Circuit Court for Baltimore County
Case No.: 03-C-13-003625

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 295

September Term, 2024

ALISHA LYNN STEPHENS (BETHOULLE)

v.

JESSE WILLARD PRICE, III

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

JJ.

Opinion by Wright, J.

Filed: June 23, 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).

In 2020, Alisha Bethoulle ("Mother" and appellant) and Jesse W. Price, III ("Father" and appellee) both filed petitions to modify custody of their minor child ("Child"). Following an evidentiary hearing, the court entered a temporary custody order that, among other things, granted Mother limited supervised visitation with Child, and ordered monetary awards, including child support to Father and fees to the assigned best interest attorney ("BIA"). The court stated it would issue a final custody order after it held a second evidentiary hearing, for which it set a date. The circuit court subsequently held the second evidentiary hearing and issued a final custody order that, among other things, prohibited any visitation between Mother and Child, and affirmed the earlier child support award. Afterward, the court issued an order addressing the BIA fees. Mother appealed the temporary order to our Court arguing that it contains "legal errors."[1] For the following reasons, we shall affirm the circuit court's temporary order.

FACTUAL AND PROCEDURAL BACKGROUND

On May 5, 2010, Child was born to the unmarried parties. Three years later, the parties entered into an amended consent order in which they agreed to shared physical and legal custody of Child. Within a few months, Father and Mother both filed complaints for modification of the custody arrangement. On August 25, 2015, the parties entered into another consent order, giving Father primary physical custody with stipulated visitation by

[1] Mother has appealed *pro se*. The Maryland Supreme Court has stated that, although we shall liberally construe the contents of pleadings filed by *pro se* litigants, unrepresented litigants are subject to the same rules regarding the law, particularly, reviewability and waiver, as those represented by counsel. *Simms v. State*, 409 Md. 722, 731 n.9 (2009).

Mother, and joint legal custody to the parties with Father to have tie-breaking authority. Mother was to pay Father $450 in child support a month, which reflected a downward deviation of $52 a month under the child support guidelines, plus $100 a month in arrearages. *See* Md. Code Ann., Family Law Article § 12-204.

In 2020, Father and Mother again petitioned the court to modify custody. While the motions were pending, the court issued a final protective order after finding reasonable evidence of sexual abuse of Child by Mother's sister. Under the final protective order, Mother's visitation was reduced to two, six-hour days a week, and Child was to have no contact with Mother's sister while Child was in Mother's care. A BIA was appointed for Child. In 2022, the parties again entered into a consent order and agreed that Mother was to have supervised in person visitation with Child one hour a week.

On February 26-27, 2024, a hearing was held on the parties' motions to modify custody. The court heard testimony from the parties and other witnesses and received argument from the BIA. The court orally issued a temporary custody order from the bench that it rendered into a written order a few weeks later. In the temporary order, the court, among other things: 1) awarded Mother supervised, one hour a week video-conferencing access with Child, 2) ordered a psychiatric/psychological evaluation of both parties and a substance abuse evaluation of Mother, and 3) ordered Mother to pay $450 a month in child support, an additional $100 a month toward her arrearages, and $2,602.50 to the BIA. The court stated that it was reserving on the final award of fees to the BIA. The court further ordered a one-hour hearing set for July 12, 2024, to address the psychiatric evaluations and

"any revision" of the order, with the court specifically stating that any violation could result in modification or recission of it. Mother filed a notice of appeal of the temporary order.

On July 12, 2024, the circuit court conducted the evidentiary hearing, and a few weeks later entered a written final custody order. Finding that a material change of circumstance had occurred, and that abuse/neglect of Child by Mother was likely in the future, the court determined, after addressing the *Taylor/Sanders*[2] factors, that it was in Child's best interest for Father to have full physical and sole legal custody of Child and for Mother to have no contact with Child. The court ordered the prior child support order to remain in effect.[3] Several weeks later, the court issued a final order, awarding $1,080 to the BIA, with each party to pay half of the total amount. Additionally, Mother was to pay $2,602.50 in unpaid attorney's fees to the BIA.

We subsequently dismissed Mother's appeal of the temporary custody order because she failed to file an appellate brief. *See* Md. Rule 8-502(a). Mother filed a motion for reconsideration, which we granted. She then filed a fifty-five-page brief, which she revised and refiled after we advised her of the requisite fifteen-page limit. *See* Md. Rules 8-504(a) and 8-112. Father subsequently filed a motion to dismiss, alleging that many of her arguments related to events that occurred after the issuance of the temporary custody

[2] *See 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).

[3] Mother filed a motion for reconsideration of the final custody order, which the court denied. Mother then filed an en banc appeal of the final custody order in the circuit court. When the panel ordered her to file the entire transcript of the proceeding, Mother moved to withdraw her request for en banc review, which the panel granted.

order on March 14, 2024. We denied the motion to dismiss but limited the scope of Mother's appeal to those events after the temporary order.[4]

DISCUSSION

Standard of Review

We apply a three-part standard when reviewing child custody cases. *In re Adoption of Cadence B.*, 417 Md. 146, 155 (2010).

> "When the appellate court scrutinizes factual findings, the clearly erroneous standard . . . applies. [Secondly,] if it appears that the [circuit court] erred as to matters of law, further proceedings in the trial court will ordinarily be required unless the error is determined to be harmless. Finally, when the appellate court views the ultimate conclusion of the [circuit court] founded upon sound legal principles and based upon factual findings that are not clearly erroneous, the [circuit court's] decision should be disturbed only if there has been a clear abuse of discretion."

Id. (quoting *In re Yve S.*, 373 Md. 551, 586 (2003)). An abuse of discretion occurs when a "ruling is clearly untenable, unfairly depriving a litigant of a substantial right and denying a just result, when the ruling is violative of fact and logic, or when it constitutes an untenable judicial act that defies reason and works an injustice." *Alexis v. State*, 437 Md. 457, 478 (2014) (quotation marks and citation omitted). "[A]n abuse of discretion should only be found in the extraordinary, exceptional, or most egregious case." *Wilson v. John Crane, Inc.*, 385 Md. 185, 199 (2005).

[4] Mother subsequently filed motions to expedite the appeal and to reconsider our order regarding the scope of the appeal, each of which we denied.

What arguments, if any, are properly before us?

Section 12-303(3)(x) of the Courts and Judicial Proceedings Article of the Maryland Code provides that a party may appeal an interlocutory order entered by a circuit court in a civil case that deprives a parent "of the care and custody of his child[.]" However, an appeal of a temporary order that is superseded by a permanent order is generally considered moot for the reason that we can no longer provide an effective remedy should we find the temporary order in error. *See In re Riddlemoser*, 317 Md. 496, 502 (1989); *see also In re Joseph N.*, 407 Md. 278, 303 (2009) (following a juvenile court's order for shelter care, the juvenile court held a second de novo hearing and issued an opinion and order denying continued shelter care, therefore the juvenile court's second order superseded the first, and as a result, the first order is moot and "vacating [it] will provide no relief what[so]ever to appellants" (quotation marks and citation omitted)); *In re Iris M.*, 118 Md. App. 636, 643 (1998) (holding that court orders prohibiting contact between father and daughter were rendered moot when they were superseded by subsequent order continuing the no contact between father and daughter).

A question is moot if, when it is before the court, there is no longer any existing controversy between the parties. *In re Riddlemoser*, 317 Md. at 502. This is because "courts do not sit to give opinions on abstract propositions or moot questions; appeals which present nothing else for decision are dismissed as a matter of course." *Id.* "An exception to this rule exists only in rare instances which demonstrate the most compelling of circumstances." *Id.* (quotation marks and citation omitted). The "rare instances" are as follows:

> [O]nly where the urgency of establishing a rule of future conduct in matters of important public concern is imperative and manifest, will there be justified a departure from the general rule and practice of not deciding academic questions. . . . [I]f the public interest clearly will be hurt if the question is not immediately decided, if the matter involved is likely to recur frequently, and its recurrence will involve a relationship between government and its citizens, or a duty of government, and upon any recurrence, the same difficulty which prevented the appeal at hand from being heard in time is likely to prevent a decision then the Court may find justification for deciding the issues raised by a question which has become moot, particularly if all these factors concur with sufficient weight.

Id. at 503 (quotation marks and citation omitted).

Here, following a two-day evidentiary hearing, the circuit court issued a temporary custody order. In its order, the court, among other things: 1) granted Mother supervised, one hour a week video-conferencing access with Child, and 2) ordered Mother to pay $450 a month in child support, an additional $100 a month toward her $12,150 arrearages, and $2,602.50 to the BIA but reserved on the issue of a final award to the BIA. The court made clear that the order was temporary, and it would issue a final custody order following a second evidentiary hearing. The order stressed that any violation of the temporary order could result in modification or recission of it. Mother filed a timely notice of appeal to our court of the circuit court's temporary order.

Roughly four months later, on July 30, 2024, the circuit court entered a final custody order, which was preceded by an evidentiary hearing at which the parties introduced evidence and made argument. In its final custody order, the court awarded full physical and sole legal custody of Child to Father and ordered no contact between Child and Mother.

The court ordered that the prior temporary child support award shall remain in place.[5] Less than a month later, the court issued a written order awarding the BIA $1,080 in attorney fees, with each party to pay half of the total amount, and ordering Mother to pay $2,602.50 in unpaid attorney's fees to the BIA.

The merits of Mother's argument regarding the court's temporary custody order as to access to Child is moot, and the limited exceptions to the mootness doctrine do not apply. This is because her visitation argument as to the temporary order in which she was granted a one hour a week video call from child has no remedy where the superseding and now governing order prohibits any contact between Mother and Child. *See Cabrera v. Mercado*, 230 Md. App. 37, 85 (2016) ("Ms. Cabrera's service issue is moot because the final custody order is the current governing order and would still govern even if we vacated the emergency temporary custody order[.]").

Although the vast majority of Mother's informal brief addresses the court's custody award and visitation, she makes a few additional arguments. She briefly states that the circuit court in its temporary order erred in ordering her to pay $550 a month in child support because the court disregarded the Maryland's guidelines and Father's counsel's "suggestion for minimum wage-based calculations due to [Mother's] financial hardship." Additionally, she states briefly that she has already paid the $3,000 obligation to the BIA so that the awards of $2,602.50 and $1,080 to the BIA are incorrect. Lastly, she also states

[5] On August 5, 2024, Mother filed a motion for reconsideration of the final custody order, which the circuit court denied. Although Mother filed a timely en banc appeal to the circuit court, she ultimately moved to dismiss her motion, which the court granted. Accordingly, the final custody order was not appealed.

briefly that the BIA's attorney fee award should be vacated because the BIA provided inadequate representation to Child and misreported its fees. Other than the above bald statements, Mother does not provide any support for her arguments. Accordingly, we decline to address them. *See* Md. Rule 8-504(a)(4) (stating that an appellate brief shall contain a "clear concise statement of the facts material to a determination of the questions presented" and "[r]eference shall be made to the pages of the record extract or appendix supporting the assertions"); Md. Rule 8-504(a)(6) (stating that an appellate brief shall contain "[a]rgument in support of the party's position on each issue"); *see also Conrad v. Gamble*, 183 Md. App. 539, 569 (2008) (declining to address an issue raised by appellants because they failed to cite any authority in support their position, as it is axiomatic that our function is not to seek out law to support an appellant's argument). In sum, for the reasons set forth above, we shall affirm the judgment of the circuit court.

JUDGMENT OF THE CIRCUIT COURT FOR BALTIMORE COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.