

Circuit Court for Baltimore County
Case No. 03-C-15-008774

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 834

September Term, 2025

KAYCEE DUREE

v.

FRANK GIZZO

Berger,
Beachley,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

Opinion by Beachley, J.

Filed: December 15, 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 concerns the propriety of a Maryland court’s relinquishment of jurisdiction over a child custody determination pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act (“UCCJEA”). In 2019, the Circuit Court for Baltimore County entered an order granting sole legal and primary physical custody of a minor child, G., to appellant, the child’s mother (“Mother”). Shortly thereafter, the child’s father (“Father”) filed a motion to modify custody in the circuit court. In 2022, while Father’s motion was pending, Mother and G. moved to Kentucky. By that time, Father had relocated to Pennsylvania.

In 2023, Father filed, in the circuit court, a motion requesting that the court relinquish its jurisdiction and transfer the case to Kentucky. In June 2023, the court entered an order relinquishing its exclusive, continuing jurisdiction over custody and visitation issues related to G., but declining to transfer the case to Kentucky. The court based its decision on the fact that none of the parties resided in Maryland.

Around that time, Father filed, in the Wayne County Circuit Court of Kentucky, a motion to modify the parties’ 2019 Maryland custody order. In March 2025, the Wayne County Circuit Court entered an order modifying Maryland’s custody order and granting Father sole physical and legal custody of G.

In March 2025, Mother filed, in the Circuit Court for Baltimore County, a “Motion to Reinstate the Maryland Custody Case” and related filings requesting, among other things, that the court vacate its June 2023 order, in which the court relinquished jurisdiction, and reopen the case so that the parties could pursue the custody matter in

Maryland. The court denied the motion, and Mother noted this appeal.

In this appeal, Mother presents three questions for our review. For clarity, we have consolidated those questions into a single question¹:

Did the circuit court err or abuse its discretion in refusing to vacate its June 2023 order?

Finding no error or abuse of discretion, we affirm.

BACKGROUND

Relevant Law

“In 2004, Maryland adopted the UCCJEA to govern child custody actions.”

Pilkington v. Pilkington, 230 Md. App. 561, 575 (2016). The UCCJEA was enacted to

¹ Mother phrased her questions as:

1. Whether the Circuit Court for Baltimore County erred in relinquishing exclusive, continuing jurisdiction under Maryland Family Law §, [sic] where jurisdiction had attached at the commencement of [Father’s] 2019 modification petition, custody matters remained unresolved, and the court failed to conduct the mandatory inconvenient-forum analysis required by § 9.5-207.
2. Whether, consistent with the UCCJEA’s directive that jurisdiction attaches at the commencement of a proceeding and is not lost by subsequent relocations, the [Father’s] procurement and enforcement of a custody modification from Kentucky while Maryland’s case remained pending constitutes an unauthorized exercise of custody jurisdiction, rendering Kentucky’s March 4, 2025 order void under Maryland Family Law § 9.5-203 and the federal Parental Kidnapping Prevention Act.
3. Whether the Circuit Court’s relinquishment of jurisdiction, without ensuring an orderly transfer or resolving outstanding contempt and support issues, contravened the purposes of the UCCJEA and deprived Appellant of due process.

address the trend of parents taking children from their home state to another state in an effort to relitigate a custody determination in a more favorable forum. *Id.* at 575-76. One of the primary goals of the UCCJEA was to prevent jurisdictional conflicts between state courts regarding custody determinations, which in the past had resulted “in the shifting of children from State to State with harmful effects on their well-being[.]” *Id.* at 577-78. As such, the UCCJEA “imposes limits on the courts’ traditional subject matter jurisdiction to issue orders affecting a resident-parent’s custody rights.” *Id.* at 578.

In Maryland, the UCCJEA is codified at § 9.5-101 *et seq.* of the Family Law (“FL”) Article of the Maryland Code. Under the UCCJEA, a Maryland court has jurisdiction to make an initial child custody determination only if:

- (1) this State is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within 6 months before the commencement of the proceeding and the child is absent from this State but a parent or person acting as a parent continues to live in this State;
- (2) a court of another state does not have jurisdiction under item (1) of this subsection, or a court of the home state of the child has declined to exercise jurisdiction on the ground that this State is the more appropriate forum under § 9.5-207 or § 9.5-208 of this subtitle, and:
 - (i) the child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this State other than mere physical presence; and
 - (ii) substantial evidence is available in this State concerning the child's care, protection, training, and personal relationships;
- (3) all courts having jurisdiction under item (1) or (2) of this subsection have declined to exercise jurisdiction on the ground that a court of this State is the more appropriate forum to determine the custody of the child under § 9.5-207 or § 9.5-208 of this subtitle; or

(4) no court of any other state would have jurisdiction under the criteria specified in item (1), (2), or (3) of this subsection.

Md. Code, Fam. Law § 9.5-201(a).²

Once a Maryland court obtains jurisdiction and makes a child custody determination consistent with the UCCJEA, Maryland retains exclusive, continuing jurisdiction over the determination until:

- (1) a court of this State determines that neither the child, the child and one parent, nor the child and a person acting as a parent have a significant connection with this State and that substantial evidence is no longer available in this State concerning the child's care, protection, training, and personal relationships; or
- (2) a court of this State or a court of another state determines that the child, the child's parents, and any person acting as a parent do not presently reside in this State.

Md. Code, Fam. Law § 9.5-202(a).

In addition, a Maryland court that has properly obtained jurisdiction to make a child custody determination “may decline to exercise that jurisdiction at any time if it determines that it is an inconvenient forum under the circumstances and that a court of another state is a more appropriate forum.” Md. Code, Fam. Law § 9.5-207(a)(1). Before making that determination, however, the court must consider whether it is appropriate for another state

² There are two general exceptions to the jurisdictional restrictions set forth in FL § 9.5-201(a). First, a Maryland court may assume temporary emergency jurisdiction if a child has been abandoned or if doing so would protect the child, or a sibling or parent, from mistreatment or abuse. Md. Code, Fam. Law § 9.5-204. Second, a Maryland court may not exercise jurisdiction, absent certain circumstances, if a custody proceeding has already been commenced in a court of another state having jurisdiction in accordance with the UCCJEA. Md. Code, Fam. Law § 9.5-206. Neither of those exceptions is relevant here.

to exercise jurisdiction based on several enumerated factors. Md. Code, Fam. Law § 9.5-207(b). If, after considering those factors, a Maryland court determines “that it is an inconvenient forum and that a court of another state is a more appropriate forum, it shall stay the proceedings upon condition that a child custody proceeding be promptly commenced in another designated state and may impose any other condition the court considers just and proper.” Md. Code, Fam. Law § 9.5-207(c).

Lastly, where a child custody determination has been made by a court of another state, a Maryland court may not modify that determination unless Maryland has jurisdiction to make an initial custody determination pursuant to FL § 9.5-201(a)(1) or (2) and:

- (1) the court of the other state determines it no longer has exclusive, continuing jurisdiction under § 9.5-202 of this subtitle or that a court of this State would be a more convenient forum under § 9.5-207 of this subtitle; or
- (2) a court of this State or a court of the other state determines that the child, the child's parents, and any person acting as a parent do not presently reside in the other state.

Md. Code, Fam. Law § 9.5-203.

The Instant Case

G. was born to Father and Mother in 2014. In 2015, Father filed, in the circuit court, a complaint for custody. Shortly thereafter, Mother filed a counter complaint for custody. At the time, both Mother and Father were residents of Maryland.

In January 2019, the circuit court entered an order granting sole legal and primary physical custody of G. to Mother. By that time, Mother had relocated to California, while Father had remained a resident of Maryland.

In May 2019, Father filed, in the circuit court, a motion to modify custody. In 2021, while his motion was pending, Father relocated to Pennsylvania. Then, in 2022, Mother and G. moved to Kentucky.

In February 2023, Father filed, in the circuit court, a “Motion to Transfer Jurisdiction to Kentucky.” Father argued that Maryland was no longer an appropriate forum to determine custody of G. At the time of Father’s motion, the court had yet to rule on Father’s motion to modify custody.

In June 2023, following a hearing, the circuit court entered an order granting in part and denying in part Father’s transfer motion. The court declared that it was “relinquishing exclusive and continuing jurisdiction over custody and visitation issues related to [G.] pursuant to [FL § 9.5-202(a)(2)] because the child, the child’s parents, and any person acting as a parent do not presently reside in this State.” The court further declared that it was “not ordering that this case be transferred to a specific court in another state because this Court does not presume to know what court in Kentucky or elsewhere has jurisdiction and what specific venue is proper.” The court added that its ruling “paves the way for this case to be resolved by a court that has jurisdiction to decide custody and visitation issues related to [G.] and where venue is proper.”

Following the circuit court’s decision, Father pursued a custody action in the Wayne County (Kentucky) Circuit Court. Father asked the Wayne County Circuit Court to modify the existing Maryland custody order that granted Mother primary physical and legal custody of G., and enter a new order granting Father sole physical and legal custody of G.

In March 2025, the Wayne County Circuit Court entered an order awarding Father sole physical and legal custody of G.

Around that same time, Mother filed, in the Circuit Court for Baltimore County, a “Motion to Reinstate the Maryland Custody Case,” a “Motion for Immediate Recovery of Minor Child and Declaration of Invalidity of Kentucky Court Orders,” and related filings. In those filings, Mother requested, among other things, that the court vacate its June 2023 order, in which the court had relinquished jurisdiction, and reopen the case so that the parties could pursue the custody matter in Maryland. Mother’s primary argument was that the circuit court, in entering its June 2023 order, had failed to properly relinquish its jurisdiction under the UCCJEA.

In April 2025, the circuit court entered an order denying Mother’s motions. The court found that there was “no legal or factual basis to reopen this case.”

Two days later, Mother filed, in the circuit court, a motion for reconsideration. That motion was subsequently denied.

Mother then filed this appeal. Additional facts will be supplied as needed below.

DISCUSSION

Parties’ Contentions

Mother contends that the circuit court’s June 2023 order, in which the court relinquished jurisdiction based solely on FL § 9.5-202(a)(2), was erroneous because the UCCJEA does not permit the relinquishment of jurisdiction unless the court conducts an inconvenient-forum analysis pursuant to FL § 9.5-207. Mother argues, in other words, that

“relinquishment under [FL § 9.5-202] cannot stand alone; it must be paired with a § 207 analysis[.]” Mother contends that the court’s exclusive reliance on FL § 9.5-202 to relinquish its jurisdiction over the parties’ custody matter “overlooked both the case’s context and the UCCJEA’s broader framework.” Mother argues, therefore, that the Wayne County Circuit Court custody order from March 2025, in which Father was granted sole physical and legal custody of G., should be declared void under the UCCJEA because “Maryland never lawfully yielded jurisdiction.”

Father contends that Mother has failed to establish any legal basis that would have justified the court vacating its June 2023 order. Father contends that none of Mother’s arguments has merit and that her requests for relief should be denied.

Before discussing the merits of Mother’s claims, we find it prudent to set forth the parameters of our review given the procedural posture of the case. Although Mother’s arguments focus almost exclusively on the circuit court’s June 2023 order, no appeal was taken from that order. Rather, the instant appeal was taken from the court’s April 2025 order denying Mother’s request to vacate the June 2023 order and reopen the custody case. As such, our review is limited to whether the court’s April 2025 order was erroneous. *See Canaj, Inc. v. Baker and Division Phase III, LLC*, 391 Md. 374, 400-01 (2006) (where a motion to set aside a judgment is filed more than thirty days after the judgment is entered, the only issue before the reviewing court is whether the court erred or abused its discretion in denying the motion).

Standard of Review

Generally, a court has discretionary power to revise a judgment within 30 days after entry of judgment. Md. Rule 2-535(a). After 30 days, however, “the judgment becomes enrolled and may be revised only ‘upon a finding of fraud, jurisdictional mistake, or irregularity which are narrowly construed.’” *Facey v. Facey*, 249 Md. App. 584, 606 (2021) (quoting *LVNV Funding LLC v. Finch*, 463 Md. 586, 607-08 (2019)). We review without deference a court’s decision regarding the existence of fraud, jurisdictional mistake, or irregularity. *Id.* at 601. Where fraud, jurisdictional mistake, or irregularity has been established, we review the court’s decision to revise a judgment for abuse of discretion. *Id.*

Because our analysis involves the interpretation of a Maryland statute, we also set forth the well-known rules of statutory construction. ““The paramount object of statutory construction is the ascertainment and effectuation of the real intention of the Legislature.”” *Andrews & Lawrence Pro. Servs., LLC v. Mills*, 467 Md. 126, 149 (2020) (quoting *Whiting-Turner Contracting Co. v. Fitzpatrick*, 366 Md. 295, 301 (2001)). “The starting point of any statutory analysis is the plain language of the statute[.]” *Kranz v. State*, 459 Md. 456, 474 (2018). “If the language of the statute is unambiguous and clearly consistent with the statute’s apparent purpose, our inquiry as to legislative intent ends ordinarily and we apply the statute as written, without resort to other rules of construction.” *Noble v. State*, 238 Md. App. 153, 161 (2018) (quoting *Espina v. Jackson*, 442 Md. 311, 321-22 (2015)). If, on the other hand, words of a statute are ambiguous, “a court must resolve the ambiguity

by searching for legislative intent in other indicia, including the history of the legislation or other relevant sources intrinsic and extrinsic to the legislative process.” *Id.* at 162 (quoting *Espina*, 442 Md. at 321-22). In determining whether an ambiguity exists, we do not read the statute in a vacuum; rather, we review the statute’s plain language “within the context of the statutory scheme to which it belongs, considering the purpose, aim, or policy of the Legislature in enacting the statute[.]” *Id.* (quoting *Espina*, 442 Md. at 321-22). “In every case, the statute must be given a reasonable interpretation, not one that is absurd, illogical, or incompatible with common sense.” *Id.* at 162 (quoting *Espina*, 442 Md. at 321-22).

Analysis

As noted, when a Maryland court makes a custody determination pursuant to the UCCJEA, the court ordinarily retains exclusive, continuing jurisdiction over that determination. Thereafter, the court has several options. First, the court “may decline to exercise that jurisdiction at any time if it determines that it is an inconvenient forum under the circumstances and that a court of another state is a more appropriate forum.” Md. Code, Fam. Law § 9.5-207(a)(1). If the court chooses that path, it must conduct an “inconvenient-forum analysis” pursuant to FL § 9.5-207, which involves considering whether it is appropriate for another state to exercise jurisdiction based on several enumerated factors. Md. Code, Fam. Law § 9.5-207(b). The statute alternatively provides that the court may, pursuant to FL § 9.5-202, terminate its jurisdiction if it finds “that the child, the child’s parents, and any person acting as a parent do not presently reside in this State.” Md. Code,

Fam. Law § 9.5-202(a)(2). Those two options – the termination of jurisdiction pursuant to FL § 9.5-202 and the transfer of jurisdiction pursuant to FL § 9.5-207 – represent two distinct paths pertaining to termination of jurisdiction. As the Supreme Court of Maryland has explained, “[b]oth § 9.5-202(a) and 9.5-207 are clear and unambiguous and they address separate situations, the former, the circumstances in which the court’s continuing exclusive jurisdiction may be terminated and the latter, when the court’s exercise of the jurisdiction to make a child custody determination may be declined.” *Miller v. Mathias*, 428 Md. 419, 452 (2012).

That point is made even more clear when we consider the plain language of FL § 9.5-203. Under that provision of the UCCJEA, if a Maryland court has jurisdiction to make an initial custody determination under FL § 9.5-201(a)(1) or (2), the court may modify a custody determination made by a court of another state if “the court of the other state determines it no longer has exclusive, continuing jurisdiction under FL § 9.5-202 of this subtitle *or* that a court of this State would be a more convenient forum under FL § 9.5-207 of this subtitle[.]” Md. Code, Fam. Law § 9.5-203(1) (emphasis added). In other words, the UCCJEA does not require FL § 9.5-202 and FL § 9.5-207 to be “paired” in order for a court to cede jurisdiction over an existing custody order. Rather, a court may cede jurisdiction by either: 1) determining it no longer has exclusive, continuing jurisdiction under FL § 9.5-202; or 2) determining that another court would be a more convenient forum under FL § 9.5-207.

Against that backdrop, and assuming without deciding that Mother’s complaints regarding the circuit court’s June 2023 order constitute sufficient grounds to justify revision of that judgment, we hold that the court did not err or abuse its discretion in refusing to vacate its June 2023 order. The record makes plain that “the child, the child’s parents, and any person acting as a parent” did not “presently reside” in Maryland when the court entered its June 2023 order.³ The court therefore had the authority, pursuant to FL § 9.5-202, to terminate its exclusive, continuing jurisdiction over G.’s custody and visitation.⁴ That decision did not require an “inconvenient-forum analysis,” nor did it create any jurisdictional conflict regarding modification of the court’s prior custody determination. Again, the termination of jurisdiction (under FL § 9.5-202) and the refusal to exercise jurisdiction in favor of a more convenient forum (under FL § 9.5-207) represent two alternative paths for a court to cede jurisdiction, and the UCCJEA permits a state to modify a custody determination made in another state if, among other things, the other state either terminates its jurisdiction *or* declines to exercise its jurisdiction. In this case, the circuit court chose the former path, which opened the door for a court of another state to assume jurisdiction and modify the circuit court’s prior custody order. That decision was

³ Mother argues that “some courts” have interpreted “presently” as “referring to when the proceeding began, not later.” Mother cites no authority for this proposition.

⁴ For this reason, Mother’s reliance on *Miller v. Mathias*, 428 Md. 419 (2012), and *Kalman v. Fuste*, 207 Md. App. 389 (2012), is misplaced. In those cases, the court did not make any finding pursuant to FL § 9.5-202.

wholly consistent with both the plain language of the UCCJEA and its purpose. As such, there was no fraud, jurisdictional mistake, or irregularity in the court’s June 2023 order.⁵

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

⁵ We decline appellee’s request for attorney’s fees pursuant to Rule 1-341. *See Christian v. Maternal-Fetal Med. Assocs. of Md., LLC*, 459 Md. 1, 30 (2018) (“Ordering attorney’s fees to be paid by an adverse party who brought a claim in bad faith or without substantial justification is within the discretion of the court, as is the discretion to *not* award attorney’s fees.”).