

Circuit Court for Prince George's County
Case No.: CAD22-28128

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1003

September Term, 2025

CANDICE DEASE

v.

DERICK HOUSER

Nazarian,
Shaw,
Eyler, Deborah S.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Eyler, J.

Filed: April 10, 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 Rule 1-104(a)(2)(B).

This case concerns A.B., the son of Candice Dease (“Mother”), the appellant, and Derick Houser (“Father”), the appellee.¹ A.B. was born in January 2022, and is now four years old. Mother and Father never were married. Father lives with children from a prior relationship and with his wife, who is not the mother of those children. Mother does not have other children.

In his short life, A.B.’s parents have been in almost constant litigation about him in the Circuit Court for Prince George’s County. This appeal is the second before this Court, and a third appeal was noted earlier this year and is pending.² If the parties would act reasonably and with their son’s best interest at heart, most of the litigation and all the appeals would have been obviated. Unfortunately, instead of trying to communicate and cooperate about their son, the parties have used the courts as a forum for constant, entirely unproductive bickering.³

For many months in the beginning of A.B.’s life, Mother would not let Father see him. Father filed suit when A.B. was about eight months old, and, for nearly two years, the

¹ Mother is proceeding on appeal, as she did below, in proper person. Father, who appeared in proper person below, did not file a brief. We refer to the child as A.B., letters unrelated to his name, to protect his privacy.

² See *Dease v. Houser*, No. 306, Sept. Term, 2024 (filed February 28, 2025) (unreported) (first appeal), and *Houser v. Dease*, No. 2618, Sept. Term, 2025 (pending). A fourth appeal was filed but was dismissed when the circuit court struck the notice of appeal.

³ As a sampling of the ceaseless litigation between the parties, from April 12, 2024, when the first notice of appeal was filed, and July 13, 2025, when the notice of appeal in the instant appeal was filed, the parties, in proper person, filed no less than six petitions for contempt, twelve motions, “requests,” and “notices of objection and clarification,” a petition and an amended petition to modify custody, a notice of appeal that was struck, and a “renewed” motion to recuse or disqualify the presiding judge.

parties haggled over introducing A.B. into Father’s life and transitioning him from essentially a one-parent to a two-parent family situation. Mother was recalcitrant and repeatedly refused to comply with *pendente lite* and final orders establishing access schedules.

In the first appeal, we upheld the circuit court’s custody rulings but vacated the child support award and an award of attorney’s fees to Father, remanding for further proceedings on those issues. On May 30, 2025, at a motions hearing, the court addressed most of what was raised in our mandate.

The parties’ case has been specially assigned to one trial judge to handle. Mother repeatedly has filed motions to disqualify that judge, and did so again three days after the May 30, 2025 hearing.⁴ By order entered on June 18, 2025 (“June 18 Order”), the court denied that motion. The following day, Mother filed a “Notice of Objection and Clarification of Procedural Record,” in which she asked the court to reconsider its denial of her renewed motion to disqualify and to correct certain alleged inaccuracies in the June 18 Order. On June 30, 2025, Mother filed a motion for reconsideration seeking the same relief. By order dated July 2, 2025, but not entered on the docket until July 16, 2025 (“July 16 Order”), the court denied with prejudice Mother’s request for reconsideration of the motion to recuse.

⁴ On October 9, 2024, Mother filed her initial motion for recusal. The court denied that motion verbally at a hearing on October 18, 2024, but our review of the docket entries does not reveal a written order denying the motion.

Meanwhile, on July 1, 2025, the court entered an order addressing matters that came before it at the May 30, 2025 hearing (“July 1 Order”). One week later, on July 8, 2025, Mother filed written “objections” to the July 1 Order, asserting, among other things, that she had not received a copy of it. On the same date, Mother filed a motion to vacate the portion of the July 1 Order granting Father the authority to enroll A.B. in preschool; and a motion to stay enforcement of the July 1 Order pending an appeal Mother intended to file. On July 13, 2025, before the court ruled on either motion, Mother filed her notice of appeal.

QUESTIONS PRESENTED

Mother presents four questions for our consideration, which we have rephrased slightly as follows:

I. Did the circuit court abuse its discretion and commit reversible error by (1) not properly serving Mother with the July 1 Order, (2) not complying with this Court’s mandate from the first appeal, and (3) modifying custody without sworn testimony, verified evidence, or adequate factual findings, thereby violating Mother’s due process rights?

II. Did procedural defects at a contempt hearing held on June 7, 2024, including lack of service, lack of notice, and a show-cause order, constitute reversible error and contribute to the appearance of judicial partiality?

III. Did the circuit court judge (1) abuse her discretion by refusing to recuse herself despite statements and conduct that would cause a reasonable person to question her impartiality, and (2) prejudice Mother by failing to docket a timely order during a contempt hearing held on October 18, 2024?

IV. Did the circuit court abuse its discretion by denying Mother’s renewed motion to recuse filed on June 2, 2025, when the record demonstrates ongoing procedural irregularities, a campaign interview that undermined confidence in the court’s neutrality, and factual misstatements in the procedural record.

Mother makes arguments about alleged partiality of the trial judge throughout her brief. For clarity, we shall consider all such arguments and Questions III. and IV. together. For the reasons set forth below, we shall affirm the court’s judgments with instructions.

FACTS AND PROCEEDINGS

First Appeal

This case began on September 14, 2022, when Father filed a petition, and later amended petitions, seeking sole legal and physical custody of A.B. and attorney’s fees and costs. Mother filed a counter-complaint for primary physical custody, sole legal custody, and child support. Ultimately, the court entered a custody and child support order that, among other things, split legal and physical custody equally (without granting tie-breaking authority to either parent), directed Father to pay child support, and awarded Father attorney’s fees. The court decided that Father would receive a credit of \$1,400 toward his attorney’s fee award, “which shall translate in that same amount less toward Child Support payments in total. As such, [Father] shall not begin his Child Support payments for three (3) months[.]” After Mother filed a motion for new trial and a motion to alter or amend, both of which were denied, she noted an appeal.

In our opinion, we determined, *inter alia*, that the court had abused its discretion by giving Father a credit of three months against his child support obligation to account for his \$1,400 award of attorney’s fees. We remanded the case for the court to consider “the issues of attorney’s fees, child support, and child support arrears arising from the three months A.B. was deprived of child support.” We noted that no evidence had been presented to show the details and cost of either parent’s medical or dental insurance benefits, which

are to be taken into account in determining child support under the Guidelines. We directed that, “[o]n remand, in determining child support, the court shall consider the medical and dental insurance coverages available for A.B.[.]” and the “court may also consider the cost of transportation between the parties’ homes.” Lastly, we held that, “[a]s allocation of a tax dependency exemption is part of the child support calculus, on remand, the circuit court, in considering child support, may revisit the allocation issue.” As noted, we did not disturb the court’s custody determination.

May 30, 2025 Hearing

On May 30, 2025, the circuit court held a motions hearing to address pending motions and contempt petitions. From the docket entries, court orders, and hearing transcript, we surmise that the hearing was set in for the court to consider Mother’s petition for contempt filed on February 26, 2025, for which no proof of mediation was included;⁵ Mother’s April 1, 2025 motion to correct the record to reflect her attendance at a hearing on October 18, 2024; Mother’s April 14, 2025 amended motion to modify custody; and, Father’s petition for contempt filed on April 30, 2025, for which no proof of mediation was included.

To give context to the issues presented, we shall review in some detail what occurred at the May 30, 2025 hearing. At the outset, the judge addressed our prior decision as follows:

⁵ At a hearing on October 18, 2024, after the judge spoke with the parties off the record, “both parties voluntarily withdrew all previously filed contempt motions and agreed to attend mediation prior to filing any further contempt motions.” See discussion of circuit court’s July 1 Order *infra*.

All right. So we're here on a bunch of motions. So the first one is about your^[6] petition for contempt regarding the child support. I have to deny it. [Mother] filed an appeal to the case, and everything was affirmed, except that – and they were right, except that I'm not permitted to give you credit on the child support, because the child support is really about the child. So I will have to reverse myself on that. And based on the history of the income, I don't believe that she can pay it back, and so I have to deny your motion. All right.

Second, is your amended petition to modify custody. I think I should skip that and go to the clerical error.

Later during the hearing, the judge said that, although this Court had reversed “when it came to money[,]” we “did not reverse on any of [the trial court's] decisions” regarding “custody, and access[.]”

After denying Mother's petition for contempt with respect to Father's failure to pay child support, the court agreed to correct a clerical error in the record that indicated that Mother was not present at a hearing on October 18, 2024, when, in fact, she had been in attendance. Mother advised the court that no written order had been issued with respect to the rulings made at the October 18, 2024 hearing, and the court said it would look into whether an order had been entered.

Mother asserted that, unlike Father, she had been complying with the court's oral rulings from the October 18, 2024 hearing. The judge asked why Father had not been complying, and the parties proceeded to argue back and forth about numerous issues including: why they failed to go to mediation, Father's assertion that he did not get a chance

⁶ It is unclear which party's petition for contempt is being addressed here. Only Mother's petition raised an issue of unpaid child support, and only Mother filed an amended petition to modify custody.

to speak about certain issues at a prior hearing, Father’s claim that Mother withheld A.B.’s medical information from him, Father’s assertion that A.B. was “constantly coming over with hives, bruises, and bad skin conditions[,]” Father’s difficulties rearranging his work schedule “to keep meeting the schedule changes,” Father’s refusal to permit a third-party, such as A.B.’s maternal grandmother, to pick A.B. up, Father’s assertion that Mother was lying about her home address, and a complaint by Mother that A.B. had said that Father’s wife taught him to wash or wipe a certain way after using the toilet.

Thereafter, the following colloquy occurred:

THE COURT: I really have had it with you two. I don’t know what else to do.

[MOTHER]: Well, Your Honor –

THE COURT: I really don’t. Because this has just gone on too long. I made that decision – let me see when I made this decision about custody – at the beginning of last year. Was it last year or the year before? I mean, you just won’t stop.

[MOTHER]: Your Honor, I really think that – I don’t know if I can testify, or present this evidence, because a lot of the things that he’s saying is actually like – not only is it not true, but it’s extremely misleading. Extremely misleading. For him to say that our child keeps coming to him with bug bites, and so on. He came to him with a mosquito bite. There was another time when you came up, like, I [am] pretty sure it was a mosquito bite, or some bite.

It’s not consistently coming over there with any type of bites, number one. Number two, he was told at our status hearing, he said, well, do I have to be following the verbal order if I have the written order? Because he said what he just said, “Because that’s within my right to follow the written order”. And that judge said, well, sometimes a –

THE COURT: No, that’s not true. And I think you know that, because she played that card and –

[MOTHER]: And Your Honor –

THE COURT: She played that same card. So why would you think you don't have to follow my verbal order, when I said the same thing to her when she played that card?

[FATHER]: That's not what I said.

THE COURT: You all are a danger to this child together.

[MOTHER]: Your Honor, if I –

THE COURT: I'm telling you now, if this keeps up, I'm going to call CPS, because you are both just being ridiculous, and not good to that child. And I don't want that child to suffer anymore. Which he's suffering because you won't accept the order, and you're tired of it, so you do things because she does things.

[FATHER]: I just –

THE COURT: I need this to stop.

Father proceeded to make additional arguments that he had not been “retaliatory” and had “been completely trying to work with” Mother. After asking the court to allow her to rebut Father's assertions, Mother complained that Father was “misleading” and that “[e]verything that he” was saying was “not true at all[,]” except that “some of it is, like, on the surface, true,” but “if you actually look at what's going on, it's not true at all.” Mother claimed she had a lot of evidence to counter Father's arguments and that she had not seen A.B. in eighteen days. The court permitted Father to present a long list of complaints about the difficulties he had experienced attempting to work with Mother. This exchange followed:

THE COURT: I filed this order of custody on September 21st, 2023. You all came back in October of '23, November of '23, December of '23.

[MOTHER]: Your Honor, I think we only came in –

THE COURT: You skipped January. How about that? But then you were back in February of '24, March of '24, May of '24. So you were kind enough to rest in April. In July, I guess you were busy writing your appeal, so nothing happened. But August of '24, you were back. September of '24, you were back. You came back in October of '24.

November of '24, there were motions filed, but I guess we couldn't put you in the schedule, so you were back when? December of '24. And then you were back in March. And now it's May, and we're here again.

So basically, you have been in court more than you have dealt with any situation on your own. You literally have been here since September of '23. Two years, back-to-back. Because if I take out the five months, it's two years. And neither one of you thinks that you're being ridiculous.

[MOTHER]: Your Honor, if I can speak back to a few of the things that he said, because –

THE COURT: I don't want to hear it. I don't even want to hear it from him.

[MOTHER]: Your Honor, I think that it's very important to put it on the record.

THE COURT: It's not, because I'm not even taking any of this into consideration, because I don't know what else – I'm past, what do I do? In a minute –

[MOTHER]: Your Honor –

THE COURT: – you're going to end up with no time –

Apparently unmoved by the judge's exasperation, Mother⁷ interjected,

[w]hat I would like to do is, I would like to address those issues, because what you're just saying is he just talked for about – I let him talk for ten minutes the first time, and now even more. And I haven't even been able to say back from what he's talking about right now.

⁷ The transcript indicates that Father is speaking, but from the content, we ascertain that Mother is the speaker.

Mother then asserted that Father did, in fact, pick up A.B.’s medical records and had information about his primary care provider; and that she had not disclosed her home address to Father because he had shown up at her former residence and had gone to her rental office, which somehow resulted in the landlord prohibiting her from renewing her family’s lease. The judge told Mother that Father needed to know her address because “he needs to know where the child is[,]” and that Mother “wouldn’t like it if [Father] did that.” Mother disagreed, stating that she “would understand it if” she did to Father what he has done to her. She explained that she had lived at her former address for six years and that the landlord had “noted every time [Father] goes to – like, the police have to come. So that interrupted us from living where we lived for all of that time.” Mother said she “would love to give [Father] [her] address” but:

it’s perfectly fine, because I already told [Father] I did it for safety and privacy reasons. You cannot continue to mess up me and [A.B.’s] stability. I don’t care how you feel about certain stuff, you can’t just affect – you got to think about how that would affect our child.

I’m tired of dealing with you as a co-parent and then affecting our child. And I don’t like to be put in front of people and be told, like you just said, oh, well, you guys are putting your child in a certain condition, and you guys are causing an issue for your child. I don’t want to be that parent. I’ve been consistently telling him that.

Just, my thing has been to be transparent, and be open. That’s what I’ve been trying to do since day one. It’s consistently been an issue, time after time.

Mother complained about a time when Father picked up A.B. and then “stayed in the area,” walked around her neighborhood, and entered her apartment building and her sister’s building, before returning twenty-seven minutes later to ask if A.B. could use her

bathroom. Father told her that he had taken A.B. to the playground, but Mother claimed she had “watched him” and that was not true. Mother said,

And this is the thing, you – and the thing about it is, like I said, I don’t have a problem with giving him my address, but I know for a fact that he’s going to continue to call the police. And I don’t know if he’ll call the rental office again, making things complicated for me.

Mother also addressed a disagreement the parties were having with respect to the type of skin product Father was using on A.B. Mother stated that A.B.’s “reactions to skin eczema isn’t because of me[,]” and that in Father’s household “they are consistently using something that I told them that is not appropriate.” Mother said:

They use it on their other kids, so they think it’s appropriate for [A.B.] Then, when he comes to me, his skin is broken out. I can’t get it together. He goes back to him, and he’s like, oh, you’re the reason. I’m like, I’m not the reason. I’m not.

Mother continued to assert that Father was attempting to mislead the court and that she had “been transparent” and tried “to put our child first[,]” and that Father wanted “to cause conflict with” her. Mother acknowledged that her relationship with Father has “gotten worse” and that “it has affected” A.B. She explained that when A.B. was returned to her after an eleven-day separation Father had imposed, he was “very, very emotional” and if she stepped away “for a second,” he would try to figure out where she was. Mother described the attachment between her and A.B. as “secure.”

Mother argued that, although in October 2024 the court had changed the time for exchanging A.B. on Mondays from 7 a.m. to 7 p.m., Father was continuing to show up at 7 a.m. She complained that, in the summer, because of vacation days, Father would have A.B. for eighteen days in May, twenty-one days in June, and fourteen days in July. Mother

asked the court to award her makeup time beginning immediately because she had not seen A.B. for eighteen days.

At that point, Father insisted on addressing the court because he was “the one that brought up all the contempts,” and he was aware that they had “a time frame to work with[.]” He denied that he had “snoop[ed] around” Mother’s neighborhood and said that he had obtained A.B.’s birth records but did not have a correct address for his doctor’s office and did not have access to the online medical portal. He claimed that one of A.B.’s doctors told him that the skin products he was using were acceptable, just not to use shea butter. Father questioned the quality of care provided by the doctor’s office selected by Mother. He claimed that “all I’m doing is following the order[.]” but added that, when he does that, he feels “penalized.” He advised the court that he had “so much evidence, so many correspondence[.]” The judge told both parties to mark whatever they had, that she would look at that, and then “write a long order.” The parties again raised issues about Mother’s makeup time for not seeing A.B. for eighteen days and the pickup and drop-off times and Father’s opinion that they should be changed.

At that point, Father raised the issue of his desire to enroll A.B. in school, meaning “a preschool daycare setting with him learning.” Mother had told him that, at three years old, A.B. was not ready for that, and she did not approve of any of the schools he had selected. The judge asked if the parties were going “to send up [their] stuff” because it was 11:00 and “[p]eople [were] waiting.” The judge stated that she was “going to write an order based on everything I’ve heard in the last 24 hearings I’ve had since February of 2023.”

Father inquired about a prior request for attorney’s fees, and the court said it would take that into consideration in preparing the order. Mother questioned the court about attorney’s fees and health insurance for A.B. The judge said she would recalculate the award of attorney’s fees. The judge asked Father whether he had health insurance coverage for A.B. and he responded that he did not; he said “we had health insurance through [his] wife[,]” but she “lost her job due to some situations going on[,]” and he would have to wait until the next open enrollment to add A.B. to his coverage. Mother advised the court that Father never told her he did not have health insurance for A.B. The judge responded: “Okay. Well, he didn’t. And now you know why he doesn’t, because whatever you did caused her problems at work, and now he has to get new insurance. Thank you. Parties are excused. Thank you.”

The June 30 Order

On June 30, 2025, an order, signed October 18, 2024, was entered (“June 30 Order”). The order addressed a petition for contempt Father had filed on August 6, 2024, which had been heard by the court on October 18, 2024. In the June 30 Order, the court found that Mother had not willfully withheld A.B. from Father. It further found that Mother had provided Father with contact information for A.B.’s primary care doctor and agreed to give Father access to his medical records, and that Mother had missed six overnight visits with A.B. due to a lack of clarity in the access schedule. Among other things, the court ordered that Father must allow Mother to pick up A.B. at the designated time regardless of Father’s work schedule, that neither party was permitted to change A.B.’s primary care provider without first participating in mediation with the other parent, that Mother was to

give Father access to A.B.’s primary care provider, medical records, and immunization history, that the parties must attend mediation for all medical decisions, and that Mother was entitled to make-up time for six overnight visits. The court specifically noted that at the October 18, 2024 hearing, “both parties voluntarily withdrew all previously filed contempt motions and agreed to attend mediation prior to filing any further contempt motions.” The court ordered that “no contempt hearing shall be scheduled absent the filing of proof that the parties have attended mediation regarding the subject matter of the dispute.”

The July 1 Order

On July 1, 2025, the court entered an order addressing matters raised at the May 30, 2025 hearing. The court denied Mother’s petition for contempt, corrected the record to reflect that Mother had attended the October 18, 2024 hearing, denied Mother’s amended motion to modify custody, and denied Father’s petition for contempt. The court ordered that “the Defendant will continue to pay the Plaintiff \$262.00 per month in child support[.]” and that Mother was “not required to pay” Father’s “attorney fees previously awarded by the [c]ourt[.]” The court awarded Mother “make-up” time with A.B. for four overnight visits.

The court set forth a detailed access schedule. Part of the schedule provided that, on the weekends when A.B. was with Mother, she was to return him to Father on Sunday at 7 p.m., unless Monday was a holiday, when the return time would be 7 p.m. on Monday. In addition, the court ordered that Father was “permitted to enroll the minor child in school[.]” The court again ordered both parties to participate in mediation prior to filing any future

contempt motions, and that “no contempt hearing shall be scheduled absent the filing of proof that the parties have attended mediation regarding the subject matter of the dispute[.]”

Mother’s July 8, 2025 Motions

One week later, on July 8, 2025, Mother filed what she called a notice of objection to the court’s July 1 Order. One of her complaints was that she had not been “served” with the July 1 Order and only had become aware of it by reviewing the court docket. Also on July 8, Mother filed a motion to vacate the portion of the July 1 Order allowing Father to enroll A.B. in school, and a motion to stay enforcement of the July 1 Order pending an appeal Mother intended to file. Among other things, Mother argued that the July 1 Order effectively modified legal custody by granting Father decision-making authority over A.B.’s education. Mother asserted that that issue “was not properly before the [c]ourt” and “was made without a properly noticed motion filed or scheduled on the matter regarding educational decision-making[.]” and that she was not given an opportunity to “respond to any written or oral motion, submit evidence, or be meaningfully heard before this ruling was made.”

On July 13, 2025, before the court ruled on the motions filed on July 8, Mother filed her notice of appeal.

Events After Mother Filed Her Notice of Appeal

On July 16, 2025, the court entered an order addressing the “Notice of Objection and Clarification of Procedural Record” Mother filed on June 19, 2025. The court acknowledged Mother’s objection to a timeline set forth in an order entered on June 23,

2025, and stated that “[t]o the extent any corrections to the procedural history or timeline are warranted, such clarifications will be made on the record.” The court rejected an argument by Mother that the May 30, 2025 hearing had been scheduled for two hours, noting that hearings on Fridays are set in for one hour, and denied Mother’s renewed motion to recuse. (The hearing lasted one hour and eleven minutes.)

In an order entered on September 2, 2025 (“September 2 Order”), the court corrected the July 1 Order, which mistakenly had directed Mother was to pay child support when in fact the court had found that Father was required to pay child support. The court vacated the July 1 Order as to child support and ordered Father to continue to pay child support of \$262 per month “*nunc pro tunc* to July 1, 2025[.]” The court found that the change was not substantive and merely was the correction of a clerical error. The court also denied the motions Mother had filed on July 8, 2025 (to vacate, for a stay, and making a notice of objection).

Not surprisingly, the contentiousness between the parties did not cease during the pendency of this appeal. On September 10, 2025, Father filed a petition for contempt asserting that Mother was not complying with the July 1 Order. On December 22, 2025, he filed a motion and supporting affidavit seeking an emergency hearing because Mother was withholding parenting time and refusing to abide by the July 1 Order. The contempt petition and motion were heard by the court on January 9, 2026.

Importantly for this appeal, that hearing resulted in a new custody order, dated January 9, 2026 and entered on January 14, 2026 (“the January 14 Order”) that, with the exception of the holiday schedule, “supersede[d] and overr[ode]” all prior custody orders.

Also on January 9, 2026, Father filed a “Motion to Amend and Clarify Order Regarding Exchange Logistics.” That was not heard by the court before Father filed a notice of appeal on February 10, 2026.

STANDARD OF REVIEW

We apply different standards when reviewing different aspects of a child custody decision:

The appellate court will not set aside the trial court’s factual findings unless those findings are clearly erroneous. To the extent that a custody decision involves a legal question, such as the interpretation of a statute, the appellate court must determine whether the trial court’s conclusions are legally correct, and, if not, whether the error was harmless. The trial court’s ultimate decision will not be disturbed unless the trial court abused its discretion.

Gizzo v. Gerstman, 245 Md. App. 168, 191-92 (2020) (cleaned up).

“On the ultimate issue of which party gets custody[,] we will set aside a judgment only on a clear showing that the trial court abused its discretion.” *Id.* at 201 (cleaned up) (quoting *Viamonte v. Viamonte*, 131 Md. App. 151, 157 (2000)). An abuse of discretion “may occur when no reasonable person would take the view adopted by the trial court, or when the court acts without reference to any guiding rules or principles, or when the ruling is clearly against the logic and effect of facts and inferences before the court.” *Id.* “The light that guides the trial court in its determination, and in our review, is ‘the best interest of the child standard,’ which ‘is always determinative in child custody disputes.’” *Santo v. Santo*, 448 Md. 620, 626 (2016) (quoting *Ross v. Hoffman*, 280 Md. 172, 178 (1977)).

As with custody determinations, visitation orders generally are “within the sound discretion of the trial court, not to be disturbed unless there has been a clear abuse of

discretion.” *Brandenburg v. LaBarre*, 193 Md. App. 178, 186 (2010) (quoting *Barrett v. Ayres*, 186 Md. App. 1, 10 (2009)).

DISCUSSION

I.

Mother contends the circuit court erred by not serving her with the July 1 Order; failing to comply with the mandate in our opinion in the first appeal; and modifying custody without “sworn testimony, verified evidence, or adequate factual findings” in violation of her due process rights.

The July 1 Order has been superseded by the January 14 Order, rendering almost all of Mother’s arguments moot. Nevertheless, we shall address them in an effort to stave off unnecessary filings on the part of the parties.

Service of the July 1 Order

Mother maintains that, although she is an MDEC user (as is Father), she was not electronically served with the July 1 Order. Pursuant to Maryland Rule 20-205, the proper means of service of a court order on a party who is a registered MDEC user is by posting it on MDEC. The July 1 Order, like all the filings in this case, is posted on MDEC. There is nothing in the record to indicate that the clerk’s office experienced any glitch or problem with posting the July 1 Order on MDEC. There is only Mother’s representation that she was not served with that order.

Despite what Mother says, and assuming the July 1 Order somehow was not posted to MDEC notwithstanding that the record discloses it on MDEC, it is clear that Mother had actual knowledge of the July 1 Order and its contents. Within one week of the entry of that

order, she filed objections to it. Indeed, in her objections, she recounted that she became aware of the July 1 Order by reviewing docket entries. Her assertion that she was limited in her ability to object to the July 1 Order because “the summary on the case search reflected only a portion of the trial court[’]s order,” is not convincing. Mother does not identify any part of the July 1 Order that she was unable to address in her objections and multiple additional filings. Moreover, if she felt she did not have access to the full July 1 Order, Mother was free to contact the clerk’s office to obtain a hard copy of it. For those reasons, even assuming the July 1 Order was not accessible to Mother on MDEC, even though she was an MDEC user, Mother’s argument lacks merit.

We note, because it was instrumental in unnecessarily continuing the conflict between the parties, that Mother attempted to use the alleged lack of service of the July 1 Order to her advantage by refusing to follow the changes to the access schedule that that order implemented. She took the position that, because she was not served with the July 1 Order, she was entitled to follow the access schedule in place before that order was entered, even though she had actual knowledge of the contents of the July 1 Order and, therefore, knew the schedule she was insisting A.B. keep was no longer in force. Indeed, at the hearing during the pendency of this appeal, on January 9, 2026, when the court worked with the parties to develop the new access schedule embodied in the January 14 Order, Mother repeatedly expressed concern that she not forfeit her appellate argument that the court had erred by not serving her with the July 1 Order. The issue was never one that she was going to achieve anything by raising, however, because she knew the contents of that order. This case is not a game. The parties need to understand that when the court has

ordered a change to the access schedule for A.B., they must abide by the new schedule and technical deficiencies in adopting the order will not relieve them of that duty. Doing otherwise is not in A.B.’s best interests and only disrupts and creates confusion in the litigation process.

This Court’s Mandate in the First Appeal

Mother contends the circuit court failed to comply with the mandate in our opinion in the first appeal. She argues that, although this Court vacated the prior awards of child support and attorney’s fees, the circuit court did not include the cost of health and dental insurance for A.B. in recalculating child support and did not correct the “deprivation” of three months of child support caused by the court’s having allowed Father to skip those payments as a credit toward his attorney’s fees.

The transcript of the May 30, 2025 hearing reveals that neither party had health or dental insurance coverage for A.B. at the time. A.B. had been insured through Father’s wife. Father stated that she had lost her job, and therefore the insurance was not available at that time. Father represented that he would take steps to obtain health insurance coverage for A.B. through his own employment but could not do so until open enrollment. Thus, the court could not have recalculated child support to include the cost of health and dental insurance for A.B. because there was no such expense at the time.⁸

⁸ Records related to the hearing later held on January 9, 2026 show that A.B. had health insurance by then. We cannot determine from the record whether the cost of health insurance was factored into child support.

(continued...)

The July 1 Order, as corrected by the September 2 Order, continued Father’s child support obligation of \$262 per month. The court vacated its prior attorney’s fees award of \$1,400 to Father upon a finding that Mother lacked the ability to pay. Although the record is not clear, it seems that Father did skip a certain amount of child support payments as a credit toward attorney’s fees and that the court did not take any action on remand to make up for that amount of unpaid child support.

As stated, the July 1 Order has been superseded by the January 14 Order. We will not take any action regarding the July 1 Order for that reason. On remand, however, the court should calculate the amount of child support that Father would have paid had child support not been suspended to credit him for his (subsequently vacated) attorney’s fees award. The amount the court calculates to be “deprived” child support should be treated as an arrearage on Father’s part and factored into the present child support award.

Modification of Custody

Father had not filed a motion to modify custody prior to the May 30, 2025 hearing. (Mother had.) At the hearing, Father orally stated his desire to enroll A.B. in a preschool. Mother objected. In its July 1 Order, the court granted Father permission to make the decision whether to enroll A.B. “in school[.]”

In our prior opinion, we also suggested that the court consider the cost of transportation between the parties’ homes as provided for in section 12-204(i)(2) of the Family Law Article of the Maryland Code. Apparently, the court chose not to do so. That may be because, at some point, Mother, who had been residing in Prince George’s County, moved to Virginia. We cannot tell from this record when that happened or how far the parties’ homes in Virginia are from each other.

Mother contends the court modified legal custody by making Father the sole decision-maker about preschool for A.B. and did so without “sworn testimony, verified evidence, or adequate factual findings,” in violation of her due process rights. Mother challenges the court’s decisions to grant Father authority to enroll A.B. in school, to reduce Mother’s parenting time from Friday at 10 a.m. through Monday at 7 p.m. to Friday at 10 a.m. through Sunday at 7 p.m., to reduce Mother’s parenting time in the summer, and to issue make-up time to Mother during her vacation time with A.B.

A party moving to modify an existing custody order must “show that there has been a material change in circumstances since the entry of the [previous] custody order and that it is now in the best interest of the child for custody to be changed.” *Gillespie v. Gillespie*, 206 Md. App. 146, 171-72 (2012) (quoting *Sigurdsson v. Nodeen*, 180 Md. App. 326, 344 (2008)). “A material change in circumstances is a change of circumstances that affects the welfare of the child.” *Kadish v. Kadish*, 254 Md. App. 467, 503 (2022) (quoting *Gillespie*, 206 Md. App. at 171). Once a trial court finds a material change in circumstances, the court then proceeds to decide “what custody arrangement is in the best interests of the child[.]” *Santo*, 448 Md. at 639. In determining the child’s best interests, the trial court must consider the factors delineated in *Montgomery County Department of Social Services v. Sanders*, 38 Md. App. 406 (1978), and *Taylor v. Taylor*, 306 Md. 290 (1986).

The January 14 Order superseding and overriding the July 1 Order does not include a provision giving either parent tie-breaking authority generally or the authority to decide which preschool, school, or daycare A.B. will attend. During the time the July 1 Order was in effect, until the January 14 Order was entered, Father did not enroll A.B. in a school. So

whatever tie-breaking or other authority Father was granted respecting enrolling A.B. in school was not exercised by him. It is correct that, if the court were to grant such authority to either parent, that should be done upon a finding of a material change in circumstances making it in A.B.’s best interests for such a change to be made. The change that was made in the July 1 Order is moot, however, as are the correlative access changes, which, as we have recited, Mother by and large did not abide by.

II.

Mother contends the circuit court erred in holding a hearing on June 7, 2024, with respect to Father’s contempt petition filed on June 3, 2024, because the petition was never served on her, no show-cause order was issued, and she was deprived of reasonable notice and an opportunity to prepare. According to Mother, the June 7, 2024 hearing initially was set to consider petitions for contempt filed by both Mother and Father in March 2024. The record shows that, after the hearing, the court reserved its ruling on Father’s June 3, 2024 contempt petition. The court made other rulings, ordering Mother to turn A.B. over to Father by a particular date and to provide his “shot records” by a particular date, but Mother has not directed us to any place in the record to show that the court granted the petition for contempt filed by Father on June 3, 2024. Moreover, as we already have noted, at a hearing on October 18, 2024, the parties voluntarily agreed to withdraw all of their previously filed contempt motions. Therefore, the issue is moot.

III. & IV.

Mother contends the trial judge abused her discretion by not recusing herself. Mother filed a motion and later a renewed motion to recuse or disqualify the trial judge. In

her first such motion, filed on October 9, 2024, Mother argued that “the impartiality of [the judge] has been called into question due to apparent bias, and violations of [Mother’s] due process rights as demonstrated during the recent hearing held on June 7, 2024, as well as an ongoing appeal regarding similar issues.” Mother asserted that, at a show cause hearing on June 7, 2024, at which the court heard petitions for contempt filed by both parties, the trial judge demonstrated “apparent bias” against her by failing to address her petition for contempt; “focusing solely on” Father’s petition for contempt filed on June 3, 2024, for which no show cause order had been served; finding Mother in contempt before either party presented their case and before any evidence had been introduced; denying her motion to stay pending the outcome of Mother’s first appeal; and granting “a significant change in custody[.]” Mother argued that these actions “all indicate[d] prejudice against” her. She asserted that “[a]ny reasonable observer would question the impartiality of these actions.” The court denied the motion to recuse from the bench at a hearing on October 18, 2024, but our review of the docket entries does not reveal any written order denying the motion.⁹

Thereafter, on June 2, 2025, Mother filed a renewed motion to recuse or disqualify the trial judge based on “new developments” that she argued “further strengthened” her “original concerns” as well as “cumulative procedural issues [that] undermined confidence in the fairness of [the] proceedings.” In support of her request that the trial judge be recused, Mother made several arguments pertaining to the manner in which the trial judge conducted

⁹ The court’s order dated October 18, 2024, and entered on the docket on June 30, 2025, addressed numerous other issues, but not the denial of the motion to recuse.

hearings. Mother asserted that, at “multiple hearings,” including the hearing on May 30, 2025, “neither party was required or permitted to ‘formally’ submit exhibits prior to the court considering them for review”; that, at the hearing on May 30, 2025, she was not given a fair opportunity to object to Father’s “alleged statements” or “exhibits” before the judge considered them; that the court told Mother she “could not object to what the other party was saying, despite this being testimony on a material matter”; and that evidence was “taken under review outside the structure of formal admission, cross-examination, or objection” in violation of “standard court procedure” and her “right to due process.” Mother also asserted that the trial court “made repeated statements and rulings that appear to favor [Father] while giving significantly less consideration to [her] arguments.” As an example, but without any citation to the transcript, Mother said the trial court “dismissed or ignored” her “efforts to introduce evidence” to discredit Father, but allowed Father “to present hearsay statements” without giving her an opportunity to object.

Mother also made the following assertions about certain campaign statements made by the trial judge:

5. [Mother] recently reviewed a publicly available video recording in which the presiding judge, before her appointment, stated:

“I think this is very important, men keep being satisfied with just getting or being pushed to believe that’s it okay to just get visitation on the weekends ... if you have a child you should have custody too ...”

6. While the judge did later state that custody should start from a presumption of equality, her initial framing emphasized advocating for men and correcting perceived systemic favor toward mothers.

7. The interview appears to have taken place during the judge’s candidacy, during which the judge made a public statement that commits, or appears to

commit, to a particular result or rule in a particular way in a proceeding. Under Maryland Rule 18-102.11(a)(4), a judge **shall** disqualify themselves in any proceeding where their impartiality might reasonably be questioned, including where the judge has made public statements committing to a particular result, as in this instance.

8. [Mother] submits a screenshot and timestamp reference from a publicly available YouTube video of the Honorable Judge Gladys Weatherspoon during a judicial candidacy interview held on March 17, 2020. In the video, the Judge makes statements that reasonably call into question their impartiality in this matter. The specified comment appears between the timestamps 22:25 and 23:15. A copy of the screenshot is attached as *Exhibit B*.

According to Mother, the trial judge’s failure to conduct “the required legal analysis” and apply “the appropriate standard” on remand after her first appeal, dismissal of her arguments, failure to follow a procedure that was fair, biased judicial behavior, and public statements combined to create a reasonable perception that the judge was “unconsciously partial” to Father’s position. In addition, Mother argued that the court’s delay in reducing oral rulings to written orders resulted “in significant confusion between the parties, inconsistent enforcement, and repeated disputes” as well as “uncertainty about their legal responsibilities.” As noted, Mother’s renewed motion to recuse or disqualify the trial judge was denied in a written order entered on June 18, 2025.

Maryland Rule 18-102.11(a)(1) provides that a judge “shall recuse in any proceeding in which the judge’s impartiality might reasonably be questioned,” including where the “judge has a personal bias or prejudice concerning a party[.]” There is, however, a strong presumption of impartiality on the part of judges, and “[t]he person seeking recusal bears a ‘heavy burden to overcome’” that presumption. *Karanikas v. Cartwright*, 209 Md. App. 571, 579 (2013) (quoting *Att’y Grievance Comm’n v. Blum*, 373 Md. 275, 297

(2003)). *See also Conner v. State*, 472 Md. 722, 738 (2021) (“[T]here is a strong presumption that judges are impartial participants in the legal process[.]” (cleaned up)); *Boyd v. State*, 321 Md. 69, 80-81 (1990) (stating that the party requesting recusal has the burden of proof to rebut the presumption of impartiality). A judge’s duty to preside when qualified is equally as strong as the duty not to preside when not qualified. *In re Turney*, 311 Md. 246, 253 (1987). This strong presumption that judges are impartial participants in the legal process, “carries with it the presumption that a judge will discard from his or her mind personal biases, inadmissible evidence, and other irrelevant matters in deciding a case.” *Conner*, 472 Md. at 749.

Ordinarily, motions for recusal are decided by the judge whose recusal is sought. *Surratt v. Prince George’s Cnty., Md.*, 320 Md. 439, 464 (1990). When bias, prejudice, or lack of impartiality is alleged, a judge’s decision not to recuse usually is a discretionary call, meaning it will be overturned only if an abuse of discretion is shown. *Id.* at 465. *See also S. Easton Neighborhood Ass’n, Inc. v. Town of Easton, Md.*, 387 Md. 468, 499 (2005) (“Unless grounds for mandatory recusal are met, a judge’s decision not to recuse himself or herself will be overturned only upon a showing of an abuse of discretion.”). Under the objective standard of abuse of discretion, recusal is warranted “when a reasonable person with knowledge and understanding of all the relevant facts would question the judge’s impartiality.” *In re Russell*, 464 Md. 390, 402 (2019); *see also S. Easton Neighborhood*, 387 Md. at 499 (“An abuse of discretion standard is objective – whether a reasonable member of the public knowing all the circumstances would be led to the conclusion that the judge’s impartiality might reasonably be questioned.” (quotation marks and citation

omitted)). “Recognized grounds implicating possible partiality include a significant financial interest in a party or outcome, a pre-judicial relationship as an attorney with a party or counsel for a party, or a personal bias or prejudice concerning a party.” *S. Easton Neighborhood*, 387 Md. at 499.

Motions to recuse must set forth the necessary facts in reasonable detail sufficient to show the purported personal misconduct, as mere conclusions stating a lack of impartiality will not suffice. *Surratt*, 320 Md. at 467. “A trial judge is not required to recuse when the party moving to disqualify alleges bias arising from a source within the ‘four corners of the courtroom’” *Conner*, 472 Md. at 744 (cleaned up). Rather, “‘the alleged prejudice must result from an extrajudicial source and parties cannot attack a judge’s impartiality on the basis of information and beliefs acquired while acting in his or her judicial capacity.’” *Id.* (quoting *Boyd*, 321 Md. at 77). Maryland’s Supreme Court made this clear in *Jefferson-El v. State*:

To overcome the presumption of impartiality, the party requesting recusal must prove that the trial judge has a personal bias or prejudice concerning him [or her] or personal knowledge of disputed evidentiary facts concerning the proceedings. Only bias, prejudice, or knowledge derived from an extrajudicial source is “personal.” Where knowledge is acquired in a judicial setting, or an opinion arguably expressing bias is formed on the basis of information acquired from evidence presented in the course of judicial proceedings before him [or her], neither that knowledge nor that opinion qualifies as “personal.”

330 Md. 99, 107 (1993) (some quotations marks and citations omitted). Critically, “[i]t is settled law that a motion for recusal may not ordinarily be predicated upon the judge’s rulings in the case at hand or a related case.” *Reed v. Baltimore Life Ins. Co.*, 127 Md. App. 536, 552 (1999). For trial rulings,

[u]nless there is palpable and demonstrable indicia of judicial bias, evidentiary calls and actions taken by the trial judge in the conduct of a trial are more appropriately reviewed in the context of whether the judge’s rulings comport with applicable law, rather than by divining a motive speculatively attributed to the trial judge by counsel.

Id.

In the case at bar, Mother did not make a showing that overcame the strong presumption of impartiality on the part of the circuit court judge. Our review of the record does not show “palpable and demonstrable indicia of judicial bias[.]” *Id.* Nor does it show that the judge demonstrated “repeated and egregious behavior of partiality, reflective of bias.” *Diggs v. State*, 409 Md. 260, 294 (2009). Mother’s arguments are based on numerous actions taken by the trial judge in the conduct of the underlying proceedings. In support of her third question presented in this appeal, Mother points to the judge’s actions during hearings on June 7, 2024¹⁰ and October 18, 2024. As for the June 7, 2024 hearing, Mother argues that the court engaged in “rushed scheduling, procedural deviations, and one-sided assumptions[.]” As for the hearing on October 18, 2024, Mother arrived late. She complains that the court proceeded with the hearing, took sworn testimony, and was prepared to take action regarding access to A.B. in her absence. Mother acknowledges, however, that after her late arrival, she was permitted to participate in the hearing, and the court made a minor modification in the access schedule in her favor. She asserts that the

¹⁰ Although Mother attached a transcript of the June 7, 2024 hearing to her first motion to recuse, no transcript of that hearing appears in the electronic record of the case. An appellant is responsible for ensuring that the original transcript is filed promptly by the court reporter with the clerk of the circuit court for inclusion in the record and for promptly serving a copy on the appellee. Md. Rule 8-411(c).

court’s view of the parties at that hearing “had already been shaped by earlier, irregular proceedings[.]” Mother mentions her participation in an off-the-record discussion with the judge and Father, but acknowledges that, subsequently, she was permitted to address her concerns on the record.

Mother did not make any showing of personal bias or prejudice, as those terms are defined for purposes of recusal or disqualification of a trial judge, with respect to either hearing. All of Mother’s arguments arise from a source within the “four corners of the courtroom.” As Mother’s motion for recusal was predicated on the judge’s rulings below, and not from an extrajudicial source, we conclude that Mother did not overcome the strong presumption of impartiality accorded the circuit court judge.

For similar reasons, we reject Mother’s contention that the circuit court abused its discretion in denying her renewed motion to recuse. Mother’s arguments center around the parties’ motions, the conduct of hearings, and the lack of accuracy in some of the court’s rulings on motions. As we have explained, such contentions are more appropriately reviewed in the context of whether the judge’s rulings comport with applicable law, rather than by divining a motive speculatively attributed to the trial judge. They do not support a showing of personal bias or prejudice.

Mother presented evidence of one extrajudicial incident – the statement made by the trial judge during a campaign interview on March 17, 2020.¹¹ According to Mother, in the interview, the judge’s remarks “reflected a strong viewpoint on fathers in family law

¹¹ The full video is found at: <https://www.youtube.com/watch?v=bW8eMecRcAU>.

cases,” and the court then issued “rulings parallel to their philosophy.” Mother complains that the interview shows that the judge was biased in her approach to the custody rulings in this case and therefore was required to recuse herself. We disagree.

Maryland Rule 18-102.11(a)(4) provides that:

[a] judge shall recuse in any proceeding in which the judge’s impartiality might reasonably be questioned, including ... [where] [t]he judge, while a judge or a judicial candidate, has made a public statement, other than in a court proceeding, judicial decision, or opinion, that commits or appears to commit the judge to reach a particular result or rule in a particular way in the proceeding or controversy.

Having reviewed the judge’s interview in its totality, we conclude that it in no way committed or even appeared to commit the judge to reach a particular result or rule in a particular way in custody cases. The judge’s statements were consistent with well-established legal principles including that a judge’s custody determination should be based on the best interests of the child and not on a preference for a parent of one gender over another. We discern no abuse of discretion in the court’s decision to deny the renewed motion to recuse.

CONCLUSION

For the reasons we have explained, we are affirming the judgment of the circuit court. The case is remanded and at this point is a continuing one, with a third appeal already before this Court. As discussed in Question I, the circuit court should calculate whatever amount of ordered child support Father did not pay during the time that his child support

obligation was being credited toward his (later vacated) attorney’s fees award and apply that amount as an arrearage against Father.

As the trial judge pointed out at one of the hearings in this case, the parties have spent far more time and effort battling each other than trying to work together as co-parents of A.B. for his benefit and well-being. In part, this has happened because, since 2024, neither party has been represented by counsel and, as a consequence, the parties are without the important professional guidance that counsel usually provides. The parties are intelligent people who have been able to educate themselves in a small measure about the court process. As the saying goes, however, a little bit of knowledge can be a dangerous thing. In this context, no matter how much each parent loves A.B., using their knowledge to perpetuate an ongoing court process will not help either one of them and eventually will hurt A.B. That is the opposite of what family law litigation should accomplish.

The trial judge assigned to this case has shown restraint and patience in handling it. She has tried to work with the parties. However, the parties are disruptive during hearings, speaking over one another and interrupting the judge, and after appearing to accept the process and to agree to the court’s suggestions about scheduling changes that are then embodied in an order, decide they do not agree and file motion upon motion complaining about orders, the judge, and each other. Many of the complaints raised by Mother in her brief about process, now moot, were not preserved because she only objected to the way a hearing was conducted after the hearing had concluded and the court had rendered a decision.

The parties need to accept that they both are parents to A.B. and he will be happiest if they work together to his benefit. They need to obey each ruling of the circuit court unless and until the court changes that ruling, even if they disagree with it or think it was wrongly entered or entered by virtue of a procedural mistake. They need to be selective in filing motions as it is counterproductive to swamp the court with them. They need to control their behavior in the courtroom so chaos does not prevail. The court might consider having the parties testify under oath, instead of offering arguments on motions, to avoid later complaints that rulings were not based on testimony (even though the parties did not complain at the time). And the court also might consider appointing a parenting coordinator if the parties still are unable to behave in an acceptable fashion and continue to communicate as litigants instead of as parents.

**JUDGMENTS OF THE CIRCUIT COURT FOR
PRINCE GEORGE’S COUNTY AFFIRMED;
CASE REMANDED WITH INSTRUCTIONS AS
SET FORTH IN THIS OPINION. COSTS TO BE
PAID BY THE APPELLANT.**