

Circuit Court for Carroll County
Case No. C-06-FM-23-000488

UNREPORTED*
IN THE APPELLATE COURT
OF MARYLAND

No. 921

September Term, 2025

JOHNATHAN EDWIN ZARAGOZA

v.

LAUREN KAY ZARAGOZA

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

JJ.

Opinion by Friedman, J.

Filed: March 13, 2026

* 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 MD. RULE 1-104(a)(2)(B).

FACTS

Appellant Johnathan Edwin Zaragoza (“Father”) and appellee Lauren Kay Zaragoza (“Mother”) were married. After the birth of their first child, they agreed that Father would work full-time and that Mother would be a stay-at-home parent. They had two more children together. Eventually, they separated and Mother filed a complaint for absolute divorce, custody, alimony, and child support in the Circuit Court for Carroll County. The parties agreed to a temporary consent order pending the outcome of trial, under which the children visited with Father once or twice a week. Two main disagreements emerged during this period. First, Father made an informal request for additional visitation beyond what the temporary consent order provided, which Mother declined. Second, Father opposed Mother’s decision to homeschool the children, which she continues to do today.

After about a year under the temporary consent order, the case proceeded to trial. At the end of trial, the circuit court granted the parties an absolute divorce, awarded Mother primary physical custody, awarded joint legal custody with tie-breaking authority to Mother, and ordered that the children would visit Father one weekday night per week and on alternating weekends. The court then turned to the financial issues in the case. It determined that Father’s income was \$135,000. The court found that, as a stay-at-home parent, Mother had no income. The court awarded Mother \$2,500 per month in alimony, \$1,800 per month in child support, and \$25,000 in attorney’s fees. It also divided their marital property, which included their joint Fidelity brokerage account worth \$232,437.37.

Father noted this timely appeal, in which he raises six issues that we have reordered as follows:

1. Did the trial court abuse its discretion in awarding Mother primary physical custody?
2. Did the trial court abuse its discretion in awarding joint legal custody with tie-breaking authority to Mother?
3. Did the trial court abuse its discretion in entering the child support order?
4. Did the trial court abuse its discretion in dividing the joint brokerage account?
5. Did the trial court abuse its discretion in awarding Mother attorney's fees?
6. Did the trial court abuse its discretion in ordering a visitation schedule pursuant to which the children visit Father on alternating weekends?

We affirm the circuit court's order with respect to Father's first and second issues, physical and legal custody. We consider Father's third, fourth, and fifth issues together, child support, the joint brokerage account, and attorney's fees, because our decision to vacate and remand child support necessitates our remand of those other financial issues. We conclude in footnote 5 that, because we are remanding to the circuit court, the interests of justice are best served by our further remand of the sixth issue, the visitation schedule.

ANALYSIS

I. CUSTODY

The circuit court awarded (1) primary physical custody to Mother and (2) joint legal custody with tie-breaking authority to Mother. Father contends that (1) primary physical custody was not in the best interest of the children because Mother denied his requests to

visit with the children beyond what the temporary consent order required and (2) tie-breaking authority was not in the best interest of the children because Mother excluded him from the decision-making process on important issues, such as by homeschooling the children. We consider each argument in tandem because they are governed by the same standard.

Legal and physical child custody determinations focus on the best interests of the children. *Taylor v. Taylor*, 306 Md. 290, 303 (1986). MD. CODE, FAM. LAW (“FL”) § 9-201(a) sets forth a non-exhaustive list of factors that circuit courts must consider in the best interests analysis:

- (1) stability and the foreseeable health and welfare of the child;
- (2) frequent, regular, and continuing contact with parents who can act in the child’s best interest;
- (3) whether and how parents who do not live together will share the rights and responsibilities of raising the child;
- (4) the child’s relationship with each parent, any siblings, other relatives, and individuals who are or may become important in the child’s life;
- (5) the child’s physical and emotional security and protection from exposure to conflict and violence;
- (6) the child’s developmental needs, including physical safety, emotional security, positive self-image, interpersonal skills, and intellectual and cognitive growth;
- (7) the day-to-day needs of the child, including education, socialization, culture and religion, food, shelter, clothing, and mental and physical health;
- (8) how to: (i) place the child’s needs above the parents’ needs; (ii) protect the child from the negative effects of any conflict between the parents; and (iii) maintain the child’s relationship with the parents, siblings, other relatives, or other individuals who have or likely may have a significant relationship with the child;
- (9) the age of the child;
- (10) any military deployment of a parent and its effect, if any, on the parent-child relationship;
- (11) any prior court orders or agreements;
- (12) each parent’s role and tasks related to the child and how, if at all, those roles and tasks have changed;
- (13) the location of each parent’s home as it relates to the

parent's ability to coordinate parenting time, school, and activities; (14) the parents' relationship with each other, including: (i) how they communicate with each other; (ii) whether they can co-parent without disrupting the child's social and school life; and (iii) how the parents will resolve any disputes in the future without the need for court intervention; (15) the child's preference, if age-appropriate; and (16) any other factor that the court considers appropriate in determining how best to serve the physical, developmental, and emotional needs of the child.¹

After the court reviews these factors, it determines what combination of joint or sole legal and physical custody are in the best interests of the children. *See* FL § 5-203(d)(1). Our courts recognize that parents may still disagree on important issues in joint legal custody awards. Thus, circuit courts may award joint legal custody with tie-breaking authority to one parent. *Santo v. Santo*, 448 Md. 620, 634-35 (2016). This is based on a pragmatic recognition that it is in the best interest of the children to have the important issues in their lives resolved by a final decision. *Id.* We review the circuit court's factual findings for clear error, its legal determinations without deference, and its ultimate conclusion with respect to custody for an abuse of discretion. *In re Yve S.*, 373 Md. 551, 586 (2003).

Father challenges the court's weighing of Factor 3, how parents will share the rights and responsibilities of raising children, and Factor 14, the parents' relationship. He does not challenge its weighing of the remaining fourteen factors. From our review of the record,

¹ This recent statute was intended to and does replace the former common law factors articulated in *Taylor*, 306 Md. at 304-11, and *Montgomery Cnty. Dep't of Soc. Servs. v. Sanders*, 38 Md. App. 406, 420 (1977), that were used at trial.

the trial court conducted a thorough review of the facts in the case, applied them to those fourteen other factors, and did not err in how it weighed them.

Father contends that the trial judge erred in weighing Factor 3, which concerns whether the parties will “share the rights and responsibilities of raising the child.” FL § 9-201(a)(3). In support, Father complains that Mother refused to share custody beyond what was required by the temporary consent order. When the trial court analyzed this factor, it found that both parties expressed some willingness to share custody, although Father appeared more interested in this arrangement. But Mother’s refusal to allow additional visits beyond the court-ordered schedule—an order to which he consented—does not mean that the court clearly erred. All it means is that Mother complied with the court’s order to exchange the children for visits with Father; it did not require her to allow more visits. Even if the court erred in its consideration of Mother’s refusal to allow more visits than the temporary consent order required, that fact is merely some evidence related to this factor. The rest of the evidence in this case, such as Mother’s testimony that she wanted a custody order under which the children visited both parents each week, supports the court’s weighing of whether the parties will “share the rights and responsibilities of raising the child.”²

Father also contends that the trial judge erred in weighing Factor 14, which considers “the parents’ relationship with each other, including how they communicate with

² Father also contends that primary physical custody was not in the best interests of the children because Mother rejected his verbal requests to see the children after the separation, but before the temporary consent order. Father testified to this allegation at the pendente lite hearing. At that hearing, the magistrate determined that Father’s testimony

each other.” FL § 9-201(a)(14) (cleaned up). In particular, Father argues that the court did not give due weight to his disagreements with Mother about the children’s homeschooling. When the court applied the facts in the case to this factor, it found that communication during disagreements was strained, but nonetheless productive. From our review of the voluminous communications between Mother and Father, the court’s finding was not clear error. Although their text messages and emails were, at times, contentious, they nonetheless showed that the parties engaged in good-faith discussion about homeschooling. And even if Father was correct that the court erred in its consideration of the homeschooling communications, the rest of the evidence in the case—such as their conversations about doctor’s appointments and the visitation schedule—demonstrate their capacity to engage in good-faith communications about important issues in the children’s lives. After the court considered all the factors, to balance the parties’ positions and to resolve future good-faith disputes over important issues such as education, the court awarded joint legal custody with tie-breaking authority to Mother. This decision was well within the court’s discretion. *Santo*, 448 Md. at 637.

Finding no error in any of the court’s determinations with respect to any of the sixteen factors, we resolve Father’s first and second issues by holding that the court did not

was not sufficient to establish that Father actually made these requests. Father did not provide a transcript from that hearing, so we cannot revisit the merits of that determination. *See Holt v. State*, 129 Md. App. 194, 208 (1999) (holding that this Court cannot review a lower court’s determination without the record of that determination). Even if we did, this Court cannot second-guess the magistrate’s credibility determination. *Jones v. State*, 343 Md. 448, 465 (1996).

abuse its discretion in awarding primary physical custody and joint legal custody with tie-breaking authority to Mother.

II. FINANCIAL ISSUES

We turn next to Father’s third, fourth, and fifth issues, which concern the child support order, the division of the joint brokerage account, and attorney’s fees. We begin with the court’s child support order, under which Father was required to pay Mother \$1,800 per month. Father contends that the court underassessed Mother’s income as \$0, and as a result, the order overstated Father’s support obligation. Child support orders are committed to the sound discretion of the trial court, which we do not disturb absent an abuse of that discretion. *Reichert v. Hornbeck*, 210 Md. App. 282, 316, 327 (2013).

Father is correct that the court miscalculated Mother’s income. Although Mother does not earn income as a stay-at-home parent, she receives \$2,500 in monthly alimony payments. Under FL § 12-204(a)(2)(ii), alimony “shall be considered actual income for the recipient.” The trial court did not consider Mother’s alimony as income, resulting in an

erroneous child support order.³ Accordingly, we vacate the child support order and remand for the circuit court to recalculate child support.⁴

In his fourth and fifth issues on appeal, Father argues that the trial court abused its discretion when it divided the parties' joint brokerage account and awarded Mother attorney's fees. We do not reach the merits of his arguments because our decision to vacate and remand child support requires us to also vacate and remand the joint brokerage account and the award of attorney's fees. *St. Cyr v. St. Cyr*, 228 Md. App. 163, 198 (2016).⁵

³ In calculating child support, the trial court must produce Worksheet A and Worksheet B. FL § 12-204(m)(5) (parent sharing physical custody must pay the lesser payment under the shared and non-shared physical custody calculations); FL§ 12-201(o)(1) (parents share physical custody if they both have physical custody of the children for more than 25% of the year); MD. R. 9-206 (setting forth Worksheet A and Worksheet B for completion of both calculations). For reasons that are unclear, Worksheet B was not made a part of the record on appeal. The parties are reminded that, on remand, they must complete both worksheets.

⁴ Mother argues that the correct order would decrease Father's payments by \$100. She contends that this is too insignificant to justify vacating the child support order. Assuming her calculation is correct, we disagree. When a trial court makes a mathematical error in its calculation of child support, such as the failure by the court below to properly account for alimony, we vacate the child support order and remand for recalculation. *Scott v. Scott*, 103 Md. App. 500, 521 (1995) (vacating a child support order when the trial court failed to properly account for alimony).

⁵ Father's sixth and final issue in his appeal challenges the visitation schedule. At trial, Father asked for a visitation schedule that allows weekend visits. The court honored that request. It appears that Father's work schedule has subsequently changed, making weekends less convenient for him. While there is no error in the prior order, because we are already remanding this case on other grounds, we conclude that the interests of justice require that the visitation schedule be vacated and remanded for further proceedings, as well. MD. R. 8-604(d)(1). On remand, Father can ask the trial court for a new schedule that works better with the current demands of his work. Whether the court grants that request, however, will be solely in its discretion. *Bajaj v. Bajaj*, 262 Md. App. 435, 446-47 (2024) (explaining that visitation schedules are committed to the discretion of trial courts).

**JUDGMENT WITH RESPECT TO
PHYSICAL AND LEGAL CUSTODY
AFFIRMED; CHILD SUPPORT, DIVISION
OF JOINT BROKERAGE ACCOUNT, AND
ATTORNEY'S FEES VACATED;
VISITATION SCHEDULE VACATED;
CASE REMANDED TO THE CIRCUIT
COURT FOR PROCEEDINGS NOT
INCONSISTENT WITH THIS OPINION.
COSTS TO BE DIVIDED EQUALLY
BETWEEN THE PARTIES.**