue to have primary physical custody of G.R. and Mother would continue to have visitation.

In May 2021, Mother filed a motion alleging that Father was still denying her access to G.R. Following a subsequent hearing, the court found that Father had “unjustifiably interfered” with Mother’s visitation rights, and the court ordered Father to produce G.R. for visitation. When Father refused, he was jailed for contempt, but he was later released after producing the child. Sometime later, it was discovered that Father had been discussing the custody dispute with G.R. and had been making disparaging comments about Mother to G.R.

In February 2022, after Mother had alleged that Father was still denying her access to G.R., the court modified the *pendente lite* order and granted Mother sole physical and legal custody of G.R. In so doing, the court found that modifying the custody order was necessary because Father had simply refused to make G.R. available for visitation. The court also found that Father had continued to discuss the custody dispute with G.R.

The court thereafter held periodic review hearings pending a final determination regarding Mother’s motion to modify the parties’ original custody order. At one such hearing, which was held in July 2022, the court found that “Father’s continued involvement of [G.R.] in these court proceedings constitutes mental abuse” and that Father’s actions throughout the proceedings had “been psychologically damaging to [G.R.]” The court declared that Father’s access to G.R. must be supervised.

In September 2022, the circuit court entered an order granting Mother’s motion to modify the parties’ original custody order. The court awarded Mother sole physical and legal custody of G.R., with Father being granted supervised visitation. The court also

ordered, among other things, that neither party should discuss the custody dispute with G.R. or make disparaging comments about the other party to G.R.

In June 2023, Mother filed a petition for contempt against Father. Mother alleged, among other things, that Father had been secretly communicating with G.R. and that, during those communications, Father had been discussing the custody dispute and disparaging Mother.

In August 2023, while the matter in Anne Arundel County was pending, Father filed, in the Circuit Court for Baltimore County, a motion to modify custody. In December 2023, the Baltimore County circuit court transferred Father’s case to the Anne Arundel County circuit court pursuant to Maryland Rule 2-327.<sup>2</sup> In January 2024, the Anne Arundel County circuit court consolidated Father’s case with the parties’ pending custody matter.

### ***Petition for Protective Order***

Meanwhile, on December 19, 2023, Father filed, in the District Court of Maryland for Baltimore County, a petition for a protective order on behalf of G.R. against Mother. Father alleged that Mother had struck G.R. in the neck. That same day, the District Court granted Father’s petition and entered a temporary protective order against Mother.

Shortly thereafter, DSS received a copy of the temporary protective order. DSS reviewed the allegations of abuse and determined that “they do not meet the legal threshold for further investigation at this time.”

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<sup>2</sup> Maryland Rule 2-327 permits a judicial circuit to transfer a case to another judicial circuit if there is a related action pending in that circuit.

On January 9, 2024, the District Court transferred Father’s case to the Anne Arundel County circuit court for a final protective order hearing. Citing Maryland Rule 3-326, the District Court found that there was “a pending action in the circuit court involving one or more of the parties” and that it was “in the interests of justice to transfer the action.”

***Final Protective Order Hearing Postponed***

A final protective hearing was scheduled for January 23, 2024. At the beginning of that hearing, Father requested that the matter be postponed so that DSS could conduct a more thorough investigation into the allegations of abuse. Father also intimated that he wanted G.R. to appear and give testimony regarding the allegations of abuse.

The circuit court ultimately agreed to postpone the matter to February 9, 2024. The court determined that DSS’s report regarding the abuse was “very conclusory,” and the court ordered DSS to conduct a more comprehensive investigation, which included interviewing G.R. The court reserved ruling on whether to compel G.R. to testify.

When the parties returned to court on February 9, 2024, DSS had not yet completed the court-ordered evaluation. The court again postponed the matter and again ordered DSS to complete the evaluation. The court also ordered DSS to submit a report of the investigation to the court and to have someone appear at the rescheduled final protective order hearing. The court again reserved ruling on whether to compel G.R. to testify, although the court did order that G.R. be made available if “his testimony is needed.”

***DSS Report***

On February 21, 2024, DSS submitted to the court a “Report on Alleged Child Maltreatment.” According to that report, Kyle Correa, a DSS caseworker, had conducted interviews with G.R., Mother, and Father regarding the allegations of abuse. The report included detailed notes as to the substance of each interview. During his interview, Father alleged, among other things, that Mother had physically assaulted G.R. Both Mother and G.R., in their respective interviews, denied the allegations of abuse. Ultimately, DSS concluded that the “matter was not accepted as a CPS case and therefore no investigation or finding is to be made.”

***Final Protective Order Hearing Concluded – February 23, 2024***

On February 23, 2024, the parties returned to court for the conclusion of the protective order hearing. The hearing was scheduled to last two hours, with each party being given one hour to present their respective cases.

At the beginning of that hearing, the court informed the parties that Mr. Correa, the DSS caseworker, was in Baltimore City but was available “via Zoom.” The court also asked whether the parties had received a copy of the DSS report. Father’s counsel confirmed he had received the report, but he added that there were “some preliminary issues.” Counsel argued that the report was “incomplete” because “there were a litany of collateral witnesses” that DSS had failed to interview. Counsel also argued that Mr. Correa should be physically in the courtroom to give testimony. Finally, counsel argued that Mr. Correa’s interview with G.R. was “insufficient” because it was conducted virtually, it only lasted 30 minutes, and it may have been influenced by other persons

who may have been in the room with G.R. at the time of the interview. Counsel insisted that the court needed to interview G.R. directly so that he could “speak freely.”

Following those arguments, the court reminded counsel that the matter had been “set for a two-hour protective order hearing,” which meant that each side had one hour for “motions, cross-examination, everything.” The court emphasized that each party could “make decisions” regarding the presentation of evidence, but the party needed to “keep in mind” that there were “time restrictions.” Father’s counsel affirmatively acknowledged those parameters.

After hearing from Mother’s counsel, the court reserved ruling on whether G.R. would testify, stating that it had “not been convinced that it’s appropriate for [G.R.] to testify at this moment.” As to Mr. Correa, the DSS caseworker, the court ordered him to come to court from Baltimore City. After confirming that Mr. Correa was en route, the court stated that it would “start the testimony with other matters” and that Mr. Correa could be called as a witness “when he comes.”

Father’s counsel began his case-in-chief by calling Father as a witness. Father thereafter accused Mother, Mother’s fiancée, and Mother’s father of multiple instances of physical and mental abuse against G.R. Those accusations were supposedly reported by G.R. to Father. Father’s testimony, which lasted approximately 40 minutes, included additional details and allegations related to the parties’ ongoing custody dispute.

Throughout Father’s direct testimony, the court provided multiple updates regarding Father’s allotted time. At one point, the court interrupted counsel’s questioning



and stated that he had used “about 30 minutes” of his one-hour limit. The court intimated that counsel’s “time to question the worker who’s coming in” may be limited by the time restrictions. Counsel affirmatively acknowledged his understanding. The court provided additional updates when Father had twenty minutes remaining and when he had fifteen minutes remaining. When Father’s direct testimony finally concluded, the court stated that counsel had seven minutes remaining. Father did not object or request more time.

Shortly thereafter, Father’s counsel asked the court if he could devote his remaining time so that the court could hear from G.R. in chambers. The court ultimately denied the request, explaining:

. . . I always reserve before I make a determination of whether or not it’s appropriate for a particular case for me to listen and speak with the child.

I want to get a flavor for what the allegations are and then that helps guide me on whether or not their additional information, I don’t call it testimony, but basically speaking with them would help me make my determination.

Here, based on what I’ve heard so far, that’s not going to be helpful for me, given my concerns about his well-being. Given the testimony that he, you know, he – how traumatic this whole experience has been for him.

So I just don’t think that it’s appropriate under these circumstances based on the information that was presented to the court today, not in his best interest to be involved in this at this point.

Shortly thereafter, Mr. Correa, who had arrived in court a few minutes earlier, was called to testify about DSS’s investigation. Mr. Correa testified that he had spoken with G.R. for “about an hour” and that the conversation “took place over a virtual call.” Mr. Correa testified that G.R. was the only person on the monitor during the video call, but he added that he was unsure if any other person was in the home at the time of the interview. Mr. Correa testified that G.R. “did not raise concerns that he was in danger in his

mother’s home.” Mr. Correa testified that, as a result of the investigation, DSS did not have any concerns about G.R.’s safety, and DSS did not find any evidence of physical abuse.

At the conclusion of Mr. Correa’s testimony, the court accepted into evidence the report that DSS had submitted prior to the hearing. Father did not object to the admission of the report.

Mother thereafter testified and denied all allegations of physical and mental abuse. Mother also testified that, although she and another adult were in the home when G.R. was interviewed by DSS regarding the allegations of abuse, no one other than G.R. was present during the interview or privy to the conversation.

At the conclusion of the hearing, the court determined that Father had failed to meet his burden of proof. The court “was not persuaded that the minor child in this matter was abused, either mentally or physically abused, based on the testimony of the witnesses and other evidence submitted into the record.” The court therefore denied Father’s request for a final protective order.

This timely appeal followed. Additional facts will be supplied as needed below.

### **STANDARD OF REVIEW**

“A trial court may grant a final protective order if there is a finding ‘by a preponderance of the evidence that the alleged abuse has occurred[.]’” *Hripunovs v. Maximova*, 263 Md. App. 244, 261 (2024) (quoting Md. Code, Fam. Law § 4-506(c)(1)(ii)). In reviewing a court’s decision to grant or deny a final protective

order, “we accept the circuit court’s findings of facts, unless they are clearly erroneous.” *C.M. v. J.M.*, 258 Md. App. 40, 58 (2023). We consider the evidence in a light most favorable to the prevailing party, and we defer to the court’s determinations of credibility. *Id.* “As to the circuit court’s ultimate conclusion, ‘we must make our own independent appraisal by reviewing the law and applying it to the facts of the case.’” *Id.* (quoting *Piper v. Layman*, 125 Md. App. 745, 754 (1999)).

## DISCUSSION

### **I. The Circuit Court for Anne Arundel County was the proper venue to hear and rule on Father’s request for a final protective order.**

Father first argues that the Circuit Court for Anne Arundel County was not the proper venue to hear his petition for protective order. He contends that Baltimore County was the appropriate venue because the allegations began in Baltimore County and the petition for protective order was brought in Baltimore County. Father insists that there was “no legal justification to support the transfer” and that “the Circuit Court for Anne Arundel County does not have jurisdiction.” We disagree.

Under Maryland Rule 3-326, after entering a temporary protective order, the District Court may transfer the action to a circuit court for the final protective order hearing if the District Court determines that

(i) there is a pending action in the circuit court involving one or more of the parties in which there is an existing order or request for relief similar to that being sought in the District Court and (ii) in the interests of justice, the action should be heard in the circuit court.

Md. Rule 3-326(c)(1)(A). Here, at the time the District Court entered the temporary protective order, there was a pending action in the Anne Arundel County circuit court

involving the parties in which there was an existing custody order. The District Court, in transferring the action, noted the parties’ pending case and determined that it was in the interests of justice to transfer the action. Thus, the District Court’s decision was supported by the law and not erroneous, and the Anne Arundel County circuit court had the requisite jurisdiction to hear the matter.

**II. The circuit court did not err or abuse its discretion in addressing Father’s concerns regarding the nature and circumstances of DSS’s interview with G.R. during its investigation into the alleged abuse.**

Father next claims that DSS “erred in conducting the minor child’s interview remotely and in the presence of his alleged abusers.” Father contends that “an abused child might be unable to verbalize traumatic experiences while in the presence of the abuser.”<sup>3</sup> Father argues that the DSS caseworker who conducted the interview “blatantly disregarded the DSS’s fundamental principle of making sure that children can speak privately about abuse.” Father insists that “the court’s failure to properly address this concern constitutes reversible error.”

We find no error or abuse of discretion in the court’s handling of the matter. To begin with, there was no evidence that G.R.’s interview with DSS was conducted “in the presence” of his alleged abusers. To the contrary, Mother testified that, although she was in the home when the interview was conducted, G.R. was the only person in the room where the interview took place. Mr. Correa, the DSS caseworker who conducted the

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<sup>3</sup> In so arguing, Father relies on *Wildermuth v. State*, 310 Md. 496 (1987). Such reliance is misplaced. That case involved a criminal defendant’s constitutional right to confront a child witness at trial.

interview, testified that G.R. was the only person on the screen during the virtual call. Aside from that testimony, no other evidence was presented regarding the circumstances of the interview. Thus, Father’s claim is not supported by the record.

To the extent that Father is arguing that the reliability of the interview was somehow compromised by the circumstances under which it was conducted, we find that argument to be waived. Although Father did raise concerns about the interview at the beginning of the final protective order hearing, he subsequently elicited testimony about the contents of that interview during his direct examination of Mr. Correa. Then, when the details of the interview were admitted into evidence by way of DSS’s report, Father did not object. Because the substance of the interview was elicited by Father and later received without objection, Father has waived his appellate claim. *See Patriot Constr., LLC v. VK Elec. Servs., LLC*, 257 Md. App. 245, 268 (2023) (“A claim of error in the admission of evidence is ‘waived if, at another point during the trial, evidence on the same point is admitted without objection.’”) (quoting *DeLeon v. State*, 407 Md. 16, 31 (2008)); *see also* Md. Rule 2-517(a) (“An objection to the admission of evidence shall be made at the time the evidence is offered or as soon thereafter as the grounds for objection become apparent. Otherwise, the objection is waived.”).

Assuming, *arguendo*, that Father’s claim was not waived, we perceive no error or abuse of discretion. There was no evidence that DSS’s interview with G.R. was improper. Moreover, Father was given the opportunity to question the caseworker about the interview and to make arguments as to the credibility of the worker’s findings.

**III. The circuit court did not err or abuse its discretion in rendering a decision on Father’s petition in light of DSS’s investigation into the alleged abuse.**

Father next claims that DSS’s investigation into the allegations of abuse was “deficient” and “mandates the remand of this matter.” Father argues that the investigation was “cursory and untimely” and that the caseworker who conducted the investigation “failed to sufficiently address the serious allegations at issue.”<sup>4</sup> Father also contends that the report generated by DSS and admitted into evidence by the court was, among other things, “of poor quality” and “basically useless.” Father argues that “it was an error for the court to render a decision before a proper investigation was performed.”

We hold that Father’s argument was waived. As discussed *supra*, Father did not object to the admission of the report. If Father believed that the investigation and subsequent report was deficient, he needed to object when the report was admitted into evidence.

Regardless, we find no error or abuse of discretion in the court’s decision to rule on Father’s petition without requiring DSS to supplement its investigation. Father cites no authority for the proposition that the court was required to await an investigation by DSS, proper or otherwise, before ruling on Father’s petition for protective order. Even so,

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<sup>4</sup> Father attempts to analogize *Horridge v. St. Mary’s Cnty. Dep’t of Soc. Servs.*, 382 Md. 170 (2004), a case determining whether DSS’s statutory obligation to investigate reports of child abuse and take appropriate steps to protect the child created a civil duty, and, if so, whether, “. . . subject to the [Maryland] State Tort Claims Act, liability exists on the part of the State or individual social workers if harm ensues to a child because of negligent breach of that duty.” *Id.* at 174-75. Here, Father’s claim was for a domestic violence protective order against Mother, not for negligence against the State or individual social workers. Because the claims in *Horridge* were entirely different from those here, we don’t read *Horridge* to support the reversal or remand that Father seeks here.

we are not persuaded that DSS’s investigation and report were, in fact, deficient. DSS interviewed Mother, Father, and G.R. separately and at length regarding the allegations of abuse, and the caseworker who conducted the interviews included detailed notes in his report regarding each interview. Per the report, both Mother and G.R. confirmed, in their separate interviews, that the allegations of abuse were unfounded. There is no compelling evidence in the record to suggest that any additional investigation by DSS would have uncovered evidence to corroborate Father’s allegations.

Finally, even if DSS’s investigation and subsequent report could be characterized as “deficient,” we fail to see how that would be relevant to our review of the court’s decision to deny Father’s petition for protective order. The burden was on Father, not DSS, to prove the allegations of abuse. Although the court did order DSS to investigate the matter and generate a report, the record shows that DSS complied with the court’s order. At that point, the court was well within its discretion to accept the report into evidence and to give the report whatever weight the court deemed appropriate.

Ultimately, the court determined, based on the report and the testimony presented at the hearing, that Father had failed to meet his burden. We are convinced that the court’s decision was legally correct and not an abuse of discretion.

**IV. The circuit court did not err or abuse its discretion in permitting a DSS caseworker to appear at the hearing remotely and in imposing a time limit on Father’s examination of the caseworker.**

Father next claims that the examination of the DSS caseworker at the protective order hearing was “insufficient.” Father asserts that the caseworker should not have been permitted to appear remotely, as “it was clear that cross-examination via Zoom was not a

sufficient means to address the deficiencies within the report.” Father argues that “the remote appearance of the caseworker for the majority of the hearing hampered [Father’s] ability to thoroughly cross-examine the caseworker.” Father also asserts that the court failed to give him sufficient time to examine the caseworker.

We find no merit to Father’s claims. To be sure, it appears from the record that the court had intended to allow the caseworker to appear remotely at the final protective order hearing held on February 24, 2024. But, at the start of the hearing, and before any evidence was received, the court ordered the caseworker to come to court. The caseworker agreed, and, a short time later, he arrived in court and gave testimony. Simply put, Father’s claim about “cross-examination via Zoom” fails because the caseworker was not cross examined via Zoom. Similarly, Father’s claim that the caseworker appeared remotely “for the majority of the hearing” is belied by the record.

As to Father’s claim that he lacked sufficient time to examine the caseworker once the caseworker appeared in court, the record makes plain that Father was to blame for his lack of time. At the start of the hearing, the court informed the parties that they each had one hour to present their respective cases, and Father’s counsel affirmatively accepted that parameter. After the DSS caseworker was ordered to come to court to give direct testimony in person, Father proceeded to spend the vast majority of his allotted time on his direct testimony. Throughout that testimony, and again after Father’s testimony concluded, the court updated Father as to his remaining time, and Father’s counsel affirmatively acknowledged his understanding. At no point did Father request more time



or otherwise indicate that whatever time he had remaining would be insufficient to question the DSS caseworker. If Father believed, as he does now, that the time allotted for his examination of the DSS caseworker was insufficient, he should have utilized his time more judiciously or, at the very least, asked the court for more time. Given that he did neither, Father cannot now claim that the court erred. *See* Md. Rule 8-131(a).

**V. The circuit court did not err or abuse its discretion in refusing to interview G.R.**

Father’s final claim is that the circuit court erred in refusing to hear from G.R. Father contends that, because the evidence of the alleged abuse was limited to hearsay statements made by G.R. to Father, and because DSS conducted a poor investigation into the allegations, it was imperative that the court speak with G.R.

We are not persuaded that the court erred. The decision to interview a child in a protective order proceeding is discretionary, and we review that decision for abuse of discretion. *See C.M.*, 258 Md. App. at 62–68. “The abuse of discretion standard requires trial judges to use their discretion soundly, and we do not consider that discretion to be abused unless the judge exercises it in an arbitrary or capricious manner or when he or she acts beyond the letter of reason of the law.” *Paige v. State*, 222 Md. App. 190, 198–99 (2015) (citations omitted).

Here, the court carefully considered Father’s request to have G.R. interviewed, and the court reserved ruling on that request until after Father testified regarding the allegations of abuse and the parties’ lengthy custody battle. Upon considering that evidence and other relevant circumstances, the court found that there were “concerns

about [G.R.’s] well-being” and “how traumatic this whole experience has been for him.” The court determined that, under the circumstances, it was “not in his best interest to be involved” in the case.

From that, it is evident that the court soundly exercised its discretion and reached a reasonable decision based on the circumstances. Given Father’s history of involving G.R., to his detriment, in the parties’ long and contentious custody dispute, we find no abuse of discretion in the court’s decision not to involve G.R. in the instant matter.

**JUDGMENT OF THE CIRCUIT COURT  
FOR ANNE ARUNDEL COUNTY  
AFFIRMED; COSTS TO BE PAID BY  
APPELLANT.**