Circuit Court for Anne Arundel County
Case No. C-02-FM-17-004905

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 626

September Term, 2019

CHARLES H. EDWARDS, IV

v.

ALICIA MILLER

Leahy,
Shaw Geter,
Raker, Irma S.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Leahy, J.

Filed: February 1, 2021

Charles H. Edwards, IV ("Father") and Alicia Miller ("Mother") are the parents of one child, I.M., who was born in 2007. In 2008, the Circuit Court for Howard County entered an order requiring Father to pay $522 per month in child support. In 2012, Mother filed a petition for modification of support, and the child support obligation was increased to $619.

In 2017, Mother filed another petition for modification of support, which was transferred to the Circuit Court for Anne Arundel County. On May 8, 2019, that court entered an order increasing Father's child support obligation to $1000 per month and requiring Father to pay a pro rata share of childcare expenses and extraordinary medical expenses for I.M. In addition, Father was ordered to pay $10,000 in attorney's fees to Mother. Father now appeals from that order, presenting three questions for our review, which we have rephrased for clarity:[1]

I. Did the trial court err in admitting documentary evidence?

[1] Father presents his questions as follows:

"I. Was the trial court's admission of [Mother's] documentary evidence over [Father's] objections clearly erroneous?

II. Was the trial court's computation of [Father's] child support obligation with his prior bonus income clearly erroneous as he no longer has the same job nor is he able to achieve the bonus income he has gotten in the past?

III. Did the trial court err in ordering [Father] to pay $10,000.00 of [Mother's] attorney's fees when it failed to make the required findings related to that award and when it did not have sufficient evidence before it to make such necessary findings?"

II. Did the trial court err or abuse its discretion by including Father's bonus income in calculating Father's income for purposes of determining his child support obligation?

III. Did the trial court err or abuse its discretion in awarding attorney's fees to Mother?

We are unable to review the first question as Father did not include in the record extract or otherwise identify the evidence that he claims was admitted improperly. We find no error or abuse of discretion in the circuit court's calculation of child support or award of attorney's fees. Accordingly, we shall affirm the judgment of the Circuit Court for Anne Arundel County.

BACKGROUND

There are very few facts in the record before us that chronicle the history of the parties' relationship. In 2007, they became the parents of I.M. In 2019, when the hearing on the motion for modification that is the subject of this appeal took place, both parties were married to other people. I.M., who was 11 years-old at the time of the hearing, lives with Mother and Mother's husband. Father and his wife have a son together, who was three at the time of the hearing.

There was no formal custody or visitation agreement with respect to I.M. until February 2019, two years after the action that gave rise to this appeal was filed. As noted, Father has been under court order to pay child support since 2008, pursuant to an order for wage garnishment. In addition to the court-ordered child support, Father voluntarily paid Mother an additional $300 each month. Father ceased making those voluntary payments in September 2017.

Father, who represented himself in the underlying proceedings and in this appeal, is an attorney. Mother is employed by a company that does business as the Cleaning Authority. I.M. attends day care and day camp programs after school and during the summer, while Mother is working.

In 2017, I.M. began "having anxiety," and was "breaking down" at home and at school. Mother felt that I.M. had an "urgent" need for counseling, but discovered that, in the absence of a formal custody agreement, Father's consent was required. In May 2017, Mother sent a text message to Father to obtain his consent for I.M. to see a therapist. When Father asked why therapy was needed, Mother proposed that they schedule a time to have a conversation, but Father would not agree to do so.

In June 2017, the parties spoke by phone. Father shared "his recollection" of an incident that took place in April when I.M. was visiting Father at his house. Mother explained how I.M. was "responding" and why she thought I.M needed to see a counselor. Father said that he needed to talk to his wife about it and that he would respond on the Monday after Father's Day.

On June 30, 2017, after Father had still not consented to therapy for I.M., Mother filed, in the Circuit Court for Howard County, a Motion to Establish Child Custody and Modify Support. Several months later, an order of default was entered. On December 11, 2017, according to the docket, an order was entered reflecting the following: "Motion to Dismiss or in the Alternative to Vacate Order of Default: GRANTED[,] Motion to Change Venue and/or Conveniens: GRANTED (as to child support)/ DENIED (as to custody)[,] Petition to Establish Custody: DISMISSED."

On the same date that the Circuit Court for Howard County entered that order, Mother filed, in the Circuit Court for Anne Arundel County, a Motion to Establish Child Custody and Modify Support.[2] It is the ruling on that motion that is before us for review.

As grounds for the motion to establish custody, Mother alleged that Father did not respond to her request for consent for I.M. to receive necessary psychological counseling. In support of her request for modification of the child support order, Mother alleged that the income of both parties had increased since the last support order and that I.M.'s expenses increased. Father was served with a summons along with the Motion to Establish Child Custody and Modify Support and discovery requests on June 7, 2018.

Several months later, Mother filed a motion to compel discovery and request for sanctions, asserting that Father failed to respond to interrogatories and requests for production of documents. The motion included a request for attorney's fees and attached email correspondence from Mother's attorney to Father, dated August 29, 2018, stating that his discovery responses were overdue, and advising that Mother would seek court intervention if discovery responses were not received by September 6th.

Father opposed the motion to compel on procedural grounds, asserting that the correspondence attached in support of the motion did not comply with Maryland Rule 2-431 because Mother's counsel failed to provide a certificate detailing his efforts to resolve

[2] The case that had been transferred from Howard County to Anne Arundel County was consolidated with the case filed in Anne Arundel County.

the discovery dispute before moving to compel.[3] The trial court granted the motion to compel and issued an order requiring Father to respond in full to outstanding discovery within 10 days. The request for attorney's fees was reserved for the merits hearing.

A settlement conference was held on January 15, 2019, at which the parties reached an agreement that Mother would have sole legal custody and primary physical custody of I.M. The terms of the agreement were put on the record, and the trial court directed Mother's counsel to prepare a consent order reflecting its terms. The court advised Father that Mother's counsel would send the consent order to him for his signature, and Father affirmed his understanding of the process. That same day, Mother's counsel forwarded the consent order to Father by email for his signature.

Eleven days later, on January 26th, Mother's counsel sent an email to Father requesting that he sign and return the order by January 28th. Apparently, after there was still no response, counsel sent Father two more email messages, one on January 29th and the other on February 6th, requesting Father's attention to the matter. On February 26, 2019, more than a month after the issue of custody was settled, a consent order, signed only by the judge, was entered on the docket. The consent order reflects the court's finding that the terms of the order were consistent with those placed on the record and that Father, an

[3] Maryland Rule 2-431 provides that:

> [a] dispute pertaining to discovery need not be considered by the court unless the attorney seeking action by the court has filed a certificate describing the good faith attempts to discuss with the opposing attorney the resolution of the dispute and certifying that they are unable to reach agreement on the disputed issues. The certificate shall include the date, time, and circumstances of each discussion or attempted discussion.

attorney representing himself, was sent a copy of the proposed order three times but had not signed it or indicated that he wanted any changes to be made.

Hearing on Modification of Child Support and Request for Attorney's Fees

The parties appeared in the circuit court for a two-day evidentiary hearing on the outstanding issues of modification of child support and attorney's fees on April 4 and 9, 2019. The evidence elicited at the hearing demonstrated that, since the 2012 child support order, Father's base salary had increased from $44,800 to $68,000. Father earned $72,748 in 2016 and $76,250 in 2017, which included his base salary of between $65,000 and $68,000 plus bonuses. In 2018, Father received a $300,000 bonus from his firm at the conclusion of a nine-year legal case that he handled that yielded a $2.3 million verdict for the client.

Mother's income had also increased, from approximately $42,000 in 2012 to $68,500 at the time of the evidentiary hearing. In 2018, Mother received a "one-time payment" of $25,000 from her employer. Mother introduced evidence of work-related childcare expenses for I.M. as well as extraordinary medical expenses in the form of out-of-pockets costs for therapy and orthodontia.[4]

In support of her request for attorney's fees, Mother testified that she filed for an order of custody because she could not get counseling for I.M. without Father's consent,

[4] "Extraordinary medical expenses" are "uninsured costs for medical treatment in excess of $250 in any calendar year," including "uninsured, reasonable, and necessary costs for orthodontia, dental treatment, vision care, asthma treatment, physical therapy, treatment for any chronic health problem, and professional counseling or psychiatric therapy for diagnosed mental disorders." Maryland Code (2012 Repl. Vol., 2019 Supp.), Family Law Article, § 12-201(g).

which he refused to provide. Mother stated that she filed for a modification in child support because Father was not making timely voluntary payments, and the amount of child support she received through the wage garnishment order was not enough to meet I.M.'s needs. Mother explained that she had to retain a lawyer because Father would not respond to her attempts to resolve the issues. She had been paying her attorney's fees, which at that time were almost $12,000, by charging them to her credit cards.[5]

Father urged the court not to consider the $300,000 bonus when determining his child support obligation, explaining that it took Father ten years of effort "to get there" and that, to achieve this verdict involved certain health issues "that I am battling every day." Father explained that his issues affect his ability to earn bonus income in the future. He explained that he had some "unfortunate incidents" in 2017 and 2018, including an automobile accident in which he "totaled" two cars. He was sentenced to 30 days in prison, which he was allowed to serve on weekends. At the time of the hearing, Father was going to treatment twice a week.

Father explained that his employer had "drastically reduced his case load" and that he was not doing the same type of work as he had been because "there was no way that [he could] function at that level." He suggested that his involvement in the case that resulted in his $300,000 bonus caused or contributed to his health issues and that, because of his commitment to overcome those issues, it would be "impossible" to him to earn a large bonus in the future.

[5] Mother's request for attorney's fees did not include fees incurred in connection with her filings in Howard County.

Father stated that there was "no[t] much" left of the $300,000 bonus. He explained that with the net proceeds, he had either paid off or paid down credit card debt, which, at some point, totaled approximately $60,000. He informed the court of the monthly expenses he incurred, including student loan payments, and daycare for his other child, as well as expenses for bi-weekly therapy, monthly probation, and medication.

The Court's Ruling

At the conclusion of the hearing, the court scheduled the parties to return to hear the court's decision. Accordingly, on April 25, 2019, the court announced that it was modifying the 2012 child support order based on a material change in circumstances, finding, specifically, that both parties' incomes had increased significantly since 2012, that I.M. needed therapy and orthodontia, and that Father had another child.

The court factored in the $300,000 bonus in determining Father's monthly income, but averaged it out over the course of nine years, to account for the length of time it had taken Father to earn the bonus. Mother's bonus was averaged over six years, representing the amount of time she had been with her employer.

The court found that, including bonus income, Father's monthly income was $9,237 and Mother's monthly income was $6,243. Using those figures and extrapolated guidelines, the court determined that Father's child support obligation was $1,204. The court stated that it would reduce that amount to $1,000 per month, explaining that Father needed to "have funds available to address [health] issues so that he can continue to work and continue to support his children."

The court considered I.M.'s expenses for childcare, therapy, and orthodontia separately, and ordered Father to pay his pro rata share of those expenses. The court stated that expenses that had accrued since the filing of the lawsuit, approximately $7,000, were to be paid by Father within 60 days of the court's order. The court explained that it was ordering Father to pay that amount all at once, rather than over time, because it had found that Father had retained some of the proceeds from the $300,000 bonus. In addition, the court ordered Father to pay $10,000 to Mother toward her attorney's fees.

On May 8, 2019, a written order reflecting the court's ruling was entered on the docket. On May 20, Father filed a motion to amend the judgment, which was denied. This timely appeal followed.

DISCUSSION

I. Admissibility of Evidence

Father contends that unspecified documents were admitted into evidence, without proper authentication, in violation of the rules governing the admission of hearsay. Mother asserts that the issue is not reviewable by this Court because Father failed to identify the documents that he claims were improperly admitted.

Father asserts that the documents at issue were included in the record extract "under 'D.'" As Mother pointed out in her brief, however, the record extract filed by appellant is titled "RECORD EXTRACT A-C" and contains only excerpts from the transcripts of the

hearing on the modification of child support. Father did not file a reply brief or otherwise seek to modify the record extract. [6]

Pursuant to Maryland Rule 8-501(a), it is incumbent upon the appellant to prepare and file a record extract. Subsection (c) of the Rule provides that the contents of the record "shall contain all parts of the record that are reasonably necessary for the determination of the questions presented by the appeal and any cross-appeal." Md. Rule 8-501(c).

Father did not include in the record extract the document(s) he claims were improperly admitted. Nor did Father specify in his brief which of the exhibits that were admitted into evidence he is challenging, or cite to the portion of the record extract where the allegedly erroneous ruling(s) were made. Consequently, we are unable to review his claim of error. *See Rollins v. Cap. Plaza Assocs., L.P.*, 181 Md. App. 188, 201 (2008) ("[W]e cannot be expected to delve through the record to unearth factual support favorable to [the] appellant.") (quoting *von Lusch v. State*, 31 Md. App. 271, 282 (1976), *rev'd on other grounds*, 279 Md. 255 (1977)).

II. Child Support Calculation

Father contends that the court abused its discretion by including his $300,000 bonus in calculating his income for purposes of determining his child support obligation. He asserts that the court ignored his testimony that, to aid his chances of recovery from health issues, his job responsibilities had been altered such that his salary was "frozen" at $68,000, and he was no longer eligible for bonuses. He further argues that the court should have

[6] Maryland Rule 8-501(j) provides that "[m]aterial inadvertently omitted from the record extract may be included in an appendix to a brief, including a reply brief."

considered that any funds left over from his $300,000 bonus, after he paid off debt, should "have properly been spent on ensuring his health and well-being in his children's best interest."

Mother asserts that, pursuant to § 12-201(b) of the Family Law Article, bonuses are included in the definition of "actual income" and, therefore, the court did not err in considering the $300,000 bonus. We agree with Mother.

"'[W]e will not disturb a 'trial court's discretionary determination as to an appropriate award of child support absent legal error or abuse of discretion.'" *Kaplan v. Kaplan*, 248 Md. App. 358, 385 (2020) (quoting *Ruiz v. Kinoshita*, 239 Md. App. 395, 425 (2018)). "As long as the trial court's findings of fact are not clearly erroneous and the ultimate decision is not arbitrary, we will affirm it, even if we may have reached a different result." *Id.* (quoting *Malin v. Mininberg*, 153 Md. App. 358, 415 (2003)).

The determination of child support is governed by Maryland Code (2012 Repl. Vol., 2019 Supp.), Family Law Article ("FL"), §§ 12- 201-204. In cases in which the combined adjusted actual income of the parents is $15,000 per month or less, the court must determine the amount of the "basic child support obligation" according to the schedule found in FL § 12-204(e).[7] FL § 12-204(a)(1); *Reichert v. Hornbeck*, 210 Md. App. 282, 315-16 (2013) (explaining calculation of child support). Pursuant to FL § 12-204(a)(1), "[t]he basic child

[7] "'Basic child support obligation' means the base amount due for child support based on the combined adjusted actual incomes of both parents." FL § 12-201(e). "'Adjusted actual income' means actual income minus: (1) preexisting reasonable child support obligations actually paid; and (2) except as provided in [FL § 12-204(a)(2)], alimony or maintenance obligations actually paid." FL § 12-201(c).

support obligation shall be divided between the parents in proportion to their adjusted actual incomes."

Where, as in this case, the combined adjusted actual income is over $15,000, "the court may use its discretion in setting the amount of child support." FL § 12-204(d). "[I]n an above-Guidelines case, 'the court may employ any rational method that promotes the general objectives of the child support Guidelines and considers the particular facts of the case before it.'" *Kaplan*, 248 Md. App. at 387 (quoting *Malin*, 153 Md. App. at 410). "In exercising its significant discretion, a court 'must balance the best interests and needs of the child with the parents' financial ability to meet those needs.'" *Id.* at 388 (quoting *Ruiz*, 239 Md. App. at 425). Relevant factors in setting child support in an above-Guidelines case include "the parties' financial circumstances, the reasonable expenses of the child, . . . and the parties' station in life, their age and physical condition, and expenses in educating the child[ ]." *Id.* at 387 (quoting *Smith v. Freeman*, 149 Md. App. 1, 20 (2002)) (additional citation and quotation marks omitted).

Here, the court found that Father's monthly income was $9,237, and Mother's monthly income was $6,243, for a combined adjusted actual income of $15,480, which as the court noted, is only slightly above the Guidelines. The court ostensibly calculated the amount of child support by extrapolating the scheduled support to a combined actual adjusted income of $15,480 per month. The question before us is whether the court erred or abused its discretion in including the $300,000 bonus that Father earned in 2018 in calculating Father's adjusted actual income.

The child support statute defines "actual income" as "income from any source." FL § 12-201(b)(1). Significantly, bonuses are specifically listed as a source of income that is included in "actual income." FL § 12-201(b)(3)(iv). And, as we have previously held, "bonuses already paid to a parent should be used to calculate child support even though it is unknown whether such a bonus will be paid in the future." *Johnson v. Johnson*, 152 Md. App. 609, 622 (2003).

In *Johnson*, also an above-Guidelines case, we addressed an argument almost identical to the one made by Father. *Id.* In that case, the appellant claimed that his "bonus should have been disregarded because it is too speculative as to what bonus, if any, he will receive in the future." *Id.* at 615-16. We rejected this argument, noting that the statute specifically provides that bonuses constitute actual income and that future bonuses "are almost always speculative." *Id.* at 619. We clarified:

> Because it is nearly always impossible to predict the amount of future bonuses, if we were to adopt appellant's position and hold that bonuses (already paid) should be disregarded when calculating child support when the amount of bonuses in future years cannot be predicted with reasonable certainty, we would not be giving effect to the language of FL § 12–201(c)(3)(iv).

Id. at 619-20. We further noted that to disregard bonus income in calculating child support would require the court to "engage in the fiction" that a party earned less than they actually did and would violate the basic principle that a "child is entitled to a standard of living that corresponds to the economic position of the parents." *Id.* at 620 (quoting *Smith*, 149 Md. App. at 23).

Applying the same reasoning here, we conclude that the court did not err or abuse its discretion in considering Father's $300,000 bonus when calculating his actual income. Although Father testified that it was "impossible" for him to receive any bonus in the future, the court was not required to accept that claim. *See Omayaka v. Omayaka*, 417 Md. 643, 659 (2011) ("In its assessment of the credibility of witnesses, the [c]ircuit [c]ourt was entitled to accept—or reject—*all*, *part*, or *none* of the testimony of any witness, whether that testimony was or was not contradicted or corroborated by any other evidence."). Furthermore, as this Court has stated,

> we do not believe that it is appropriate for a court to make a child support determination on the basis of events that have not yet occurred. Life is, after all, full of uncertainty. . . . [G]iven that [the parent's] resources may, indeed, diminish in the future, it is appropriate for the court to allow the child to share the [parent's] wealth while it exists.

Smith, 149 Md. App. at 35.

The only authority cited by Father in support of his argument that the court abused its discretion in determining his child support obligation is *Malin v. Mininberg*, 153 Md. App. 358 (2003). Father's reliance on *Malin* is misplaced.

In *Malin*, the appellant, an anesthesiologist, left the practice of medicine after he relapsed into drug and alcohol addiction. *Id.* at 373-74, 377-78. The trial court found that, although the decision not to practice anesthesia was understandable, given appellant's substance abuse issues, appellant had other employment options in the field of medicine that would enable him to earn much more than the disability income he was receiving at the time of trial, and, therefore, that appellant had voluntarily impoverished himself by his decision to abandon medicine and pursue a degree in business. *Id.* at 383, 388.

On appeal, we concluded that the trial court's finding of voluntarily impoverishment was erroneous, reasoning that appellant "had a legitimate ground to relinquish his medical career," and that it was not in the child's best interests to "place his father in a situation that might increase the prospect of a relapse." *Id.* at 403-04. We observed that "a parent's child support obligation should not be used to shackle the parent by preventing him or her from making a needed lifestyle change, based on valid reasons[.]" *Id.* at 404.

The rationale underlying our analysis of the voluntary impoverishment determination in *Malin* does not apply to the issue here, which is whether the court erred or abused its discretion by including Father's $300,000 bonus in the calculation of his actual income. The paramount distinction between the issue in *Malin* and the issue now before us is that, by law, specifically FL § 12-201(b)(3)(iv), bonuses are expressly included in actual income for purposes of calculating child support. Moreover, the court's ruling in this case does not prevent Father from "making a needed lifestyle change" or place Father "in a situation that might increase the prospect of relapse." *Malin*, 153 Md. App. at 404. At the time of the modification hearing, Father had, commendably, already made lifestyle changes designed to improve his health. He was also participating regularly in therapy and a support group. He has remained employed at the same firm, at the same base salary, but his job responsibilities had to be altered to, in Father's words, "allow for his best chance at recovery." We note that the court acknowledged Father's need to address his health issues by reducing the child support obligation so that Father would have funds available for that purpose.

We perceive no abuse of discretion in the calculation of Father's child support obligation. If and when there is a significant decrease in Father's income due to health issues or other involuntary circumstances, he may seek relief from the child support order by filing a petition for modification. *See Johnson*, 152 Md. App. at 620 (noting if a father's bonus was "significantly less" for a following year, "he can petition the court for a child support modification.").

III. Attorney's Fees

Father contends that, in granting Mother's request for attorney's fees, the court failed to make sufficient factual findings and/or lacked sufficient evidence to make necessary findings. Mother maintains that the record is clear that the court considered the relevant factors and made specific findings to support the award of attorney's fees.

"We review an award of attorney's fees in family law cases under an abuse of discretion standard." *Sang Ho Na v. Gillespie*, 234 Md. App. 742, 756 (2017) (citing *Steinhoff v. Sommerfelt*, 144 Md. App. 463, 487 (2002)). "We will not disturb a circuit court's award of attorney's fees 'unless a court's discretion was exercised arbitrarily or the judgment was clearly wrong.'" *Id.* (quoting *Petrini v. Petrini*, 336 Md. 453, 468 (1994)). "To determine whether a court abused its discretion, we examine the court's application of the statutory factors to the unique facts of the case." *Id.* (citing *Petrini*, 336 Md. at 468).

Before awarding attorney's fees to a party in a child support action pursuant to FL § 12-103(b), a court must consider: "(1) the financial status of each party; (2) the needs of each party; and (3) whether there was substantial justification for bringing, maintaining, or

defending the proceeding."[8] "We will affirm a finding of bad faith or substantial justification unless it is clearly erroneous or involved an erroneous application of law." *David A. v. Karen S.*, 242 Md. App. 1, 38, *cert. denied*, 466 Md. 219 (2019) (citations and quotation marks omitted).

In ruling from the bench, the court stated as follows:

> . . . . Attorney[']s fees are provided for under Family Law section 12-103 and the [c]ourt is to consider whether there was substantial justification for bringing or defending a claim, the financial circumstances and needs of each party. I have already discussed the incomes of each party, [Father] testified that with the proceeds – the net proceeds of a $300,000 bonus, he recently paid off significant debt. He says that he still has student loans and rehab costs and [Mother] testified and I do believe that she has credit card debt.
>
> So I have considered all of that in assessing [Mother's] request for attorney[']s fees. I do believe that, in this case, [Mother] had substantial justification for filing the action. And I do think and I do find that [Father] took a number of unreasonable positions and generally made this case far more difficult and expensive than it had to be. [Father] is an attorney. He is a litigator. He knows the rules of procedure and discovery and I don't find it [sic] that there was good faith compliance with those rules in this case.
>
> [Mother's] fees and costs were approximately $16,000 and I find that those fees were reasonable and necessary under the circumstances. So after considering each of the parties[']] financial circumstances . . . and the substantial justification, the Court is going to order [Father] to pay [Mother] $10,000 as a contribution to her fees and costs[.]

[8] Reasonable attorney's fees may also be awarded under FL § 12-103(c), which does not require consideration of the financial circumstances of the parties, but only a finding "that there was an absence of substantial justification of a party for prosecuting or defending the proceeding, and absent a finding by the court of good cause to the contrary." *See Guillaume v. Guillaume*, 243 Md. App. 6, 27 (2019). Because, in ruling from the bench, the court stated that it was required to consider the parties' financial circumstances and needs of each party, in addition to substantial justification, we assume the court awarded attorney's fees pursuant to FL § 12-103(b). *See id.*

Father asserts that the court "failed to make any relevant findings about its legal or factual basis" for awarding attorney's fees, other than the "factually unsupported comment" regarding his lack of compliance with procedural and discovery rules. He suggests that we are unable to review the award of attorney's fees because the court failed to make "explicit factual findings" to support the award. We disagree.

We are satisfied that the court considered evidence of and articulated sufficient findings regarding the statutory factors. The court's finding that there had been a material change in circumstances to justify a modification of the 2012 child support order was sufficient to support the court's finding of substantial justification. *See Lieberman v. Lieberman*, 81 Md. App. 575, 600 (1990) (order granting appellant's petition to modify child support was "an implicit finding of very substantial justification" for bringing the suit).[9] In determining the child support obligation, the court considered evidence and made findings regarding the parties financial resources, which, for both parties, was comprised of salary and bonus income. Moreover, the court heard evidence regarding the financial needs of the parties, including student loan payments; out-of-pocket medical expenses; including Father's treatments; credit card debt; and fees related to Father's criminal case.

[9] We need not address Father's contention that the court's finding that he made the case "more difficult and expensive" by taking "unreasonable positions" was "a conclusion based on unarticulated facts." Although an award of attorney's fees can be "premised on a party's conduct that 'produced protracted litigation,'" *David A.*, 242 Md. App. at 36 (citation omitted), the court's finding that Mother had substantial justification for filing for modification of support, without more, was sufficient to support the award of attorney's fees under FL § 12-103. *See Davis v. Petito*, 425 Md. 191, 203 (2012) (prevailing on the merits is sufficient to establish substantial justification in bringing, maintaining, or defending an action).

The court stated that it had factored those needs in evaluating Mother's request for attorney's fees.[10]

Father cites several cases in which we remanded an award of attorney's fees for further findings, none of which persuade us that remand is necessary in this case. In *Ledvinka v. Ledvinka*, 154 Md. App. 420 (2003), we remanded an award of attorney's fees for further findings because, although the court stated that it had considered the statutory factors, the court articulated no findings of fact to support the award. *Id.* at 424. In contrast to the facts of the case before us, however, the court in *Ledvinka* apparently never considered evidence regarding the financial status or needs of the parties, as the only issues resolved at trial were annulment, child custody, and visitation. *Id.* at 425. Moreover, we held that remand was necessary because the trial court had not made a determination that the fees were reasonable. *Id.* at 424. Here, the court expressly found the attorney's fees to be reasonable and necessary under the circumstances.

In *Painter v. Painter,* 113 Md. App. 504 (1997), we remanded an award of attorney's fees because it was unclear whether the court considered whether appellant had the ability to pay the award. *Id.* at 529. Here, by contrast, the court made a finding that Father retained some of the proceeds from his $300,000 bonus.

[10] That the court did not reiterate its findings regarding financial resources and needs of the parties in announcing its ruling on Mother's request for attorney's fees does not constitute error. *See Meyr v. Meyr*, 195 Md. App. 524, 553-54 (2010) (although the order awarding attorney's fees did not specifically address the parties' financial needs and resources, the trial court's findings in its memorandum and judgment of divorce "demonstrated that the court had engaged in the requisite analysis.")

Finally, in *Gillespie v. Gillespie*, 206 Md. App. 146 (2012), we remanded an award of attorney's fees for further findings because there was no indication that the court expressly considered the statutory factors, the court did not explain the basis for its decision, and there was nothing in the record to indicate that the court made any findings of fact to justify the order for attorney's fees. *Id.* at 179. No remand is necessary in this case as the order at issue does not have similar shortcomings.[11]

CONCLUSION

We are unable to review Father's claim that the court improperly admitted evidence because Father failed to specify the evidence at issue or include it in the record extract. We conclude that the court did not err or abuse its discretion in including Father's bonus when calculating Father's actual income for purposes of determining his child support obligation. We further conclude that the court did not err or abuse its discretion in awarding attorney's fees to Mother.

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

[11] Father also cites *Kilsheimer v. Dewberry & Davis*, 106 Md. App. 600 (1995). That case is entirely inapposite as it does not pertain to an award to attorney's fees pursuant to FL § 12-103, but to an award of expert witness fees in connection with discovery, pursuant to Maryland Rule 2-402(e)(3).