

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1037

September Term, 2025

CLIFTON CHAMBERLIN

v.

AUDREY CHAMBERLIN

Ripken,
Tang,
Zarnoch, Robert A.,
(Senior Judge, Specially Assigned),

JJ.

Opinion by Ripken, J.

Filed: March 13, 2026

In January of 2017, Audrey Chamberlin (“Mother”), appellee, filed for absolute divorce, custody, child support, and other appropriate relief regarding her marriage to Clifton Chamberlin (“Father”), appellant. While the divorce proceedings were pending, Mother and Father entered into a consent custody agreement in which they agreed to joint legal and shared physical custody of the parties’ two minor children, with specified areas of tie-breaking authority reserved to Father. The Circuit Court for Montgomery County entered the consent custody agreement by way of an order on November 14, 2017 (the “2017 Order”).

Almost seven years later, in August of 2024, Father moved to modify custody, asserting that there had been a material change of circumstance since the 2017 Order and requesting the court grant him sole legal custody of the parties’ children and revise the physical access schedule. In that motion (the “Motion to Modify”), Father additionally asked the court to “order such further and other relief that this Court deems necessary and appropriate.” Mother opposed the Motion to Modify, asking the court to deny Father’s request, keep custody the same, and “[g]rant her such other and further relief as the nature of her cause may require.”

The court held a three-day trial on the matter in June of 2025. After hearing evidence and argument from both sides, the court denied Father’s request for sole legal and physical custody. Instead, the court ruled that the parties were to retain joint legal and shared physical custody of the children; however, following a finding that there had been a material change in circumstance, the court ordered a change from Father to Mother

regarding tie-breaking authority for decisions on medical and dental issues, education, extracurricular activities, behavioral health, and behavioral health prescriptions.

Father noted this timely appeal, presenting the following sole issue for our review:¹ whether the circuit court erred in modifying legal custody as to tie-breaking authority where neither party specifically requested a change in tie-breaking authority.

For the reasons to follow, we answer in the negative and affirm the judgment of the circuit court.

FACTUAL AND PROCEDURAL BACKGROUND

Divorce Proceedings and 2017 Order

The following facts were adduced from the record and from the modification hearing. Mother and Father were married in September of 2007. The parties had two sons—H.C., born in 2013, and V.C., born in 2014.² Mother and Father separated in December of 2015, and in January of 2017 Mother filed for absolute divorce in the Circuit Court for Montgomery County. Mother additionally filed for custody, child support, and other appropriate relief. Father counterclaimed for absolute divorce, custody, child support, and other appropriate relief. On October 16, 2017, the parties entered into a consent custody

¹ Rephrased from:

WHETHER THE CIRCUIT COURT’S 2025 MODIFICATION ORDER ENTERED IN SOLE RELIANCE UPON A GENERALIZED PRAYER FOR “OTHER AND FURTHER RELIEF” VIOLATED RIGHTS OF DUE PROCESS BY OVERREACHING THE ISSUES IN DISPUTE AS FRAMED BY THE PARTIES AND PRESENTED TO THE COURT.

² We use initials for each individual child to preserve anonymity; and we refer to H.C. and V.C. jointly as the “children.”

agreement in which they agreed to joint legal and shared physical custody of the children.³ Despite agreeing to share joint legal custody as to all other matters, in the agreement tie-breaking authority was reserved to Father for decisions regarding the children’s education, extracurricular activities, behavioral health, and behavioral health prescriptions. The court entered the custody agreement the following month (the “2017 Order”).

Family Dynamics Following the 2017 Order

At the time of the 2017 Order, Mother was newly sober after struggling with alcohol addiction. In 2023, Mother relapsed. Five months into her relapse she notified Father, checked herself into the hospital for treatment, and resumed sobriety.

Throughout 2023 and 2024, the children began to exhibit behavioral issues in school and in their extracurricular activities. For instance, all on separate occasions, V.C. pointed a ruler at a teacher as if it were a gun, pushed a teacher, and held a plastic knife to two other students’ throats; H.C. was suspended for sexually harassing other students, for bringing a bullet to school and displaying it to other students, and for fighting. These behavioral challenges extended to the before/aftercare program, which reported instances of racist remarks and repeated acts of aggression by both children—culminating in the permanent exclusion of the children from the program in May of 2024.

At the same time, Father began to attempt to exert increasing control and surveillance on Mother and the children. Father added himself to the parental control account on the children’s video game consoles that Mother had purchased and owned,

³ The consent custody agreement maintained the shared physical custody schedule set forth in an earlier *pendente lite* order.

removing Mother from the account and monitoring the children’s video game use while in her care. Father also directed H.C. to wear an activity tracking device while in Mother’s care, purportedly to measure “how busy, active and stressful [his] day was, how restorative [his] sleep was.” When Mother found out about the activity tracker, she smashed the device with a hammer because she contended H.C. “was very distressed about” wearing the device and there was “no reason that [Father] should be tracking [H.C.] while he’s in [her] home.”

On May 8, 2024, communicating via counsel, Father provided Mother a proposed parenting plan addendum, which outlined several rules that Father suggested both parents ought to follow when the children were in each parent’s respective care to “support recent behavioral and emotional challenges.” These changes fell under three umbrella goals: (1) for each child to “achieve the highest possible academic performance[,]” (2) for each child to “practice positive nutritional health[,]” and (3) for each child to “develop and practice positive physical health habits[.]”

Regarding academic performance, some of the proposed rules under the first goal were that:

- “Parents will read all teacher emails and school calendars regarding homework, grades, testing, and events.”
- “Parents will implement a structure that promotes completion of school homework as top priority by devoting time, energy, supplies, and workspace needed for homework completion.”
- “[The children] will complete their homework each night that homework has been assigned during the school year. [Parents] will communicate with one another on an as needed basis to confirm each child’s homework tasks and completion deadlines.”
- “During summertime, [the children] will continue with weekly academic activities such as math books, reading comprehension exercises, and chapter book reading.”

Regarding a “[p]roper [d]iet” for the children, some of the proposed rules under the second goal were that:

- “[The children] will prepare their breakfasts every day (not ‘heat and eat’ frozen food).”
- “Unless otherwise agreed, [the children] will not order school lunches. They will prepare and bring lunches to school every day (not prepackaged foods or ‘lunchables’).”
- “Parents will help identify recipes and ingredients and assist [the children] with preparing homemade meals for breakfast, dinner and all meals on weekends. Added sugar will be kept at an absolute minimum.”
- “[The children] will not consume food less than 90 minutes before bedtime.”
- “[The children] will not take food into their bedrooms.”
- “[The children] will avoid sugary drinks and carbonated soda. [The children] will drink either regular milk or water.”
- “Parents will encourage [the children] to maintain a healthy body composition and not be overweight or obese; if needed, [the children’s] nutrition will be adjusted to meet healthy body composition goals.”

Regarding physical health, some of the proposed rules under the third goal were that:

- “[The children] will sleep in their own beds every night and through the night.”
- “The parents will implement a wind-down routine each night after dinner to get [the children’s] minds and bodies ready for sleep – ‘relaxing time.’”
- “Unless for special exception, [the children] will have their heads on the pillow by 8pm.”
- “The parents will monitor the frequency by which [the children] are not waking up on their own with plenty of time and energy to start their day, and will adjust bedtime accordingly.”
- “During nighttime hours, [the children’s] bedrooms will be kept dark, cool, and with white noise if needed.”
- “Until such time as the parents agree otherwise, screen time access will be regulated to zero usage Monday through Friday.”

- “On Saturdays and Sundays, [the children] will have up to one hour per day of screen time only if their chores are complete, their homework is complete, and they have otherwise exercised proper behavior which would warrant the ‘reward’ of screen time. The parents will instill in [the children] a sense that screen time is privilege and should be treated as such.”
- “The parents will supervise all screen time via readily available online parenting controls. Every screen use will be monitored for length of use and type of activity.”

Mother did not agree to Father’s proposed parenting plan.

In January of 2025, Mother and Father discussed resuming therapy for H.C.;⁴ however, Father was unreceptive to Mother’s suggestion that H.C. be enrolled in individual therapy and exercised his tie-breaking authority to enroll H.C. in family therapy that generally only included Father and H.C. At the time of the trial, H.C. remained unenrolled in individual therapy because Father had not responded to Mother and the prospective therapist’s inquiries. Notably, Father is a clinical psychologist. Father likewise exercised his tie-breaking authority when Mother suggested getting the children orthodontic care, ultimately declining the recommendation of Mother’s orthodontist and, after selecting his own orthodontist, Father refused to allow the children to receive orthodontic treatment.

Father’s Motion to Modify

Based on Mother’s 2023 relapse, escalation of negative communication patterns between Mother and Father, and ongoing challenges with the children, Father filed for modification of custody in August of 2024, seeking sole legal custody, revision of the physical access schedule, “appropriate child support[,]” attorney’s fees, and “such further

⁴ H.C. had previously participated in therapy for a period of time in 2020.

and other relief that this Court deems necessary and appropriate.” Mother opposed Father’s Motion to Modify, noting that she was one year sober at the time the motion was filed. Mother asked that the court retain the existing custody arrangement and “[g]rant [Mother] such other and further relief as the nature of her cause may require.”

In May of 2025, prior to the modification hearing, Mother filed a “Maryland Parenting Plan Tool” (“Mother’s Parenting Plan”). This document is a proposed “guide for how parties will make decisions” about the children. Mother’s Parenting Plan generally reflected her pleading, proposing the court maintain the status quo as to joint legal and shared physical custody, except for modification of the tie-breaking authority arrangement. Mother proposed that she be granted medical and mental health tie-breaking authority, that education and religious training decisions remain without tie-breaking authority, and that tie-breaking authority as to extracurricular activities remain with Father. The Circuit Court for Montgomery County held a three-day hearing on the merits one month later.

Mother and Father both testified at the hearing, as well as educators from both children’s schools and educators from the before/aftercare program. During Mother’s closing argument, attorney for Mother argued:

[Father] stood in the way of therapy for the children. *He is the one coming into court today who already has tiebreaking authority over mental health issues. And what is clear is he’s done nothing about that.* There’s nothing he has done to be proactive in that. . . . [W]hile my client has testified that she wants things to stay the same, I believe that the [c]ourt has the authority under the very broad *parens patriae* doctrine that if the [c]ourt was to find that there has been a material change in circumstance, *and if the [c]ourt was to find that the current custodial schedule is not in the best interest of the children, I think the [c]ourt could order that my client is the one who actually has [tie-breaking] authority over these things.* Because while [Father’s counsel]

would have you believe that [Father] is the one who has to do all the heavy lifting, that's not what the evidence bore out in this case.

(Emphasis added).

The court found that there had been a material change of circumstance, specifically acknowledging the children's behavioral challenges and Mother's concerns "about control" with regard to Father's actions. Applying the factors outlined in *Taylor v. Taylor*, 306 Md. 290 (1986), the court ruled that the parents would continue to share joint legal custody; however, Mother would have tie-breaking authority as to medical and dental issues, education, extracurricular activities, behavioral health, and behavioral health prescription decisions.⁵ Following the court's ruling, Father voiced his objection to the modification of tie-breaking authority, arguing that

[M]other during her testimony testified that she was not seeking any changes to the legal custody arrangement. However the Court today has changed that and our side notes that . . . [M]other's testimony, *although there was argument from counsel[] . . . do[es] not indicate a counter petition to modify legal custody and on the witness stand, she did not request a change to the legal custody.*

The court responded that Mother's pleading included a "catch-all" by requesting that the court grant her any such "other further relief as the nature of her cause may require" and that, under *Neuwiller v. Neuwiller*, 257 Md. 285 (1970), if at any time there is sufficient evidence to indicate that a parent's behaviors are having an adverse effect on the child, the court "should not hesitate to change custody." Thus, the court reasoned, legal authority

⁵ The court additionally ordered that each party would have access to all of the children's records and information, neither side was to receive attorney's fees, and all other aspects of the 2017 Order, including physical custody, were to remain in place.

existed to order the change in tie-breaking authority. A written order reflecting the court’s determination was entered on June 24, 2025.

Father then noted this timely appeal. Additional facts are included below as relevant.

DISCUSSION

THE CIRCUIT COURT DID NOT ERR IN MODIFYING LEGAL CUSTODY.

A. Party Contentions

Father contends that the circuit court’s modification of legal custody—specifically the change in tie-breaking authority—violated his due process rights because the decision was solely based on Mother’s generalized prayer for relief. Thus, he avers that he was not given proper notice that modification of legal custody was at issue and so the court unconstitutionally overreached the issues in dispute.

In turn, Mother asserts that Father’s due process rights were not violated because he had “ample opportunity to be heard as to the issue of modification of legal custody” at trial and that, even if the generalized prayer for relief was insufficient, Father had additional notice of the issue through Mother’s Parenting Plan.

B. Standard of Review

Findings of fact made by the trial court are reviewed for clear error. *Boswell v. Boswell*, 118 Md. App. 1, 27 (1997) (quoting *Davis v. Davis*, 280 Md. 119, 125–26 (1977)). This standard requires that we “consider evidence produced at the trial in a light most favorable to the prevailing party and if substantial evidence was presented to support the trial court’s determination, it is not clearly erroneous and cannot be disturbed.” *L.W. Wolfe*

Enterprises, Inc. v. Maryland Nat'l Golf, L.P., 165 Md. App. 339, 343–44 (2005) (quoting *GMC v. Schmitz*, 362 Md. 229, 234 (2001)).

However, *de novo* review applies instead if the court's order "involves an interpretation and application of Maryland statutory and case law[.]" *Walter v. Gunter*, 367 Md. 386, 391–92 (2002). Constitutional questions likewise receive *de novo* review, and we determine whether the lower court's conclusions are "legally correct." *Mayor and City Council of Baltimore v. Thornton Mellon, LLC*, 478 Md. 396, 410 (2022).

As for the custody determination itself, because the trial court has the distinct "opportunity to observe the demeanor and the credibility of the parties and the witnesses[.]" we review a trial court's ultimate determination of custody for abuse of discretion. *Santo v. Santo*, 448 Md. 620, 625 (2016) (quoting *Petrini v. Petrini*, 336 Md. 453, 470 (1994)). An abuse of discretion arises 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." *Id.* (quoting *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 312 (1997)) (internal quotation marks omitted).

C. Analysis

Due Process

A party must have a liberty or property interest under the Fourteenth Amendment to be entitled to due process protection.⁶ *Wagner v. Wagner*, 109 Md. App. 1, 25 (1996)

⁶ Article 24 of the Maryland Declaration of Rights mirrors the Fourteenth Amendment of the United States Constitution; hence, U.S. Supreme Court interpretations of the Fourteenth Amendment may serve as authority for understanding Article 24's due process

(citations omitted). Parents have a protectable liberty interest in the care and custody of their children; further, “when a state seeks to affect the relationship of a parent and child, the due process clause is implicated[.]” *Id.* (citations omitted).

Once it is determined that an interest is entitled due process protection, “the pertinent inquiry then becomes what process is due[.]” based on the particular circumstances of the case. *Id.* at 24–25 (citing *Pitsenberger v. Pitsenberger*, 287 Md. 20, 30, *appeal dismissed*, 449 U.S. 807, 101 (1980)). This inquiry recognizes that due process is a “flexible concept[.]” *Id.* at 24. Even when implicated, due process does not require that a party be satisfied with the result of a legal proceeding, but instead means that each party is entitled to notice and an opportunity to be heard that is “suitable to the occasion[.]” *See id.* at 23–24 (citing *Burke v. Fidelity Trust Co.*, 202 Md. 178, 188 (1953)); *Bugg v. Maryland Transport. Auth.*, 31 Md. App. 622, 630 (1976), *appeal dismissed*, 429 U.S. 1082 (1977); *Blue Cross of Maryland, Inc. v. Franklin Square Hospital*, 277 Md. 93, 101–02 (1976).

Turning then to the “occasion” at hand, parents have a profound liberty interest in the care and custody of their children rooted in the Fourteenth Amendment. *See Conover v. Conover*, 450 Md. 51, 60 (2016) (citing *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923); *Pierce v. Society of Sisters*, 268 U.S. 510, 534–35 (1925)). In custody proceedings, the heavy liberty interest held by parents is weighed against the just as heavy, if not heavier, best interests of the child determination. *Caldwell v. Sutton*, 256 Md. App. 230, 265 (2022)

requirement. *See Burdick v. Brooks*, 160 Md. App. 519, 524 n.2 (2004) (citation omitted). Thus, we rely on both Fourteenth Amendment and Article 24 jurisprudence.

(quoting *Conover*, 450 Md. at 60); *see also In re O.P.*, 470 Md. 225, 234 (2020) (quoting *Boswell v. Boswell*, 352 Md. 204, 219 (1998)) (“[T]he best interest of the child may take precedence over the parent’s liberty interest in the court of a custody, visitation, or adoption dispute.”). Thus, a reviewing court evaluates whether a trial court’s process for determining a modification of custody was sufficient in light of the parents’ strong liberty interest and the best interests of the child. *See Wagner*, 109 Md. App. at 27. Two cases guide this analysis *sub judice*.

In *Van Schaik v. Van Schaik*, the circuit court notified two parents in an ongoing divorce and custody dispute that it was to hold a hearing regarding “visitation and [the] child’s possessions.” 90 Md. App. 725, 738 (1992). At the conclusion of the hearing, the court terminated one of the parent’s joint custody rights. *Id.* at 730. On appeal, appellant-parent argued that the court violated his parental due process rights because—having no notice that custody was “on the table” until the court made its final ruling—he had no opportunity to present an “effective argument” regarding custody. *Id.* at 728–29, 740. This Court agreed with appellant and held that, under section 9-205 of the Family Law Article,⁷

⁷ At the time *Van Schaik* was decided, section 9-205 of the Family Law Article stated: “Before making a decree under this subtitle, reasonable notice and opportunity to be heard shall be given to the contestants, any parent whose parental rights have not been previously terminated, and any person who has physical custody of the child.” Although section 9-205 was repealed in 2005, similar language now appears in section 9.5-205. Md. Code (2004, 2024 Repl. Vol.), § 9.5-205(a) of the Family Law Article (“Before a child custody determination is made under this title, notice and an opportunity to be heard in accordance with the standards of [section] 9.5-107 of this title shall be given to all persons entitled to notice under the law of this State as in child custody proceedings between residents of this State, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.”). *See also Burdick v. Brooks*, 160 Md. App. 519, 526 n.3 (2004).

“[t]he lack of notice constituted a denial of due process” where neither parent requested the change in custody, “there was no notice at all that [custody] would be considered[,]” there was no “discussion during the hearing itself of that issue[,]” and “[a]ppellant’s first notice that custody was to be determined was when he was divested of it in the court’s decree at the conclusion of the hearing.” *Id.* at 739.

Likewise, in *Burdick v. Brooks*, this Court held that a mother was denied due process where the trial court awarded temporary custody to the father during a status conference wherein the notice to the parties provided that

this conference [will be] approximately fifteen (15) minutes long. It [will be] a chance for you to inform the Judge of the issues and he will decide how to proceed. This [will] not [be] hearing or trial, there will not be time for witnesses to speak.

160 Md. App. 519, 523 (2004). On appeal, we held that the information the mother received prior to the hearing, as well as the discussion during the hearing, failed to notify her that the court could make a custody determination at the conference. *Id.* at 525–27.

Here, unlike in *Van Schaik* and *Burdick*, Father was on notice that the court could modify custody and thereby, tie-breaking authority. First, Father’s pleading itself—requesting modification of legal custody—placed tie-breaking authority, as a form of legal custody, at issue. *Cf. McCarty v. McCarty*, 147 Md. App. 268, 271 (2002) (“Legal custody carries with it the right and obligation to make long range decisions involving education, religious training, discipline, medical care, and other matters of major significance concerning the child’s life and welfare.”) (citation and emphasis omitted). Having placed legal custody at issue through his pleadings, Father cannot succeed in his argument that he

did not have notice that an aspect of legal custody could be modified. *See Wagner*, 109 Md. App. at 23–24 (noting that due process does not require a party to be satisfied with the outcome of a proceeding).

Further, even if Father’s pleading requesting a custody modification did not inform him that the court could make such changes to legal custody, Mother’s Parenting Plan likewise gave Father notice that tie-breaking authority was “on the table.” The Parenting Plan requested that Mother be granted medical and mental health tie-breaking authority, that education and religious training decisions be without tie-breaking authority, and that tie-breaking authority as to extracurricular activities remain with Father. Mother submitted this Parenting Plan to the court on May 16, 2025—exactly one month before trial. As such, in the context of the pending motion, the Parenting Plan also constituted “adequate notice[.]” *See Blue Cross of Maryland, Inc.*, 277 Md. at 101–02.

Further, during the modification hearing, the issue of tie-breaking authority was addressed, without objection, *during* the proceeding and prior to the court’s ruling.⁸ In closing, Mother argued that “if the [c]ourt was to find that the current custodial schedule is not in the best interest of the children, *I think the [c]ourt could order that [Mother] is the one who actually has tie[-]breaking authority over these things.*” (Emphasis added). Certainly, Father was made aware that a change in tie-breaking authority was possible. There was no objection at that time nor contention that legal custody was not an issue

⁸ Father acknowledged this following the court’s order, in his subsequent objection to the court stating: “[M]other’s testimony, *although there was argument from counsel[] . . . do[es] not indicate a counter petition to modify legal custody and on the witness stand, she did not request a change to the legal custody.*” (Emphasis added).

before the court. Thus, we see no “surprise” such as those that violated due process in *Van Schaik* and *Burdick* and note that in the context of the pleadings and the proceedings in this case, we find it to be sufficient because notice is not required to stem only from the pleadings. *Accord Blue Cross of Maryland, Inc.*, 277 Md. at 101–02 (explaining that “a party [who] otherwise receives adequate notice of an issue *during the course of a proceeding*” may not have been denied due process (emphasis added)). *Accord Van Schaik*, 90 Md. App. at 738–39; *Burdick*, 160 Md. App. at 525–27.

Therefore, while it is true that “unless an issue decided by the court is raised by the pleadings, or a party otherwise receives adequate notice of an issue during the course of a proceeding, due process is denied[,]” *Blue Cross of Maryland, Inc.*, 277 Md. at 101, Father raised the issue himself in the pleadings and received other forms of “adequate notice” in light of the circumstances here. Thus, Father’s due process rights were not violated. *See Lasko v. Lasko*, 245 Md. App. 70, 82–83 (2020).

Additionally, we find that the trial court did not commit error in concluding that here, Mother’s general prayer for relief was a sufficient basis for the court to address the issue of tie-breaking authority as part of the best interest analysis. In custody matters, a party’s requested relief does not limit a court’s authority to grant an award in the child’s best interest even if such an award deviates from the wishes of either party. *See Kerns v. Kerns*, 59 Md. App. 87, 94 (1984); *see also Santo*, 448 Md. at 629 (“[N]o agreement of the parties can bind the court to a disposition other than that which a weighing of all factors involved shows to be in the child’s best interest.”) (quoting *Eschbach v. Eschbach*, 436 N.E.2d 1260, 1263 (N.Y. 1982)). As the issue herein was custody and the court ruled based

on the best interests of the children, the general prayer for relief clause found in the pleadings of both Mother and Father did permit the trial court to thoroughly address the issue. Hence, the circuit court did not err in ruling based on the best interests of the children here.

Modification of Legal Custody

Last, we turn to the substance of the circuit court’s ruling.⁹ A trial court must engage in a two-step process when evaluating a request to modify custody. *Velasquez v. Fuentes*, 262 Md. App. 215, 246 (2024). “First, the circuit court must assess whether there has been a ‘material’ change in circumstance.” *Id.* (quoting *Gillespie v. Gillespie*, 206 Md. App. 146, 170 (2012)) (further citation omitted). Second, if a circuit court finds that there has been a material change, “the court proceeds to consider the best interests of the child as if the proceeding were one for original custody.” *Id.*

As to the court’s recognition of a material change of circumstance, “the term ‘material’ relates to a change that may affect the welfare of a child.” *Wagner*, 109 Md. App. 28 (citing *McCready v. McCready*, 323 Md. 476, 593 (1991)). For example, this Court has held that the circuit court did not err in finding a material change of circumstance where a mother moved out of state and hid the child with her, and once the child was returned to the custody of the father she was enrolled in a new school and started attending therapy. *Id.* As evident, the court’s inquiry in custody modifications is fact-specific. *See generally*

⁹ We address this issue for completeness, acknowledging that although Mother briefed the issue fully, Father instead “assume[d] arguendo” that the court’s factual findings were sufficiently supported by the record.

id. at 27; *see also Taylor v. Taylor*, 306 Md. 290, 303 (1986) (“Formula or computer solutions in child custody matters are impossible because of the unique character of each case, and the subjective nature of the evaluations and decisions that must be made.”)

Here, in deciding whether there was a material change of circumstance, the court focused on “the children’s behavior and the subsequent academic challenges that [they were] having.” The court referenced testimony of the parties regarding failed attempts to secure tutors for the children and Father’s increasing attempts to control and track the children. In recounting the testimony, the court observed that the parents were struggling to effectively communicate with each other; that the children displayed severe behavioral problems; and that Father refused to allow the children to participate in IEP plans despite their behavioral challenges at school. The court ultimately found that the children’s academics and behavioral challenges evidenced a material change of circumstance. Thus, just as in *Wagner*, there was sufficient evidence here to support a finding that the best interests of the children had changed.

We next turn to the court’s custody determination. We review custody determinations under the deferential abuse of discretion standard. *Santo*, 448 Md. at 625. This Court and the Supreme Court of Maryland “have time and time again affirmed custody determinations where the trial judge embarked upon a thorough, thoughtful and well-reasoned analysis congruent with the various custody factors.” *Azizova v. Suleymanov*, 243 Md. App. 340, 347(2019) (citation omitted). Where “[t]he decision of the circuit court was predicated on its thorough review of the *Taylor* factors, deliberation over custody award options, sober appreciation of the difficulties before it, and use of strict rules including tie-

breaking provisions to account for the parties’ inability to communicate and was rational and guided by established principles of Maryland law[,] [n]o abuse of discretion occurred[.]” *Id.* at 348 (citing *Santo*, 448 Md. at 646) (quotation marks omitted).

Taylor identifies thirteen non-exhaustive factors that serve as a guide for trial courts to evaluate the best interest of the children at issue, specifically when considering joint custody:

- (1) capacity of the parents to communicate and to reach shared decisions affecting the child’s welfare;
- (2) willingness of parents to share custody;
- (3) fitness of parents;
- (4) relationship established between the child and each parent;
- (5) preference of the child;
- (6) potential disruption of child’s social and school life;
- (7) geographic proximity of parental homes;
- (8) demands of parental employment;
- (9) age and number of children;
- (10) sincerity of parents’ request;
- (11) financial status of the parents;
- (12) impact on state or federal assistance; and
- (13) benefit to parents.

Kadish v. Kadish, 254 Md. App. 467, 504 (2022) (citing *Taylor*, 306 Md. at 304–11).

In this case, the court specifically addressed the *Taylor* factors, noting that among the applicable *Taylor* factors, the parties communicated in a respectful manner; however, the court noted that the parents appeared to talk past each other, and in some instances, Father ignored Mother’s questions and concerns. Additionally, the court found that the current decision-making paradigm “has not worked[.]” again acknowledging Father’s unwillingness to get the children orthodontic care, educational support plans, and therapy—all of which the court found would have been beneficial to the children. Thus, the court reasoned, it was in the best interest of the children to give Mother the tie-breaking authority as to medical and dental issues, education, extracurricular activities, behavioral health, and behavioral health prescription decisions. The circuit court here thoroughly

reviewed the applicable *Taylor* factors, discussed the “difficulties before” the court, and enunciated the specific rationale for why the court’s analysis “account[ed] for the parties’ inability to communicate”—recognizing that, in this case, the inability to communicate took the form of the parties talking past each other and Father’s refusal to make decisions regarding education and health that were in the best interests of the children. Therefore, the circuit court did not abuse its discretion in modifying tie-breaking authority. *See Azizova*, 243 Md. App. at 348 (quoting *Santo*, 448 Md. at 646).

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