

Circuit Court for Cecil County
Case No.: C-07-FM-24-000077

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 207

September Term, 2025

YADIRA PATRICIA CABRERA LOPEZ

v.

SALVADOR GARCIA MADRIGAL

Graeff,
Friedman,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Friedman, J.

Filed: January 2, 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 MD. RULE 1-104(a)(2)(B).

After a trial in the Circuit Court for Cecil County, the court entered a judgment of absolute divorce between appellant, Yadira Cabrera Lopez (“Mother”), and appellee, Salvador Madrigal (“Father”). The circuit court granted the parties joint legal and physical custody of their three minor children, declined to grant a marital award to either party, and denied Mother’s requests for child support and alimony. Mother appeals and asserts several errors by the circuit court, including the court’s denial of child support, alimony, and a monetary award. For the reasons that follow, we affirm the judgment of the circuit court in part and vacate in part.

BACKGROUND

The parties married and had three children. Years later, the parties separated. Father then filed a complaint for absolute divorce, and Mother filed a counter complaint for divorce. The court entered a pendente lite order granting the parties joint child custody and awarding child support to Mother.

At trial, Mother represented herself and Father appeared with counsel. Mother asked for alimony, but the court advised Mother that she had not filed the long-form financial statement required by Md. Rule 9-202(e). The court thereafter heard testimony from Mother, Father, and several members of Mother’s family.

Father is a partial owner of a landscaping company. His most recent tax return indicated that he earned an income of \$26,024. Father testified that his current income was comparable to his income in his tax return, and that the landscaping company was his only source of income. Mother testified that when the children were in her custody, she worked

35 to 40 hours per week, earning \$15 per hour, and that when the children were not in her custody, she worked seven additional hours per week.

Mother requested that the court award her full custody of the children. In support, she asserted that Father failed to comply with the pendente lite order granting the parties joint custody, including that he had not notified her regarding the children’s doctor’s appointments and that he was in arrears on his child support payments. The court issued a judgment of absolute divorce, awarded joint legal and joint physical custody of the children, and denied Mother’s requests for child support, alimony, and a monetary award. Mother timely noted this appeal.

DISCUSSION

I. EVIDENCE PRESENTED AND VIOLATIONS OF THE PENDENTE LITE ORDER

Mother contends that the court erred because Mother was “not allowed to present key evidence and witnesses” at trial. Further, she asserts that Father “repeatedly violated the pendente lite order” and “failed to notify [her] of [their] children’s appointments and events[.]” Father responds that the court did not err in considering the evidence presented by Mother and that issues relating to the pendente lite order were heard and considered at trial.

“We ‘review rulings on the admissibility of evidence ordinarily on an abuse of discretion standard.’” *Sail Zambezi, Ltd. v. Maryland State Highway Admin.*, 217 Md. App. 138, 155 (2014) (quoting *Bernadyn v. State*, 390 Md. 1, 7 (2005)). In this case, the record reflects that the court heard testimony from Mother and each of Mother’s witnesses, including Mother’s mother, sister, and niece. Additionally, the court received and

considered forty-six exhibits, including various images, text messages, and documents introduced by Mother. Mother points to no “key evidence” that she was not allowed to present and no witnesses who were prohibited from testifying. Consequently, we see no abuse of discretion relating to the evidence and testimony permitted at trial.

Further, “[d]ue regard is given to the factual findings of the trial court, and this Court will not re-weigh the evidence.” *Spencer v. State*, 422 Md. 422, 434 (2011). This is because, as we have noted, the trial court “sees the witnesses and the parties, hears the testimony, and … is in a far better position than is an appellate court, which has only a cold record before it, to weigh the evidence and determine what disposition will best promote the welfare of the minor’ child.” *Reichert v. Hornbeck*, 210 Md. App. 282, 304 (2013) (quoting *In re Yve S.*, 373 Md. 551, 586 (2003)).

Here, the record reflects that the court properly considered Mother’s testimony that joint custody was improper due to Father’s violations of the pendente lite order. The court noted Mother’s contention that “[Father] has not allowed her to have video calls and hasn’t told her about appointments[,]” and nonetheless determined that joint custody was appropriate. The court did so after considering Mother’s testimony, Father’s testimony that joint custody “has been beneficial for the children,” and the factors set forth in *Taylor v. Taylor*, 306 Md. 290, 304-11 (1986) and *Montgomery Cnty. Dep’t of Soc. Servs. v. Sanders*, 38 Md. App. 406, 420 (1978).¹ In sum, the record reflects that the court properly weighed the evidence, including Mother’s testimony regarding Father’s violations of the pendente

¹ Mother does not challenge the court’s custody determinations.

lite order, and it “is not the function of [this Court] to determine the credibility of witnesses or the weight of the evidence.” *Owens v. State*, 170 Md. App. 35, 101-02 (2006).²

II. CHILD SUPPORT

Mother asserts that the court erred in denying her request for child support because Father “earns substantially more than” she does. Father disagrees and asserts that the court properly denied Mother’s request for child support.

As a general matter, “appellate courts will accord great deference to the findings and judgments of trial judges, sitting in their equitable capacity, when conducting divorce proceedings.” *Boemio v. Boemio*, 414 Md. 118, 125 (2010). “Where a trial court uses the guidelines to award child support, that determination will not be disturbed but for a clear abuse of discretion.” *Matter of Marriage of Houser*, 490 Md. 592, 605 (2025). “Even under this deferential review, however, a court’s discretion is always tempered by the requirement that the court apply the correct legal standards.” *Jocelyn P. v. Joshua P.*, 250 Md. App. 435, 463 (2021). The court abuses its discretion 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.” *Wilson-X v. Dep’t of Hum. Res.*, 403 Md. 667, 677 (2008) (cleaned up).

Although the record does not appear to support Mother’s assertion that Father earns more than she does, it does appear that the income attributed to Father is incorrect. The

² None of this concerns Mother’s allegation that Father is in arrears on his child support payments, which is scheduled for consideration by the circuit court on January 13, 2026.

evidence and testimony indicate that Father’s monthly income is \$2,169. Mother’s testimony indicates that her monthly income fluctuates between \$2,310-2,610 depending upon hours worked.³ The court nonetheless used an income of \$2,600 for both parties in its child support calculation. The court included no explanation for either income figure attributed to the parties. Accordingly, we remand for the court to re-calculate child support or to explain its rationale for applying the figures used. On remand, it is up to the circuit court to determine whether the record before it is sufficient to resolve this issue, or whether it is necessary to hear fresh testimony or argument by the parties. *See* MD. R. 8-604(d)(1) (“Upon remand, the lower court shall conduct any further proceedings necessary to determine the action in accordance with the opinion and order of the appellate court”).

III. MARITAL PROPERTY

Mother asserts that the court “failed to ensure a fair or equal distribution” of marital property under Md. Code, Family Law § 8-205. Father responds that the court properly declined to divide marital property or to make a monetary award.

³ Mother testified that she earns \$15 per hour and works 35-40 hours per week when she has custody of the children and “seven additional hours” when she does not have custody of the children. The court ordered that the parties have week-on-week-off custody. Assuming that each month, Mother works 35 hours per week on the two weeks she has custody of the children, and seven additional hours (or 42 hours per week) on the two weeks she does not have custody, she would earn \$2,310 per month ($35 \times \$15 = \525 , $42 \times \$15 = \630 , $\$525 \times 2 + \$630 \times 2 = \$2,310$). Alternatively, assuming that each month, Mother works 40 hours per week on the two weeks she has custody of the children, and seven additional hours (or 47 hours per week) on the two weeks she does not have custody, she would earn \$2,610 per month ($40 \times \$15 = \600 , $47 \times \$15 = \705 , $\$600 \times 2 + \$705 \times 2 = \$2,610$).

“Trial courts are required to go through a three step analysis in determining whether to make a marital property award: (1) determining if the property is marital; (2) the value of the marital property; and (3) decide whether a monetary award is appropriate and equitable.” *Caccamise v. Caccamise*, 130 Md. App. 505, 515 (2000). The question of whether an asset is marital property is one of fact. *Flanagan v. Flanagan*, 181 Md. App. 492, 521 (2008). Accordingly, “[f]indings of this type are subject to review under the clearly erroneous standard embodied by Md. Rule 8-131(c); we will not disturb a factual finding unless it is clearly erroneous.” *Innerbichler v. Innerbichler*, 132 Md. App. 207, 229 (2000). This Court has stated that a finding is “not clearly erroneous if there is competent or material evidence in the record to support the court’s conclusion.” *Gizzo v. Gerstman*, 245 Md. App. 168, 200 (2020). Indeed, “the clearly-erroneous standard is a deferential one, giving great weight to the trial court’s findings.” *Id.* (cleaned up).

In the case before us, the record reflects that the court considered the parties’ property at length. Mother and Father agreed that they each had several household furnishings in their possession that constituted marital property. Mother asserted that the parties’ marital property also included real property located on Augustine Herman Highway in Cecil County, several vehicles including various trucks and a skid loader, and two horses. Father asserted that marital property also included Mother’s 2008 Chevrolet Silverado. Further, he contended that they rented but never owned the Augustine Herman Highway property, that the horses died or were given away, and that the vehicles were either sold, repossessed, or belonged to the landscaping company.

Ultimately, the court determined that the parties each had \$700 in home furnishings from the marriage, and that each party would retain the marital property in their possession. The court found that both parties agreed that one horse had died and that Mother did not dispute Father’s testimony that he gave away the second horse. Further, the court considered each of Father’s six vehicles which Mother alleged were marital property and determined that two were sold or repossessed and that the remaining four were owned by Father’s landscaping business. The court credited Mother’s testimony that the 2008 Chevrolet Silverado was gifted to Mother from her mother, and thus, that it was not marital property. Finally, the court noted that the land records indicated that the Augustine Herman Highway property was not owned by either of the parties, and thus, that it was not marital property. We see no reason to conclude that these findings were unsupported by competent and material evidence. *Gizzo*, 245 Md. App. at 200.

In short, the record reflects that the court properly went through the three-step analysis and determined which property was marital, the value of the marital property, and whether a monetary award was appropriate. Mother does not dispute any of the court’s factual findings regarding any specific item of property or the court’s determinations regarding which property constituted marital property. Nor does she cite any support—legal or factual—for her contention that the court failed to “ensure a fair or equal distribution” of marital property. Accordingly, we cannot say that no reasonable person would have taken the view adopted by the court or that the court acted without reference to any guiding rules or principles. *Wilson-X*, 403 Md. at 677.

Due to the interrelated nature of the court’s decisions regarding child support and monetary awards, however, and because we vacate the court’s child support determination, we also vacate the court’s monetary award determination and remand for further proceedings. *St. Cyr v. St. Cyr*, 228 Md. App. 163, 198 (2016) (noting that because “a court’s determinations as to alimony, child support, monetary awards, and counsel fees involve overlapping evaluations of the parties’ financial circumstances[,]” that ““when this Court vacates one such award, we often vacate the remaining awards for reevaluation.””) (quoting *Turner v. Turner*, 147 Md. App. 350, 401 (2002)). As noted above, the court may resolve these issues on the record before it or based upon fresh testimony or argument. *See* MD. R. 8-604(d)(1).

IV. ALIMONY

Finally, Mother contends that the court’s denial of alimony was erroneous because the court did not “adequately consider the[] disparities” between the parties. Father responds that Mother’s alimony claim was properly denied.

Decisions regarding whether to award alimony “will not be disturbed upon appellate review unless the trial judge’s discretion was arbitrarily used or the judgment below was clearly wrong.” *Boemio*, 414 Md. at 124. As the circuit court correctly observed, Md. Rule 9-202(e) provides that “[i]f spousal support is claimed by a party and either party alleges that no agreement regarding support exists, each party shall file a current financial statement in substantially the form set forth in Rule 9-203(a).” The rule further provides that “[t]he statement shall be filed with the party’s pleading making or responding to the claim.” MD. RULE 9-202(e).

In the record before us, the court noted at the outset of the divorce hearing that Mother had not filed the long-form financial statement required by Md. Rule 9-202(e). In its ruling, the court denied alimony while noting that Mother “did not offer any evidence related to an alimony claim, including the factors that the [c]ourt must consider or any financial statement or financial documentation as required by the Maryland Rules.” Mother does not dispute the court’s finding that she failed to file the long-form financial statement or failed to offer evidence supporting her alimony claim. As such, we cannot say that the court abused its discretion in denying Mother’s request for alimony.

Finally, because the court denied alimony due to Mother’s failure to provide evidence in support of her alimony claim, as well as noncompliance with Md. Rule 9-202(e), rather than “overlapping evaluations of the parties’ financial circumstances[,]” we need not disturb the court’s alimony determination under these facts. *St. Cyr*, 228 Md. App. at 198.

JUDGMENT OF THE CIRCUIT COURT FOR CECIL COUNTY AFFIRMED IN PART AND VACATED IN PART. JUDGMENT WITH RESPECT TO CHILD SUPPORT AND MONETARY AWARD VACATED; JUDGMENT OTHERWISE AFFIRMED. CASE REMANDED FOR FURTHER PROCEEDINGS CONSISTENT WITH THIS OPINION. APPELLANT TO PAY TWO-THIRDS OF COSTS AND APPELLEE TO PAY ONE-THIRD OF COSTS.