Circuit Court for Baltimore County
Case No. 03-C-12-006456

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 874

September Term, 2025

SHAUNTESE CURRY TRYE

v.

STEPHEN TRYE

Nazarian,
Zic,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

Opinion by Zic, J.

Filed: December 12, 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 Maryland Rule 1-104(a)(2)(B).

Shauntese Curry Trye ("Mother"), appellant, again appeals to this Court from orders entered by the Circuit Court for Baltimore County in a custody dispute involving B.,[1] the minor child she shares with Stephen Trye ("Father"), appellee. *See Trye v. Trye*, No. 1211, Sept. Term 2024, 2025 WL 1603637 (Md. App. June 6, 2025). Mother now appeals orders arising from her exceptions to the magistrate's report and recommendations.

QUESTIONS PRESENTED

Mother presents two questions for our review, which we have rephrased as follows:[2]

1. Whether the circuit court abused its discretion in denying Mother's exceptions to the magistrate's report and recommendations.

2. Whether the circuit court abused its discretion in denying Mother's motion to alter or amend and for reconsideration.

For the following reasons, we affirm.

BACKGROUND

We summarize the underlying facts as recounted in *Trye*, 2025 WL 1603637, at *1, and supplement with additional procedural history relevant to the instant appeal.

[1] We refer to the minor child using an anonymized initial.

[2] In her informal brief, Mother phrased the issues as follows:

1. [Whether] [t]he trial court erred [in] Denying [Mother's] Exceptions to Magistrate's Report and Recommendations.
2. [Whether] [t]he trial court erred in denying [Mother's] Motion to Alter or Amend and for Reconsideration.

The parties are the divorced parents of B. Mother resides in Florida and Father resides in Hanover, Maryland. On November 22, 2019, the circuit court entered a consent order modifying custody to grant Mother sole legal and physical custody of B. Father was ordered to pay Mother $1,500 each month in child support. In February 2023, by agreement of the parties, B. moved to Maryland to live with Father.

On April 4, 2024, Father moved to modify custody and child support. Between July and August 2024, the circuit court denied Mother's motions to, *inter alia*, stay proceedings and vacate orders concerning Father's payment of child support. Mother appealed four of these denials.[3] In November 2024, Mother moved for a stay pending the appeal. The court denied this motion and Mother's subsequent motion to reconsider.

On February 20, 2025, a magistrate held a hearing on Father's motion to modify custody and child support. Mother did not appear. The magistrate's March 3, 2025 report and recommendations determined that there had been material changes in circumstances since the 2019 consent order, including Father's sole physical custody of B. since February 2023, B.'s age, and B.'s gender identity developments. Thus, the magistrate concluded that it was in B.'s best interest to modify custody to grant Father sole legal and physical custody, and that Father should no longer owe Mother $1,500 per month in child support.

[3] This Court dismissed her appeal in June 2025 for lack of jurisdiction. *Trye*, 2025 WL 1603637 at *1-2.

Approximately one week after the magistrate entered the report and recommendations, Mother filed exceptions.[4] At the April 29, 2025 hearing on her exceptions, Mother told the circuit court that the magistrate was not given complete information regarding B.'s medical diagnoses. Mother also stated that, before signing the February 2023 agreement, B. "physically attack[ed]" her, and "punched [her] in [her] face in a way that just was very frightening and very dangerous[,]" so she allowed "temporary emergency placement with [Father.]" Mother did not explain why she failed to appear at the magistrate's hearing or why any of her evidence could not have come before the magistrate.

Following this hearing, the circuit court denied Mother's exceptions, concluding that "there [was] not a legal or factual basis to disturb" the magistrate's report and recommendations. The court then entered an order adopting in full the magistrate's

[4] In her exceptions filing, Mother asserted that she "was unable to appear at the [magistrate's] hearing due to her reasonable belief that [Father] had been granted a default judgment and her understanding that her appeal of the default and suspension of child support were still pending before the [Appellate Court of Maryland]." Mother also claimed that "she was not properly served with the underlying custody modification complaint and was deprived of due process." Mother did not raise this argument in the exceptions hearing, and, as a result, the circuit court did not address it. Mother nonetheless attempts to raise this alleged service issue in her appellate brief.

Generally, we will not decide any issue "unless it plainly appears by the record to have been raised in or decided by the trial court[.]" Md. Rule 8-131(a). This Rule "exists to prevent sandbagging and to give the trial court the opportunity to correct possible mistakes in its rulings. An appeal is not an opportunity for parties to argue the issues they forgot to raise in a timely manner at trial." *Peterson v. State*, 444 Md. 105, 126 (2015) (internal marks and citations omitted). Here, because the alleged deficient service issue was neither raised in the exceptions hearing nor decided by the circuit court, we decline to address it now.

report and recommendations, thereby granting Father sole legal and physical custody of B. and terminating Father's child support payments to Mother.

Mother timely appealed. We supplement with additional facts below as necessary.

DISCUSSION

I. THE CIRCUIT COURT DID NOT ABUSE ITS DISCRETION IN DENYING MOTHER'S EXCEPTIONS.

A. The Parties' Contentions

In her informal brief, Mother first argues that the circuit court "misapplied the custody-modification framework, relied on clearly erroneous baseline facts, and failed to conduct the independent, *de novo* determination required by [Maryland] Rule 9-208." Specifically, Mother claims that the court's opinion incorrectly states that the 2019 consent order granted Father sole legal and physical custody, and that the exceptions hearing was on April 20, not April 29, 2025. Mother also argues that the court did not "exercise independent judgment *de novo*" because it "neither took additional evidence nor explained why it rejected [Mother's] showing" of "newly learned facts[.]" (Emphasis added.)

Father counters that the circuit court did not abuse its discretion in refusing to take additional evidence or order a *de novo* hearing because "Mother failed to appear for the hearing before the magistrate and never offered any evidence that her failure to appear was not by choice or negligence."

B. Legal Framework

We begin with an overview of the procedural framework guiding child custody modifications. Pursuant to Maryland Rule 9-208(a)(1)(F), circuit courts "shall" refer custody modification petitions to the standing magistrate. "[T]he magistrate shall prepare written recommendations, which shall include a brief statement of the magistrate's findings and shall be accompanied by a proposed order." Md. Rule 9-208(e)(1).

Within ten days of the entry of the magistrate's recommendations, "a party may file exceptions with the clerk." Md. Rule 9-208(f). The court *must* decide the exceptions on the evidence presented to the magistrate unless: "(A) the excepting party sets forth with particularity the additional evidence to be offered *and the reasons why the evidence was not offered before the magistrate*; and (B) the court determines that the additional evidence should be considered." Md. Rule 9-208(h)(1) (emphases added).

Ultimately, this Court reviews a circuit court's custody determination for abuse of discretion. *Santo v. Santo*, 448 Md. 620, 625 (2016) (citation omitted). The Supreme Court has described the abuse of discretion standard as one encompassing three interrelated standards:

> When an appellate court scrutinizes factual findings, the clearly erroneous standard of [Rule 8-131(c)] applies. [I]f it appears that the chancellor erred as to matters of law, further proceedings in the trial court will ordinarily be required unless the error is determined to be harmless. Finally, when the appellate court views the ultimate conclusion of the chancellor founded upon sound legal principles and based upon factual findings that are not clearly erroneous, the chancellor's decision should be disturbed only if there has been a clear abuse of discretion.

In re Yve S., 373 Md. 551, 586 (2003) (quoting *Davis v. Davis*, 280 Md. 119, 126 (1977)). *See also Levitt v. Levitt*, 79 Md. App. 394, 398 (1989) (recognizing that appellate and circuit courts review a magistrate's "first-level" factual findings with deference, but do not accord deference "to 'second-level' facts or to recommendations[,]" i.e., "conclusions and inferences drawn from first-level facts" (citing *In re Danielle*, 78 Md. App. 41, 60-61 (1989))).

In assessing a request for a modification of custody, a trial court typically follows a "chronological two-step process." *Wagner v. Wagner*, 109 Md. App. 1, 28 (1996). *First*, the court considers whether there has been a material change in circumstances. *Id.* A change is "material" if it "affects the welfare of the child." *Gillespie v. Gillespie*, 206 Md. App. 146, 171 (2012) (citation omitted). To determine whether a material change has occurred, the trial court looks at the circumstances that were "known to the [] court when it rendered the prior order." *Wagner*, 109 Md. App. at 28.

Second, the court must consider the child's best interests to "[d]ecid[e] whether [the material] change[] [is] sufficient to require a change in custody." *McMahon v. Piazze*, 162 Md. App. 588, 594 (2005) (quoting *McCready v. McCready*, 323 Md. 476, 482 (1991)). Although both steps are often connected, they are distinct, and the trial "court must make a threshold determination whether a material change in circumstances has occurred" before analyzing the child's best interest. *Velasquez v. Fuentes*, 262 Md. App. 215, 249 (2024).

C. Analysis

Here, the magistrate held a hearing on Father's motion to modify custody and child support on February 20, 2025. Mother did not appear. During the April 29, 2025 hearing on Mother's exceptions, Mother told the circuit court that the magistrate was not given complete information, but did not otherwise explain why she was absent from the magistrate's hearing.

In its order denying Mother's exceptions, the circuit court concluded that Mother failed to explain why she did not appear and present evidence before the magistrate as required by Maryland Rule 9-208(h)(1)(A). The court reasoned that the Rule "does not seem to be intended to benefit a party who decided, for whatever reason, not to appear at a hearing regarding the proposed modification of a custody order." Therefore, the court reviewed only the evidence presented to the magistrate in evaluating Father's petition for modification.

Mother's specific challenges to the circuit court's order denying her exceptions are without merit. Our review of the denial reveals that the court relied on the 2019 consent order, which it characterized as giving Mother "primary physical custody and sole legal custody," as the "starting point for the material-change-in-circumstances analysis[.]" Although the court incorrectly states at one point that the exceptions hearing was held on "April 20, 2025," the court also references the correct date, April 29, 2025. Mother does not explain how this ostensible typo affected the court's analysis or caused reversible legal error.

Our review of the record reveals that the circuit court independently reviewed the law governing child custody modification, deferred to the magistrate's findings of fact, and concluded that the magistrate's recommendations were "well supported by the evidence presented and the applicable law." The court was not obligated to revisit the facts found by the magistrate because Mother did not explain, pursuant to Maryland Rule 9-208(h)(1)(A), why she did not present evidence to the magistrate.

For these reasons, we hold that the court did not abuse its discretion in denying Mother's exceptions.

II. THE CIRCUIT COURT DID NOT ABUSE ITS DISCRETION IN DENYING MOTHER'S MOTION TO ALTER OR AMEND AND FOR RECONSIDERATION.

A. The Parties' Arguments

Mother next argues that the circuit court "erred and abused its discretion" in denying her "[m]otion to [a]lter or [a]mend and for [r]econsideration because the motion identified (1) clear errors of law, (2) material factual mistakes, and (3) overlooked, outcome-determinative best-interest proffers that required the court to revisit its ruling under [Maryland] Rules 2-534 and 2-535(a)." Mother contends that the court was obligated to correct "legal and factual errors" and that its refusal was "manifestly unreasonable."

Father counters that "Mother's post-trial motion did not raise any issues that she had not raised in her exceptions[,]" and therefore, "[f]or the same reasons that the trial court did not abuse its discretion by denying Mother's exceptions, it also did not abuse its discretion by denying Mother's post-trial motion."

B. Analysis

"In general, the denial of a motion to alter or amend a judgment or for reconsideration is reviewed by appellate courts for abuse of discretion." *Miller v. Mathias*, 428 Md. 419, 438 (2012) (internal citations and quotations omitted). We note that "trial judges do not have discretion to apply inappropriate legal standards, even when making decisions that are regarded as discretionary in nature." *Id.* (internal citations and quotations omitted). A trial court that applies the correct legal standards may nonetheless abuse its discretion when the decision is "well removed from any center mark imagined by the reviewing court and beyond the fringe of what the court deems minimally acceptable." *North v. North*, 102 Md. App. 1, 14 (1994).

Mother's omnibus motion to alter or amend or for reconsideration repeats the arguments made at the prior exceptions hearing. The contention that the court abused its discretion by again refusing to consider evidence presented at the exceptions hearing is, for the same reasons as explained above, without merit. As previously discussed, the circuit court independently surveyed the relevant law in reviewing (and ultimately denying) Mother's exceptions. We are further unpersuaded that the court's denial of Mother's post-exceptions hearing motion is "well-removed from any center mark[.]" *North*, 102 Md. App. at 14. Accordingly, we hold that the circuit court did not abuse its discretion in denying the motion to alter or amend and for reconsideration.

CONCLUSION

We hold that the circuit court did not abuse its discretion by denying Mother's exceptions or by denying the motion to alter or amend and for reconsideration.

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