Circuit Court for Prince George's County
Case No. CAD10-07539

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 402

September Term, 2019

DARYL GREEN

v.

ANGELICA REEDER

Fader, C.J.,
Zic,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: April 8, 2021

In this appeal from a domestic family action in the Circuit Court for Prince George's County, Daryl Green, appellant, challenges a January 2011 award of child support to Angelica Reeder, appellee, the failure to dispose of a "Motion to Vacate, Cancel, Annul, Revoke, Terminate[,] or Set Aside the Current Child Support Order" (hereinafter "motion to vacate"), and the denial of a "Motion to Raise Violations of MD Rule 1-324(a) & 2-311(f) [and] for Temporary/Permanent Injunctive Relief and Declaratory Relief" (hereinafter "motion for relief"). For the reasons that follow, we shall affirm the only judgment before us, specifically the denial of the motion for relief, but remand the case for review and resolution of the motion to vacate.

The parties have appeared in this Court before. We recount the pertinent facts from our most recent opinion in the parties' dispute:

> Green and Reeder have one child together, M[.], born January 31, 2005. On May 19, 2007, the parties were married. . . . .
>
> In March 2010, both parties filed complaints for limited divorce . . . . They each asked the court to order joint custody. By order of October 19, 2010, the two divorce cases were consolidated. . . . .
>
> On January 10, 2011, the court held a one-day merits hearing in the consolidated cases. . . . . At the conclusion of [the] hearing, the court placed its findings on the record. . . . . [T]he court determined to award Reeder sole legal custody and primary physical custody of M[.] and to grant Green alternating weekend visitation during the school year, with additional access during the summer and holidays.
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> On January 31, 2011, the court signed a judgment of absolute divorce. . . . . The court ordered Green to pay $407 per month in child support. The child support order was made retroactive to March 1, 2010, the month Reeder filed her complaint. As a result, Green was found to owe $3,663 in child support arrears and was ordered to pay an additional $93 per month (for a total of $500 per month) toward the arrears.

> On February 8, 2011, Green noted an appeal to this Court. . . . . On April 18, 2012, this Court affirmed the judgment of divorce. *See Green v. Reeder-Green*, No. 2857, Sept. Term 2010 (filed Apr. 18, 2012).

Green v. Reeder-Green, No. 1776, September Term 2011, Nos. 749 & 1278, September Term 2013 (consolidated) (filed October 19, 2015), slip op. at 2-3.

On January 5, 2018, the Prince George's County Office of Child Support ("OCS") filed a "Motion for Modification of Child Support" (hereinafter "motion for modification"), in which it requested, pursuant to Md. Code (1984, 2012 Repl. Vol., 2017 Supp.), §§ 10-115 and 12-104 of the Family Law Article ("FL"),[1] "a modification of the existing child support order pursuant to the Maryland Child Support Guidelines." The OCS stated: "There has been a material change in circumstances since the entry of the [January 2011] order which warrants a modification of the child support obligation. [Mr. Green] alleges that he is currently unemployed." On July 25, 2018, Mr. Green filed the motion to vacate, which he "intended to be a self-standing and distinct individual motion as well as an answer to" the motion for modification. Mr. Green challenged, on numerous grounds, "the validity of the entire initial, original [January 2011] order awarding child support," and requested a hearing. On August 1, 2018, a hearing on the motion for modification was held before a magistrate, who made recommendations regarding the motion. On August 13, 2018, Mr. Green filed exceptions to the recommendations. On

[1]FL § 10-115(b) states: "In any support action in which the [Child Support] Administration is providing child support services under federal law, the Administration may initiate a legal proceeding to establish, modify, or enforce a duty of support." FL § 12-104(a) states: "The court may modify a child support award subsequent to the filing of a motion for modification and upon a showing of a material change of circumstance."

October 16, 2018, the court dismissed the exceptions and denied the motion for modification.

On February 15, 2019, Mr. Green filed the motion for relief, in which he contended that the court erred in dismissing the exceptions and denying the motion for modification without a hearing, and "never notified Mr. Green of its . . . decision." Mr. Green also noted that the motion to vacate had "yet to be heard and a hearing ha[d] yet to be scheduled," and contended that "[b]ecause of its deliberate, unlawful, and unethical actions, the trial court has lost subject matter jurisdiction." Mr. Green requested that the court "[v]acate as void any and all prior motions from the trial court," "set aside[,] cancel, annul, revoke, or otherwise terminate the unlawful child support order," "[g]rant [him] all relief," "[g]rant temporary and permanent injunctive relief," "[g]rant a protective order . . . against the Prince George's County Judiciary," "[g]rant temporary and permanent injunctive relief in favor of Mr. Green preventing the [OCS] and . . . Department of Human Resources from any further collection activities," and make various declarations. On April 1, 2019, the court denied the motion.

Mr. Green contends that the court erred in denying the motion for four reasons. He first contends that, for numerous reasons, the January 2011 child support order is "illegal and improper." But, Mr. Green appealed from the order, and in our 2012 opinion, this Court affirmed the judgment of the circuit court. Our opinion is the law of the case, and Mr. Green is bound by our ruling. *See Scott v. State*, 379 Md. 170, 183 (2004) ("once an appellate court rules upon a question presented on appeal, litigants and lower courts

become bound by the ruling, which is considered to be the law of the case" (citation and footnote omitted)).

Mr. Green next contends that because the motion to vacate has been pending for "well over a year," the court "has issued a de facto denial of such motion without a hearing in violation of" Rule 2-311(f) ("the court may not render a decision that is dispositive of a claim or defense without a hearing if one was requested"). But, Mr. Green does not cite any authority that supports his contention. Because there is no evidence in the record that the court has disposed of the motion, there is no final judgment as to the motion, and hence, we shall remand the case to the circuit court to enter such a judgment. *See* Rule 8-602(g)(1) ("[i]f the appellate court determines that the order from which the appeal is taken was not a final judgment when the notice of appeal was filed but that the lower court had discretion to direct the entry of a final judgment pursuant to Rule 2-602(b), the appellate court, as it finds appropriate, may . . . remand the case for the lower court to decide whether to direct the entry of a final judgment").

Mr. Green next contends that, for numerous reasons, the court erred in denying the motion for modification without allowing him "to request and conduct discovery." But, Mr. Green does not dispute that the motion was filed by the OCS, and does not cite any authority that gives him standing to challenge the denial of the motion. Indeed, FL § 10-115(e) explicitly states that "[r]epresentation of the [Child Support] Administration by an attorney under this section . . . does not create an attorney-client relationship between that attorney and any other person." Hence, Mr. Green does not have standing to challenge the denial of the motion for modification.

Finally, Mr. Green contends that "[b]ecause there was no initial affidavit of parentage, the support order is facially and deliberately ill-calculated, [he] was not noticed properly, [he] was not legally served at all, [he] was deliberately denied the opportunity to conduct discovery, and the [court committed] multiple violations of . . . Rules 2-311 and 1-324,[2] the . . . court was and is devoid of . . . jurisdiction." But, Mr. Green does not cite any authority that supports his contention,[3] and "except where by law jurisdiction has been limited or conferred exclusively upon another tribunal," a circuit court "has full common-law and equity powers and jurisdiction in all civil and criminal cases within its county." Md. Code (1974, 2013 Repl. Vol., 2017 Supp.), § 1-501 of the Courts and Judicial Proceedings Article. Hence, the court has jurisdiction over the parties' dispute, and did not err in denying the motion for relief.

JUDGMENT AFFIRMED. CASE REMANDED TO CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY FOR FURTHER PROCEEDINGS CONSISTENT WITH THIS OPINION. COSTS TO BE PAID BY APPELLANT.

[2]Rule 1-324(a) states: "Upon entry on the docket of (1) any order or ruling of the court not made in the course of a hearing or trial or (2) the scheduling of a hearing, trial, or other court proceeding not announced on the record in the course of a hearing or trial, the clerk shall send a copy of the order, ruling, or notice of the scheduled proceeding to all parties entitled to service under Rule 1-321, unless the record discloses that such service has already been made."

[3]Mr. Green claims that in *Yates v. Village of Hoffman Estates, Illinois*, 209 F.Supp. 757 (N.D.Ill. 1962), the United States District Court for the Northern District of Illinois held that "[w]hen a judge acts as a trespasser of the law, when a judge does not follow the law, the judge loses subject-matter jurisdiction and the judges' orders are void, of no legal force or effect." The opinion contains no such holding.