

Circuit Court for Washington County  
Case No. C-21-FM-21-001395

UNREPORTED\*

IN THE APPELLATE COURT

OF MARYLAND

No. 950

September Term, 2025

---

SARAH RED

v.

CHRISTOPHER SHAFFER

---

Arthur,  
Ripken,  
Kehoe, Christopher B.,  
(Senior Judge, Specially Assigned),

JJ.

---

Opinion by Ripken, J.

---

Filed: December 2, 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).

In this appeal, Sarah Red (“Mother”) challenges an order of the Circuit Court for Washington County which dismissed, as moot, her petition for an order holding Christopher Shaffer (“Father”) in contempt of a child custody order.<sup>1</sup> Because this Court has no jurisdiction to review the court’s order, we must dismiss the appeal.

## FACTUAL AND PROCEDURAL BACKGROUND

We summarized the history of this case in a prior appeal of the underlying custody case:

The child at issue here was born on September 10, 2007. Mother and Father never married and have fought in court over custody of the child since two days after his birth. Mother and Father originally shared joint custody of the child, but in 2017, the Court of Common Pleas of Franklin County, Ohio, granted Father sole legal and physical custody of the child.

*Red v. Shaffer*, No. 729, Sept. Term 2024, 2024 WL 4879724 at \*1 (Md. App. November 25, 2024).

---

<sup>1</sup> Mother presents the following questions in her brief:

1. Did the circuit court err in holding that Mother’s petition for contempt, which sought incarceration and attorney’s fees, was moot merely because a later custody order changed access terms?
2. Did the trial court violate due process by dismissing after a few-minute hearing where no evidence was received and no witness was sworn?
3. Was it error to find Father in compliance with all orders of the court?
4. Did the court err by enforcing only portions of orders it favored, ignoring other operative provisions?
5. Did the court err by selecting a later discretionary-contact order rather than the order Father violated as the controlling order for contempt?
6. Did the court err by dismissing sua sponte without proper motion or evidence?

In 2019, the Ohio court entered an order which, among other things, granted Mother four hours of supervised parenting time on the second and fourth Sunday of each month. In addition, Mother was granted electronic communication with the child for fifteen minutes at a time up to three occasions per week. In 2021, Mother filed a request to register the Ohio custody order. In October of 2022, after the Ohio court relinquished jurisdiction over the matter and determined that Maryland was the child’s home state, the Circuit Court for Washington County determined that it had exclusive jurisdiction over the 2019 custody order and future litigation between Mother and Father regarding the child.<sup>2</sup>

On July 29, 2024, Mother filed a motion to modify custody in which she sought unsupervised shared physical custody and joint legal custody with Father. Mother stated various grounds in support of the motion, including that Father failed to respond to communications regarding visitation, scheduled the child for activities during Mother’s access time, and “failed to facilitate” and improperly interfered with Mother’s court-ordered electronic communication with the child. Mother further alleged that visitation was hampered because the person designated by the court to supervise was not always available. According to Mother, “there no longer exist[ed] any safety concerns that would warrant supervised access” because the child was almost 17 years old and was “fully able to self-protect.”

---

<sup>2</sup> The determinations of both the Ohio court and the Washington County court with respect to jurisdiction were made pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act. *See* Md. Code (1984, 2019 Repl. Vol.), § 9.5-201 of the Family Law Article (“FL”).

On April 8, 2025, while the motion to modify was still pending,<sup>3</sup> Mother filed a petition for contempt. Mother alleged that Father failed to obey the existing custody order by failing to allow or facilitate visitation, failing to provide make-up visitation time, interfering with communication or violating communication orders, and failing to give notice of a move.

On May 15, 2025, following an evidentiary hearing on Mother’s motion for modification of custody, the court entered an order which lifted the requirement that Mother’s visitation be supervised, and also provided that “[v]isitation[,] including in person, telephonic or virtual between [Mother] and the [child] shall be at the discretion of [the child].” Pursuant to the terms of the order, Father maintained primary physical and sole legal custody.

The court held a hearing on Mother’s petition for contempt on June 6, 2025. At the commencement of the hearing, the court inquired whether the petition was moot in light of the May 15, 2025 order modifying visitation. Father moved to dismiss the petition because the order at issue had been superseded and a finding of contempt could not compel Father’s compliance with a non-existent order. The court then asked Mother to explain what relief she was seeking. Mother responded: “these behaviors that have happened under the previous order . . . have greatly affected . . . my relationship with our son . . . and also his relationship with his entire family. . . . [S]o I was looking . . . for . . . jail time, for changes

---

<sup>3</sup> Pursuant to the court’s July 31, 2024 order, the matter was stayed pending resolution of a prior appeal filed by Mother. The stay was lifted on October 11, 2024.

in the parenting schedule, custody, [make-up] time. That's specifically what I was looking for . . . to try and undo some of this damage."

The court ruled that the petition for contempt was moot, stating:

[Make-up] time is not something that is permissible. It's not appropriate. It's all about conforming to existing orders. . . . [T]he purpose of contempt is to get the thing done the way it was ordered to be done by the [c]ourt. . . . [A]ny alleged contemptuous behavior on a previous order is moot[.]

On June 9, 2025, the court entered a written order dismissing Mother's petition for contempt. Mother filed this appeal within thirty days of that order.

## DISCUSSION

"[U]nless constitutionally authorized, appellate jurisdiction 'is determined entirely by statute,' and therefore, a right of appeal only exists to the extent it has been 'legislatively granted.'" *Mayor & City Council of Baltimore v. ProVen Mgmt., Inc.*, 472 Md. 642, 665 (2021) (quoting *Gisriel v. Ocean City Bd. of Supervisors of Elections*, 345 Md. 477, 485, (1997)). "Whether a matter is appealable is a jurisdictional matter and may be raised by an appellate court even if not noted by the parties." *Gruber v. Gruber*, 369 Md. 540, 546 (2002) (citation omitted). "[P]arties cannot confer jurisdiction on our Court, and we must dismiss a case *sua sponte* on a finding that we do not have jurisdiction." *Johnson v. Johnson*, 423 Md. 602, 606 (2011) (quoting *Miller and Smith at Quercus, LLC v. Casey PMN, LLC*, 412 Md. 230, 240 (2010)).

The general right of appeal is set forth in section 12-301 of the Courts and Judicial Proceedings Article ("CJP") of the Maryland Code (1974, 2020 Repl. Vol.), which states: "Except as provided in § 12-302 of this subtitle, a party may appeal from a final judgment

entered in a civil or criminal case by a circuit court.” (Emphasis added). CJP section 12-302 provides that the general right of appeal “does not apply to appeals in contempt cases, which are governed by § 12-304 of this subtitle[.]” CJP § 12-302(b).

In turn, CJP § 12-304 states: “[a]ny person may appeal from any order or judgment passed to preserve the power or vindicate the dignity of the court and adjudging him in contempt of court, including an interlocutory order, remedial in nature, adjudging any person in contempt, whether or not a party to the action.” The Supreme Court of Maryland has held that the plain language of CJP section 12-304 “clearly and unambiguously limits the right of appeal in contempt cases to persons adjudged in contempt.” *Pack Shack, Inc. v. Howard County*, 371 Md. 243, 254 (2002). Consequently, “a party that files a petition for constructive civil contempt does not have a right to appeal the trial court’s denial of that petition.” *Id.* at 246. *See also Kadish v. Kadish*, 254 Md. App. 467, 508–09 (2022) (holding that a prerequisite to a right to appeal in contempt cases is that the person appealing must have been judged in contempt).

This Court has no jurisdiction to hear Mother’s appeal from the order dismissing her petition for contempt. Accordingly, dismissal is required.

**APPEAL DISMISSED. COSTS TO BE PAID BY APPELLANT.**