Circuit Courts for Wicomico County
Case No.: C-22-FM-23-000852, C-22-FM-25-809068

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 663 & 820

September Term, 2025

WALTER PRESS

v.

SHADETTE CHURCH

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

JJ.

Opinion by Hotten, J.

Filed: December 19, 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).

This appeal arises from a consolidated protective order and pendente lite custody ruling on behalf of the daughter ("the Minor Child") of Appellant, Walter Press ("Appellant") and Appellee, Shadette Church ("Appellee"). Following a hearing on May 30, 2025—where Appellant and Appellee appeared pro se, and the Minor Child was represented by appointed counsel ("Child's Counsel")—the Circuit Court for Wicomico County, Maryland entered a pendente lite Order granting primary physical custody and sole legal custody of the Minor Child to Appellee and providing Appellant with supervised bi-weekly one-hour visits.

Appellant, submitting his brief pro se, asserts the court erred when it consolidated Appellee's petition for a protective order and the pendente lite hearing; excluded Appellant's exhibits; relied on inaccurate information in reaching its ruling; failed to consolidate the pendente lite hearing with his four petitions of contempt against Appellee; and entered an order unsupported by the evidence presented. Additionally, Appellant maintains that Child's Counsel violated his professional duties in representing the Minor Child because his behavior was impermissibly biased. Neither Appellee nor Child's Counsel filed a brief.

Appellant also filed an appeal in a related case in which the court issued a protective order against him on behalf of the Minor Child. This order was based on an incident where the Minor Child was hospitalized for suicidal ideations, specifically triggered by the idea of being sent to live with Appellant. Appellant did not file a brief in that case.

QUESTIONS PRESENTED

1. Did the Circuit Court violate due process by consolidating a Final Protective Order hearing with custody/pendente lite matters on May 30, 2025 without prior notice or consent, while rejecting or ignoring Appellant's key exhibits?

2. Did the court clearly err by relying on inaccurate statements and misreading the record (e.g., claiming prior Delaware supervised visitation that never existed; treating Appellant's refusal of unwarranted hospitalization as neglect; mischaracterizing Maple Shade records)?

3. Did the court abuse its discretion by ignoring four pending contempt petitions that documented a pattern on alienation, false allegations, and interference with exchanges—while simultaneously consolidating other matters as "related"?

4. Did appointed Child Counsel (Stephen D. Cox, Esq.) act inconsistently with the neutral "best-interest" role—exhibiting bias, withholding exculpatory medical records, and effectively controlling visitation decisions on May 30—thereby tainting the proceedings?

5. Were the Final Protective Order and pendente lite custody restrictions unsupported where CPS ultimately found only "neglect" (based on a single medical-judgment refusal) and no physical, sexual, or mental abuse?

For the reasons that follow, we answer all questions in the negative and affirm the judgment of the circuit court.

BACKGROUND

The Parties' Relationships with Minor Child

Appellant and Appellee are the parents of the Minor Child. The record demonstrates Appellant's behavior has necessitated intervention by school authorities and impacted Minor Child's mental health. The Minor Child "literally has meltdowns" on the days

Appellant is given custody of her and expressed that she "can't say certain things" because they might get back to Appellant.

On March 14, 2024, Appellant's conduct at the Minor Child's school—where he "demanded immediate release of [the Minor Child] using vulgar language" on two separate occasions during student pickup—led school officials to issue him a no-trespassing letter. At some point, the school also reported to Child Protective Services the Minor Child's allegation that Appellant beat her.

On May 2, 2025, the Minor Child confided in her teacher that she wanted to die if she were sent back to live with Appellant. Her suicidal ideations prompted school officials to arrange for her admission to TidalHealth hospital for mental health treatment. At TidalHealth, the Minor Child refused contact with Appellant. Appellant was observed "point[ing] [] finger[s,]" accusing hospital staff of parental alienation, and being "adamant" that he be allowed to "back there to see his daughter[.]" The Minor Child remained at TidalHealth until May 8, 2025, but was hospitalized again for suicidal ideations on May 13-14, 2025.

Initial Delaware Custody Order

The parties' initial custodial arrangement was established on July 2, 2018, when the Delaware Family Court in and for Sussex County, entered an Order awarding joint legal custody of the Minor Child, with Appellee having primary physical custody. As part of that Order, the court recognized the existence of a Maryland Order of Protection from Abuse, which expired on May 31, 2019. There, Appellant was ordered to have no contact with Appellee, and exchanging the Minor Child was to occur at a set time and place every

week. Following the expiration of the Order of Protection from Abuse, the Delaware Family Court modified the custody order to change when and where Appellant was allowed to retrieve the Minor Child.

Procedural History for the Consolidated Protective Order and Pendente Lite Hearing

On or about September 6, 2023, Appellant filed a Request for Registration of a Foreign Child Custody Determination in the Circuit Court for Wicomico County, Maryland, which was granted. The parties continued to litigate custody in the Circuit Court for Wicomico County. On January 30, 2024, following a hearing on Appellant's petition to modify custody where he sought sole custody, the circuit court entered an order awarding the parties joint legal and shared physical custody of the Minor Child, and appointing the Minor Child counsel.

Appellant filed a petition to modify custody on December 27, 2024, requesting primary physical custody and accusing Appellee of "[e]xposing [the Minor Child] to things she shouldn't, not allowing her to call father, using intimidation tactics on her, breaking scheduled custody time, saying bad things to people about father in [the Minor Child]'s presence[.]" Appellee also filed a petition to modify custody on March 27, 2025, requesting primary physical and sole legal custody, and accusing Appellant of failing to follow orders and using his time to harass and mentally abuse her.

Appellant also filed four different petitions for contempt against Appellee between June 17, 2024 and January 21, 2025, accusing her of continuing "to disregard the court's order which started in Delaware where she left the state without any notification[,]" and

not returning the Minor Child on time. In his first contempt petition, Appellant attached a document accusing Appellee of the following grievances, verbatim:

> 1. Interfering with telephone contact with [Minor Child]; verbal abusive, controls conversation by abruptly disconnecting phone call.
> 2. Defendant failed to share all educational information, doctor appointments, major matters etc.
> 3. Defendant interrupted after school extracurricular activities not taking [Minor Child] to; Spanish class, pool lessons, stem studio
> 4. Defendant displays a negative attitude deliberately in front of [Minor Child] with the intent to damage relationship
> 5. Defendant allow/coaches [Minor Child] to refer to other man as her father or uncle. Also added these men to her medical records
> 6. Uses [Minor Child] to deliver messages. Told educational providers disparaging things

Appellant did not attach additional documentation to his petitions for contempt.

On March 17, 2025, the Circuit Court for Wicomico County held a hearing on Appellant's motion to modify custody and his four petitions for contempt of Appellee. Following the hearing, the magistrate filed a Report and Recommendation that the hearing be postponed until April 7, 2025. The hearing was then reset to May 14, 2025. The court reset the hearing again—this time from May 14 to May 30—stating the court did not have enough information to make a determination because the Department of Social Services did not submit its report in the related Protective Order case, and hospital records were not produced by Child's Counsel.

Following her first hospitalization, Appellee filed a petition on or about May 7, 2025, in a separate case, for a protective order on behalf of the Minor Child. The petition documented the Minor Child's statement to her teacher that "if she had to go back with her dad[,] she wanted to die[.] She already tried to choke herself and she will try again with a

knife if she has to go back with him." The following day, Appellant filed his own protective order petition, in a different case, contending Appellee allowed the Minor Child to be hospitalized without his consent. His petition was denied because the court found there was no statutory basis for his relief. Appellant subsequently filed a motion to vacate.

On May 9, 2025, Child's Counsel filed a motion to convert the May custody hearing to a pendente lite hearing based on the Minor Child's recent hospitalization and Appellee's pending protective order case against Appellant. The motion was granted.

The Protective Order Hearing

On May 30, 2025,[1] the court held the pendente lite custody hearing. Appellant and Appellee each appeared pro se, while the Minor Child was represented by appointed counsel. At the outset, the court consolidated the pendente lite hearing with the two protective order matters, but not Appellant's four petitions for contempt. Appellant initially objected to the consolidation, but quickly relented and agreed to testify on Appellee's protective order petition:

> **THE COURT:** Well, we're set for the PL hearing, which is sort of to ascertain access to the minor child and, I guess, temporary custody posture. We also have the final protective order that Ms. Church filed on behalf of the child. We have the appeal of the denial of your protective order against Ms. Church. Those are the three things. And since they're all related, I thought we would call them all together.

[1] Appellant indicates he is appealing the March 17, 2025, May 14, 2025, and May 30, 2025 orders. As outlined above, the procedural history shows the first two orders merely postponed the hearing on Appellant's motion to modify custody and his four petitions for contempt. Consequently, the ruling from the May 30 hearing is the proper subject of this appeal.

APPELLANT: And this is where the confusion coming in, Your Honor, when things are ran together. I want to handle things accordingly, order in the Court. We have a [sic] issue pertaining to Ms. Church and her protection order. Right? That's the first case we're going to handle, or we going to handle them all together?

THE COURT: I was going to handle them all together.

APPELLANT: How is that possible?

THE COURT: I'll just take testimony from everyone who wants to testify.

APPELLANT: I think that's where it'll get a little confused. I think we should have everything separate. Let Ms. Church prove her case, allow me to prove my case. And those are the two cases. . . .

* * *

CHILD'S COUNSEL: —if we go forward. And as to what Mr. Press wants, which appears to be the three cases done separately. However, Your Honor wants it, it would seem to make sense to put them all in one. But if there's an objection from a party, then perhaps Your Honor would just take them one by—

APPELLANT: Yeah. I object because, Your Honor, originally, when I had this modification back in 2024, when a lot of things were supposed to come out, the judge did the same thing that you're doing right now. He combined everything and all the evidence pertaining to this lady, alienating my daughter, and all the things that I went through with this lady wasn't placed out there on the record. So now we come here today with false allegations of abuse that started out with physical abuse, mind you. Started off with physical abuse. And she initially stated that the school told her.

THE COURT: All right. Why don't we start with your protective order, then?

APPELLANT: Whose?

THE COURT: Yours.

APPELLANT: No. Let's start with hers.

THE COURT: There's only so far I'm going to let this go.

> **APPELLANT:** No, I'm a serious, man, because she filed her protection order first. And it was under – it was under – well, it was under hearsay from the school stating that I beat my daughter, my daughter didn't want to go with me. I was in the emergency room with my daughter. And I don't understand why – in this report, it wasn't stated that my daughter expressed to me bullying in that emergency room, pretty much. She says, out of—

The court later clarified it was only consolidating Appellant's motion to vacate the denial of his protective order petition with the pendente lite hearing.

When Appellant testified in support of his protective order petition, he asserted that Appellee mentally abused the Minor Child by letting her be evaluated at the emergency room because it was solely for Appellee's "benefit." Appellant surmised that the Minor Child was not suicidal and only expressed suicidal ideations after "playing with kids that may have that level of suicidal." Appellant alleges the Minor Child was never physically "on the ledge" being talked out of committing suicide. He later contended that the Minor Child expressed suicidal ideations because she was coached by Appellee. Appellant also accused Appellee of being in "cahoots" with the Minor Child's school and attempted to "manipulate the system" by hospitalizing the Minor Child.

Appellant also expressed frustration with Child's Counsel's actions, believing he was biased. Child's Counsel objected to Appellant's testimony regarding what the Minor Child told him, and the court sustained it on hearsay grounds. Appellant took issue with the objection, arguing "it shows a little bit biasness on his side, because he should be in the best interest in wanting to hear what my daughter has to say." When Child's Counsel moved to admit the petition for emergency evaluation, Appellant protested and requested the court to "restrict his authority on the record" because "he's not moving in the best

interest." Appellant seemed to be confused with Child's Counsel's role, believing he was "supposed to be representing me[.]"

The court denied Appellant's motion to vacate based on legal insufficiency. The court noted that the only basis for the petition was a claim that the Minor Child "might have been exposed to someone who had mental problems[,]" but concluded this exposure did not constitute "a mental injury" requiring a protective order.

The Pendente Lite Hearing

Following its denial, the court turned to the pendente lite custody matter. Jennifer Eskridge, the Child Protective Services worker, testified that the Department was in the process of investigating Appellant for alleged neglect. She testified the Minor Child was "consistent in the term of her concerns with being at dad's house and what was causing her to have the suicidal ideations." The Minor Child allegedly told Ms. Eskridge that Appellant beat her and yells a lot. Ms. Eskridge further substantiated the allegation that the Minor Child said she is willing to lie when she is worried about a person's reaction. She also testified that the Minor Child indicated "she does not have any concerns at Mom's house."

The principal for Minor Child's school, Parris Abt, testified that Minor Child told her she did not want to speak with Appellant in the emergency room. Ms. Abt also testified she had a positive relationship with the Minor Child, but observed a progressive decline in her emotional state, marked by increasing withdrawal and distress over the course of the school year.

Deputy Aaron Handy, Deputy First Class at the Wicomico Sherriff's Department, testified to his involvement in the emergency petition, and notably opined that Appellant was not cooperating at the hospital:

> **APPELLANT:** Do you typically see people acting in this fashion when you do emergency petitions for kids going to the emergency room for suicidal, and the parent is being refused access to their kid?
>
> **DEPUTY HANDY:** Being upset?
>
> **APPELLANT:** Yes.
>
> **DEPUTY HANDY:** I've seen parents being upset, but still cooperative.
>
> **APPELLANT:** Okay. Do you consider me being cooperative that day?
>
> **DEPUTY HANDY:** No.
>
> **APPELLANT:** In what way I wasn't?
>
> **DEPUTY HANDY:** In—you were very adamant about going towards a bag after being repeatedly told that you could not. Even after the doctor told you. That was the only reason I was still there. And then after security said they had it handled, that's why I left.

Additionally, the court played body camera footage of Deputy Handy's interaction with Appellant at the hospital, where Deputy Handy was heard telling him "I just got word from the nurse back there, your daughter does not want you back there."

Appellant's Exhibits

Appellant introduced the following exhibits: body camera footage of his interactions at the hospital, an audio recording of a prior hearing, behavioral health records from Maple Shade, a parental alienation sheet, and a recording of the Minor Child. Appellant did not

move the admission of any of the exhibits.[2] The court specifically clarified that the Maple Shade documents were not admitted, despite Appellant's belief that they were:

> **CHILD'S COUNSEL:** Your Honor, I'm going to object to all references at this point to Maple Shade. I understand that the report was marked. I don't know if it was entered.
>
> **THE COURT:** It wasn't entered.
>
> **APPELLANT:** Yes, it was.
>
> **THE COURT:** No, it was not.
>
> **APPELLANT:** It's true.

The court also raised the issue of his recording of the Minor Child, warning that a recording without the other parties' consent violates wiretapping laws and "could result in criminal charges." Despite this warning, Appellant attempted to play the recording again during the hearing.

Appellant attempted to introduce the TidalHealth hospital records without having them present with him during the hearing. When Appellant asked "where's the report[,]" in reference to the hospital records, the court clarified it did not receive the hospital records:

> **THE COURT:** I don't get hospital records.
>
> **APPELLANT:** Right. My understanding—look, I subpoenaed the hospital records and the video for the emergency room. Did you receive that?
>
> **THE COURT:** No.
>
> **APPELLANT:** Why not?
>
> **THE COURT:** I don't know.

[2] However, Child's Counsel did move to admit the body camera footage, which was admitted.

Relief Sought by the Parties

Child's Counsel strongly advocated for ongoing therapy, citing the Minor Child's mental health crisis, and recommended Appellee be granted custody, asserting that she, unlike Appellant, grasps the importance of therapy. Child's Counsel also attacked Appellant's overall character and his relationship to the Minor Child in several ways. First, Child's Counsel emphasized how multiple sources indicated the Minor Child refused to speak with Appellant. Second, Child's Counsel highlighted Appellant's contentious relationship with Appellee and Appellant's tendency to record the Minor Child.

Appellee concurred and opined that it would be beneficial for the Minor Child to "keep a routine or a regimen" with her mental health treatment so that she can have a chance to develop d a rapport with her therapists.

Appellant's closing argument focused on attacking the fitness of Appellee rather than demonstrating his own suitability as a parent. He accused Appellee of "fabricat[ing]" her allegations, reasoning he and the Minor Child "have great times together." Moreover, Appellant accused Appellee of filing the protective order petition to "have an advantage in these proceedings right now." He did not specify what relief he sought, other than stating "it's critical that I remain in my daughter's life."

The Court's Ruling

At the close of the hearing, the court relied on the following pieces of evidence to justify making a custody modification: the Minor Child expressed suicidal ideations multiple times; the Minor Child having no concerns with Appellee, but becoming distressed with Appellant; Appellant's behavior when the Minor Child was admitted to the

hospital on an emergency basis; Appellant's tendency to record the Minor Child; that Appellant was issued a no-trespassing order from the school but violated it; that Appellant was uncooperative with the Department of Social Services; and Appellant's reluctance to obtain mental health treatment for the Minor Child.

Following the hearing, the court ordered for: (1) Appellee to have primary physical custody and sole legal custody of the Minor Child; (2) Appellant to have supervised bi-weekly one-hour visits; (3) no recording of the Minor Child; (4) that the Minor Child engage in mental health treatment; and (5) both parties to submit to psychological evaluations. The court also granted Appellee's protective order petition, finding there to be credible evidence that the Minor Child's suicidal ideations were the result of Appellant's behavior.

STANDARD OF REVIEW

Three interrelated standards of review guide this Court's assessment of child custody rulings. *In re Yve S.*, 373 Md. 551, 586 (2003). "[First,] [w]hen the appellate court scrutinizes factual findings, the clearly erroneous standard of [Rule 8–131(c)] applies." *Id.* "[Second,] if it appears that the [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." *Id.* "Finally, when the appellate court views the ultimate conclusion of the [court] founded upon sound legal principles and based upon factual findings that are not clearly erroneous, the [court's] decision should be disturbed only if there has been a clear abuse of discretion." *Id.*

DISCUSSION

I. The Circuit Court Did Not Violate Appellant's Due Process Rights by Consolidating Matters at the May 30 Hearing.

Appellant's first issue involves alleged procedural errors during the May 30, 2025 hearing—specifically, the court's decision to consolidate the pendente lite custody and protective order matters and its refusal to admit Appellant's key exhibits into evidence. The entirety of Appellant's legal argument is as follows:

> Combining distinct proceedings without notice undermined Appellant's ability to marshal witnesses and evidence, violating basic due process (U.S. Const. amend. XIV; Md. Decl. of Rights, Art. 24). The court should have separated the matters or granted a continuance to ensure a fair opportunity to be heard, particularly where the court declined to consider defense exhibits central to rebutting abuse/neglect claims.

Since Appellant argues two distinct procedural errors in his first issue, we will address each argument separately.

i. The Circuit Court Did Not Err in Consolidating the Pendente Lite and Protective Order Matters.

Appellant states "[o]n May 30, 2025, the court consolidated multiple matters—Protective Order, custody, child access, and mental health requirements—over Appellant's on-the-record objection." Appellant argues it was an error for the circuit court to consolidate these matters without giving prior notice because this violated his due process rights.

As a preliminary matter, the May 30 hearing consolidated *Appellant's* protective order matter, not Appellee's. Indeed, Appellant testified at great length regarding the merits of his own protective order petition at the hearing he is now appealing.

Md. Rule 2-503 permits courts to consolidate claims, issues, or actions "[w]hen actions involve a common question of law or fact or a common subject matter[.]" *See* Md. Rule 2-503(a)(1). "Any such consolidation, of course, must comport with due process principles." *ACandS, Inc. v. Abate*, 121 Md. App. 590, 613 (1998), *abrogated by John Crane, Inc. v. Scribner*, 369 Md. 369 (2002) (citing U.S. CONST. amend. XIV, § 1). Here, the court correctly determined the pendente lite custody and protective order matters involved common subject matters—namely, the safety and welfare of the Minor Child. Accordingly, the court was permitted to consolidate them under Rule 2-503. As such, we now turn our attention to whether the consolidation comported with procedural due process.

An important component of procedural due process is "a promise of prior notice." *Reese v. Dep't of Health & Mental Hygiene*, 177 Md. App. 102, 150 (2007). "Procedural due process is a flexible concept that 'calls for such procedural protection as a particular situation may demand,' as 'appropriate to the fair determination of the particular issues presented in a given case.'" *Id.* The Supreme Court of Maryland held that consolidating even thousands of cases does not violate procedural due process rights. *See ACandS, Inc. v. Godwin*, 340 Md. 334, 395 (1995) (finding consolidating common "state of the art" issues in asbestos product liability lawsuits did not violate the defendant's due process), *on reconsideration* (Dec. 1, 1995).

We observe no procedural due process violation by the consolidation. Appellant received prior notice of both the protective matter and custody matters. Notably, Appellant was given prior notice of the custody modification and protective order matters that he

requested. There is no fixed timeframe within which parties must receive prior notice for consolidation because due process is a flexible concept. *See e.g.*, *Reese*, 177 Md. App. at 149. Importantly, Appellant waived his objection to the consolidated hearing when he agreed to testify on Appellee's protective order petition. We also note that Appellant was not prejudiced by the consolidation and had the opportunity to present his case at the hearing. The consolidation of two related matters that Appellant was aware of did not violate his procedural due process rights.

Likewise, we find Appellant's procedural due process rights were not violated when the court consolidated "mental health requirements" in the May 30 hearing. By "mental health requirements[,]" we believe Appellant is referring to the court ordering the Minor Child to go to therapy following the May 30 hearing. In every custody hearing, the court must consider what is in the best interest of the child. *See Wagner v. Wagner*, 109 Md. App. 1, 11 (1996). At times, this may mean ordering the child or their parents to therapy. *See e.g.*, *Meyr v. Meyr*, 195 Md. App. 524, 549 (2010). Nevertheless, for due process purposes, litigants do not have to receive specific notice that a pendente lite custody hearing might lead to a court-ordered therapy mandate because litigants are already on notice that what is in the best interest of the child naturally includes consideration of their mental health. For these reasons, we hold that the circuit court's consolidation was procedurally sound.

ii. The Circuit Court Did Not Err in Excluding Evidence.

Appellant next asserts he "sought to introduce Maple Shade behavioral health documentation, MyChart/TidalHealth medical records from May 2, 2025, and evidence of

coaching/alienation[,]" but "[t]he court refused admission or failed to consider these materials." Appellant cites the May 30 hearing transcript, Maple Shade site report, MyChart/TidalHealth ER records, and his prior custody motions and petitions for contempt as supporting record references. In his four contempt petitions, Appellant indicates that he "documented ongoing alienation/coaching and exchange interference. . . ."

It is axiomatic that the parties bear the burden of proof to support their arguments. *See e.g., Fairfax Sav., F.S.B. v. Weinberg & Green*, 112 Md. App. 587, 633 (1996). Once evidence is presented, the trial court decides, at its discretion, whether to admit or exclude it. *See Ruffin Hotel Corp. of Maryland v. Gasper*, 418 Md. 594, 619 (2011).

Here, the court clarified that the TidalHealth records were never received and the Maple Shade documents were never admitted. Since Appellant failed to properly move for the admission of either of the documents, we conclude that this issue is moot. As such, there is no ruling on this matter for Appellant to appeal.

Appellant also failed to specify the nature of the "evidence of coaching/alienation" he sought to introduce. His contempt petitions were unsubstantiated. Absent identification of the allegedly excluded evidence, this Court perceives no error.

II. The Circuit Court Did Not Clearly Err in Its Reading of the Record.

Appellant argues the court erred by relying on "inaccurate statements and misreading the record[.]" He cites the court's treatment of (1) a Delaware court order concerning Appellant's supervised visitations (which he argues does not exist), (2) his refusal to let the Minor Child be psychiatrically admitted (which the court allegedly construed as child neglect despite alleged medical documentation concluding the contrary),

and (3) the Minor Child's hospital records (which he argues was improperly discounted). The entirety of Appellant's legal argument for his second issue is as follows:

> Custody and access restrictions must rest on competent evidence—not misstatements or mischaracterizations. Where findings lack support in the record, they are clearly erroneous and constitute abuse of discretion in family matters governed by the child's best interests. *See Wagner v. Wagner*, 109 Md. App. 1, 29 (1996) (best-interests framework and review standards). The outcome here turned on factual errors; reversal is warranted.

We address the circuit court's treatment of each piece of evidence Appellant cited.

i. The Court Did Not Give Any Weight to a Delaware Custody Order in Reaching Its Decision.

Appellant states "[t]he court attributed to Appellant a history of supervised visitation in Delaware; Appellant contends no such order exists." Upon reviewing the record, we find the court did not erroneously rely on the allegedly non-existent Delaware custody order for the simple reason that the court did not rely on *any* Delaware order in reaching its decision. While the record provides that there was an initial Delaware custody order between the parties, it was not referenced in the written orders or during the court's ruling in the hearing transcript. Inasmuch as there is a lack of evidence showing the court relied on *any* Delaware Order, we hold the court did not rely on any "misstatements," "mischaracterizations," or "misread the record" in reference to a non-existent Delaware Order.

ii. The Court Did Not Find Appellant's Refusal to Send Minor Child to Therapy Constituted "Child Neglect."

Similarly, we affirm that the circuit court did not err in its evaluation of Appellant's conduct and refusal of admission in the emergency room for the Minor Child. Appellant

argues that the court wrongly characterized his refusal of psychiatric admission on May 2, 2025 as neglect, despite documentation showing the admission was unnecessary due to a lack of emergency. He contends that declining hospitalization was a medical judgment call, not an act of neglect, as the emergency room discharge records confirmed there was no emergency basis for psychiatric admission.

The record reflects the court did not rely on any evidence or testimony that Appellant's decision constituted "neglect." A finding that Appellant "neglected" the Minor Child is not referenced in the written orders or during the court's ruling in the hearing transcript. At most, Ms. Eskridge, the Child Protective Services worker, informed the court that there was an ongoing investigation for neglect. The circuit court did not indicate confusion as to the investigation's procedural posture.

Likewise, the court ordered therapy for the Minor Child in spite of Appellant's general reluctance to get her mental help. However, a determination that therapy would be beneficial for the Minor Child does not equate with a conclusion that the absence of therapy rises to the level of neglect, as Appellant appears to infer.

Since the circuit court issued no finding that Appellant "neglected" the Minor Child based on therapy attendance, the question of whether the court erroneously disregarded contrary evidence is not properly before this Court. Appellant did not present any evidence supporting the opposite. For these reasons, we hold that the circuit court did not err in its treatment of Appellant's argument.

iii. The Court Did Not Give Any Weight to the Maple Shade Documents.

Finally, we find the court's treatment of the Maple Shade documents is not erroneous. Appellant asserts "[t]he Maple Shade documentation showed ongoing care and improvement consistent with active parenting, but was discounted." He further states the Maple Shade documents "directly rebutted abuse/neglect narratives and corroborated active, appropriate parenting."

As discussed previously, the Maple Shade documents were never admitted. Since the records were never admitted, it is self-evident that the circuit court did not rely upon them. For the foregoing reasons, we hold that the circuit court's treatment of the Maple Shade documents was not clearly erroneous.

III. The Circuit Court Did Not Err by Declining to Hear the Four Petitions for Contempt During the May 30, 2025 Hearing.

In direct contrast to his first issue, Appellant argues it was an error not to consolidate the May 30 hearing. Appellant states "[t]he court did not address those contempts [sic] at the consolidated hearing, despite invoking 'relevance' to justify consolidating other unrelated issues." Appellant argues this was an abuse of discretion because the petitions for contempt "provided essential context" for the Minor Child's hospitalization and the filing of the protective order. The entirety of Appellant's legal argument for his third issue is as follows:

> Family cases should be resolved holistically when issues are intertwined; selective consolidation that omits the contempts [sic] (while consolidating other items) produced a skewed picture and denied a fair opportunity to be heard. *See Wagner v. Wagner*, 109 Md. App. at 28–30 (material-change and procedural framework in modification cases). The omission here is a reversible abuse of discretion.

As discussed *supra*, Md. Rule 2-503 permits a court to consolidate claims, issues, or actions "[w]hen actions involve a common question of law or fact or a common subject matter[.]" *See* Md. Rule 2-503(a)(1). This is a permissive rule, not a mandatory one. *See id*. The decision not to consolidate actions does not, by itself, mandate a finding that the court abused its discretion.

Here, Appellant confuses two issues: his procedural demand for consolidated, "holistic" hearings, and the substantive principle of viewing the parties' needs holistically. In *Wagner*, this Court reaffirmed the latter principle—that custody modifications must use the totality of the circumstances to determine the best interest of the child. 109 Md. App. at 28. The best interests of the child standard necessarily includes an assessment of both the child's specific needs and the parents' fundamental liberty interest in raising their child. *Cf. In re Adoption of Quintline B. & Shellariece B.*, 219 Md. App. 187, 201 (2014). However, this substantive principle does not translate into a procedural mandate requiring the court to resolve all related issues within one proceeding, as Appellant appears to suggest. Furthermore, Appellant's argument is flawed because he is asserting two opposite positions. He first argues that hearings should be handled "holistically," which supports the court's consolidation of the protective order and pendente lite matters, yet complains when the court consolidated them. Consolidating the protective order and pendente lite matters made the hearing just as "holistic" as if the court had consolidated the pendente lite matter with the petitions for contempt instead.

Appellant did not request that the court to consider his petitions for contempt at the pendente lite hearing. Instead, he only asked that the court consider the protective order and pendente lite matters separately. Appellant's contradiction regarding the need for consolidation renders his present argument unpersuasive.

IV. Minor Child's Counsel Provided Proper Representation to the Minor Child.

Appellant also challenges the Minor Child's representation, noting that the appointment of Child's Counsel was made over Appellant's objection. He argues that Child's Counsel breached his duties when he "advocated positions adverse to Appellant while not disclosing medical records (MyChart, Maple Shade) that undercut abuse claims[,]" "was accorded outsized authority in shaping visitation parameters at the hearing[,]" and "resembled an adversary for one side rather than a neutral champion of the child's best interests." Appellant's legal argument for his fourth issue is as follows:

> A child's attorney must protect the child's interests without becoming a surrogate for either party. When counsel's conduct compromises fairness, the remedy includes removal or disregarding tainted recommendations. *See In re Billy W.*, 387 Md. 405, 425–26 (2005) (parental rights and prejudicial visitation changes/appealability), applied by Maryland appellate courts in visitation/custody contexts. Given the prejudice here, the Court should remove Child Counsel and vacate decisions influenced by that role.

First, we find no error in Child's Counsel's failure to "disclos[e] medical records (MyChart, Maple Shade) that undercut abuse claims." As discussed *supra*, it is the parties' own responsibility to bear the burden of proof to support their arguments. *See e.g., Fairfax Sav., F.S.B.,* 112 Md. App. at 633. Accordingly, we will not penalize Child's Counsel for failing to admit evidence that Appellant had the burden to introduce.

Next, we observe from the record that Child's Counsel was not "accorded outsized authority in shaping visitation parameters at the hearing." Appellant asserts that Child's Counsel "was permitted unusual sway over visitation conditions[,]" but does not specify support for that position.

Despite Appellant's contentions, we hold Child's Counsel acted appropriately and within the scope of the child's best interest. "When the court appoints an attorney to be guardian ad litem for a child, the attorney's duty is to make a determination and recommendation after pinpointing what is in the best interests of the child." *Leary v. Leary*, 97 Md. App. 26, 40 (1993). "[T]he failure to provide independent representation to a child in such proceedings can be reversible error." *Augustine v. Wolf*, 264 Md. App. 1, 17 (2024). The recommendation of one parent over the other for custody does not inherently establish a breach of the child's attorney's duty to advocate for the best interest of the child. *See e.g.*, *Leary*, 97 Md. App. at 40 (highlighting the best interests of the child standard). It is not necessarily an error for Child's Counsel to "advocate[] positions adverse to Appellant" or "resemble[] an adversary for one side. . . ." as Appellant argues.

At the hearing, Child's Counsel advocated for Appellee to have physical and legal custody of the Minor Child because, *inter alia*, the Minor Child needed a parent who would support her going to therapy. Appellant does not deny his reluctance to get the Minor Child professional help for her mental health issues, but rather minimizes its significance. Child's Counsel also highlighted that the Minor Child told third parties she did not want to speak with Appellant on several occasions. The foregoing demonstrates how the Minor Child is, to some degree, afraid to speak candidly with Appellant and is not getting

adequate therapeutic support while in Appellant's care. The same could not be said about Appellee.

Accordingly, we conclude that advocating for Appellee to have custody in this scenario aligns with Child's Counsel's duties, as his advocacy was justified in the child's best interest. In the same vein, we detail below why there is sufficient evidence for the court to have made its ruling awarding Appellee primary physical custody and sole legal custody of the Minor Child. We perceive no errors in Child's Counsel's representation of the Minor Child.

V. The Circuit Court's Ruling was Sufficiently Supported by the Evidence.

Lastly, Appellant argues the final protective order and pendente lite custody orders, which he states imposed "severe limitations[,]" were not supported by the evidence. Appellant supports his argument by stating the "CPS Notice of Indicated Finding (June 30, 2025) checked only 'neglect'; all abuse boxes were left unchecked[,]" and the "MyChart/TidalHealth records show no substantiated abuse from May 2 ER visit; referral was based on unverified statements." The entirety of Appellant's legal argument for his fifth issue is as follows:

> Protective orders (Fam. Law §4-506) and custody restrictions require credible, competent evidence. Absent substantiated abuse, such extraordinary restraints cannot stand. *See Domingues v. Johnson*, 323 Md. 486 (1991) (material-change and evidence-based custody analyses).

As a preliminary matter, neither the CPS Notice nor the MyChart/TidalHealth records were admitted during the May 30 hearing. Thus, they cannot be used to support Appellant's argument. *Cf.* Md. Rule 8-504(a)(4).

We hold that the circuit court's ruling on the final protective order and pendente lite custody orders were supported by the evidence. In this instant matter, credible evidence was presented showing the Minor Child expressed no concerns regarding Appellee, but becomes distressed with Appellant; the Minor Child did not want to speak with Appellant when she was in the hospital; Appellant behaved inappropriately when the Minor Child was in the hospital; Appellant has a concerning tendency to record the Minor Child; Appellant is combative; and Appellant has been reluctant to get the Minor Child mental health treatment.

This Court will not disturb the circuit court's ultimate conclusion unless there has been a clear abuse of discretion. *See In re Yve S.*, 373 Md. at 586. For the reasons stated within this opinion, we hold that the circuit court did not abuse its discretion in reaching its decision (i.e., the court did not err in: consolidating the pendente lite custody hearing with Appellant's motion to vacate; relying on the record; failing to consolidate Appellant's four petitions for contempt with the pendente lite custody hearing; or support its decision with the evidence presented).

CONCLUSION

For the aforementioned reasons, we affirm the circuit court's judgment.

JUDGMENTS OF THE CIRCUIT COURT FOR WICOMICO COUNTY ARE AFFIRMED. COSTS TO BE PAID BY APPELLANT.