Circuit Court for Howard County
Case No: C-13-FM-25-809432

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 1065

September Term, 2025

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LEONID BURLACHUK

v.

JOYCELYN BURLACHUK

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Wells, C.J.,
Nazarian,
Harrell, Glenn T., Jr.,
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Harrell, J.

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Filed: May 8, 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).

On 28 May 2025, Joycelyn Burlachuk ("Mother"), appellee, filed in the Circuit Court for Howard County a petition for protective order against her former spouse, Leonid Burlachuk ("Father"), appellant, seeking relief for herself and the parties' two children whom we shall refer to as A., born in 2016, and B., born in 2019. The court granted a temporary protective order that was extended to 17 June 2025. After a hearing on 17 June 2025, the court entered a final protective order in favor of Mother, A., and B. Among other things, the court awarded Mother custody of A. and B. for the duration of the final protective order and ordered Father to enroll within seven days in anger management and parenting classes. Eight days after entry of the final protective order, Father filed a motion for reconsideration, which the court denied. This timely appeal followed.

## QUESTIONS PRESENTED

Father presents for our consideration the following five questions, which we have rephrased slightly:

> I. Did the circuit court err in finding by a preponderance of the evidence that Father assaulted A.?
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> II. Did the circuit court abuse its discretion when it made medical and psychological findings unsupported by the record?
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> III. Did the circuit court err in admitting medical records over objection?
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> IV. Did the circuit court err in granting a protective order to Mother?
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> V. Did the circuit court err in allowing testimony regarding a prior protective order involving Mother?

For the reasons set forth below, we shall vacate the judgment of the circuit court and remand the case for further proceedings.

## FACTUAL AND PROCEDURAL BACKGROUND

After a five-year marriage, the parties were divorced in 2022. Thereafter, they shared custody of their two minor children. The children lived with Mother from Monday through Friday during the school year and lived with Father on the first, second, and fourth weekends of every month. In the summers, the children alternated weekly between their parents' homes. On Monday, 26 May 2025, Memorial Day, the two minor children were at the home of their Father and his girlfriend, G., whom Father described as his "domestic partner." That morning, two other minor children were also in Father's house, having had a sleepover with A. and B. the night before. One of those children left the home at about 8 a.m. and the other was picked up by her mother, X., at about 1 to 1:30 p.m.

Prior to the time that X. arrived at the house to pick up her child, Father, G., A., and B. had lunch, which consisted of rice, broccoli, and some meat. At the time X. arrived, the two children had not finished eating. Shortly after X.'s arrival, B. finished eating, but A. remained at the table and did not eat the food on her plate. Father testified that between 1 p.m. and 6 p.m., A. remained at the table and was given encouragement to finish eating her food. A. expressed her disagreement and refused to eat. Father decided to impose "discipline" to address A.'s "eating habits." He discussed with G. whether using a belt was an appropriate thing to do and, after their "negotiation," he "decided that it was appropriate[.]" Father struck A. on her upper arm one time with a belt. Father testified this was the first time he hit either of his children with a belt. Father stated that he believed in proper discipline and follow-up, including "reasonable corporal punishment," as "[t]his

builds character." He did not intend to hurt A., but rather to help her with her fear of trying new foods.

G. testified that on the morning of the incident, the children were offered breakfast, but did not eat. Prior to lunch, they had some fruit snacks. Between noon and 1 p.m., food left over from the prior night's dinner, consisting of fried rice, noodles, and broccoli, was served. After Father and G. finished eating, they went to the living room with the other child who had slept over the night before. A. and B. remained at the table. A. had rice and broccoli, and B. had chicken, rice, and broccoli. G. testified that they "struggle" to get A. to eat enough. After B. finished eating, A. still had about a half cup of rice and three "broccolis" on her plate. Later, B. went outside to play with the family dog. After about an hour and a half, A. was still at the table and her food remained untouched. G. testified that A. had not eaten enough that day. A. was offered ice cream if she finished her food. Between 3 and 4 p.m., Father, G., A., and B. went out for ice cream, but because A. had not finished her lunch, she was not permitted to have any and she was "a little sad." A., who did not have any shoes on, remained in the car while Father, G., and B. walked up to an ice cream stand and then sat at a picnic table that was next to the car. They returned home at about 4:30 p.m. At that point, G. "heated up" A.'s remaining portions from her lunch meal, which consisted of "two spoonfuls of rice and two broccolis." G. and Father told A. that she had to finish her lunch before they began dinner. Between 7 and 8 p.m., G. began to prepare dinner. A. did not finish her food before dinner started. Father told A. that she had ten minutes to eat, or he would spank her with a belt. G. set a timer for ten minutes. After ten to fifteen minutes went by, and A. just pushed her food around the plate, Father

spanked A. with a belt. G. acknowledged that she did not see the spanking because she was cooking dinner when it occurred. G. stated that Father did not "whip" A. A. "cried, and she finished her food[.]" Thereafter, A. went upstairs, got ready for bed, and then came downstairs and ate dinner. The next day, G. took the children to school. She did not observe any distress, anxiety, or crying. G. testified that Father was not under the influence of drugs or alcohol on Memorial Day and that he did not lose his temper with A. According to G., typical discipline in Father's home included no electronics, no going outside, no stories before bed, and staying in their rooms.

Mother saw the two children when she arrived home from work at about 8:40 p.m. on the Tuesday following Memorial Day. When Mother entered the door to her home, the children, who were with their babysitter, were "hysteric[al]" and "panicking." Mother, who is a nurse at Holy Cross Hospital, testified that she "observed the kids in [a] panic state" and saw "a red erythematous mark" or "a bruise mark" on A.'s right upper arm. Mother took A. to the emergency room at Holy Cross Hospital. While there, A. "was sad, withdrawn, tearful," and was grinding her teeth and biting her nails a lot. According to Mother, after the incident, A. remained withdrawn, sad, and continued to grind her teeth.

Mother testified that, on a prior occasion in mid-March 2025, she had concerns about B. when she was in Father's care. Mother produced a photograph of B. that she took in mid-March 2025, after the child returned home from Father's care with a black eye. According to Mother, B. indicated that she got the black eye from Father. Mother did not report the incident because B. later said that the black eye occurred during horseplay with Father. An email exchange between the parties from about 9 March 2025 included a

statement by Father that B. fell in the kitchen and hit the corner of her eye. Mother was concerned about B.'s black eye and Father's failure to take the child to an urgent care center or an emergency room. Mother stated that she did not take the child to get medical treatment because "the signs and symptoms subsided" over the course of two days. Mother included the black-eye-incident in the petition for protective order that gave rise to the instant case because she had concerns about the children when in Father's care, the children had a history of being injured in Father's care, and Father had a history of not seeking appropriate medical care for them.

With respect to the black-eye-incident involving B., G. testified that Father was giving B. a piggyback ride when he lost his balance. She and Father cared for B.'s black eye and "either emailed or took the video of [B.] explaining that she was playing and slipped."

According to Mother, she petitioned for protection for herself because of Father's "constant harassment and history of abuse toward" her. Previously, in April 2021, Mother obtained a final protective order for herself after she "was physically attacked by [Father.]" Mother testified that Father had a history of alcohol use. In April 2025, Father and G. showed up at Mother's house "on a day that they weren't supposed to" because it was not Father's day for visitation, and demanded the children from their babysitter. Mother left work and went to her home. She observed Father and G. standing outside Mother's door wearing dark glasses, smoking and vaping, appearing disoriented, and being "pretty disruptive." Mother described Father as "belligerent." She smelled alcohol on the breaths of Father and G. She believed that Father "was definitely … under the influence" because

she saw him under the influence during their marriage and his behavior and appearance indicated to her that he had been drinking. According to Mother, Father "ha[s] a temper[.]" Mother told Father if he did not leave, she would "call the cops." He and G. left. Mother filed a police report that day and requested, by phone and email, that Father stay away from her home.

X., the mother of one of the children who had spent the night before the incident at Father's house, testified that she arrived at Father's home to pick up her child just after 1:30 p.m. When she entered the house, she saw A. and B. at the dining room table with plates of food in front of them. They were supposed to be eating, but were just sitting there. Her child was in the living room playing on a tablet. Father and G. were sitting on a couch within view of the dining room. X. stayed for about twenty minutes and then left with her child. When she left, A. and B. were still at the dining room table. X. observed broccoli and rice on their plates. B. was "mostly done" and A. had "a medium-large amount of food" on her plate. A. was "kind of poking at her food[.]" She looked "bored" and "disinterested with the food." Nothing about their behavior seemed alarming to X.

Mother, Father, and X. were the only witnesses to testify at the hearing. Prior to the hearing, the court stated that it was "not having the child testify."

**DSS Report**

The circuit court took judicial notice of a report prepared by the Baltimore County Department of Social Services ("DSS"). We do not set forth here the details of the report . It is sufficient to note that a DSS social worker interviewed Mother, Father, G., A., and B. The social worker's report referred to the 2021 domestic violence case against Father in

which Mother claimed that he assaulted her physically and verbally. It noted also that Mother advised that B. "had a black eye on March 11, 2025 when she returned from [Father's] care." With regard to the incident on 26 May 2025, it was reported that A. "had some discoloration on her right arm[,]" but at the time of the social worker's visit with the child on 4 June 2025, the injury was no longer present and A. "did not feel comfortable showing" the social worker her arm for an assessment. No finding of maltreatment was made by DSS.

**Circuit Court's Ruling**

At the conclusion of the hearing, the court found that Mother sustained, by a preponderance of the evidence, the burden of proof as to abuse, specifically, "an assault on [A.] on the Memorial Day spanking with the belt." In making that finding, the court stated: "It doesn't matter what your intent was, sir, corporal punishment is not to be used, and abuse is defined in the Family Law Article and the Criminal Law Statute, and it doesn't matter what your intent was. Parentheses, assault is a general intent crime."

The court stated further:

> The Court also has severe concerns about [Father's] method of parenting. Making a kid sit there for several hours to eat three, two, or one stalk of broccoli plus rice and noodles, I think is absurd. It is a terrible parenting idea. It doesn't encourage the child to eat at all that way.
>
> I know that there are many individuals that feel that a child should eat what's on his or her plate and finish her plate, but modern psychology tells us that's not always the best situation. Children are unique. They have their own level of understanding and commitment.
>
> It's perfectly understandable that the child apologized because she didn't want to suffer the same type of treatment. Then making her eat what was left over from lunch at dinner is further absurd and potentially harmful. I don't know all the bacterial count that can grow between lunchtime and dinner, but it just seems absurd to me, absolutely absurd. It is not healthy

> parenting. And it's not about mother and it's not about father. It's about the girls. It's about the children.
>
> I also will say that while certainly children should be respectful to the members of the household, even though [G.] is not the stepmother, certainly the children should be respectful. I didn't hear anything where they weren't respectful. But the primary obligation is each biological parent, not a stepparent, not a domestic partner, and not a grandmother in the house or anybody else. It's the two parents. It's of great concern to the Court.

Among other things, the court ordered Father not to threaten or abuse Mother, A., or B. "in any fashion" and not to enter Mother's residence. The court ordered that A. and B. would be in Mother's sole custody and that Father would have visitation every other weekend. The court ordered Father to enroll within seven days of the order in parenting and anger management classes.

## STANDARD OF REVIEW

When reviewing the issuance of a final protective order, "we accept the facts as found by the hearing court unless it is shown that its findings are clearly erroneous." *Piper v. Layman*, 125 Md. App. 745, 754 (1999); Md. Rule 8-131(c). A trial court's findings of fact are not clearly erroneous so long as they are supported by substantial evidence. *Innerbichler v. Innerbichler*, 132 Md. App. 207, 230 (2000). Substantial evidence is defined as "'such relevant evidence as a reasonable mind might accept as adequate to support a conclusion[.]'" *Catonsville Nursing Home, Inc. v. Loveman*, 349 Md. 560, 569 (1998) (cleaned up) (quoting *Bulluck v. Pelham Wood Apartments*, 283 Md. 505, 512 (1978)). We consider the evidence produced at the trial in a light most favorable to the prevailing party. *Mills v. Mills*, 178 Md. App. 728, 734-35 (2008). We defer likewise to the trial court's assessment of witness credibility, as it had "the opportunity to gauge and

observe the witnesses' behavior and testimony during the trial." *Barton v. Hirshberg*, 137 Md. App. 1, 21 (2001) (quotation marks and citation omitted). "As to the ultimate conclusion, however, we must make our own independent appraisal by reviewing the law and applying it to the facts of the case." *Piper*, 125 Md. App. at 754.

**FINAL PROTECTIVE ORDERS**

Final protective orders are governed by Title 4, subtitle 5 of the Family Law ("FL") Article of the Maryland Code. Entry of a final protective order is governed by FL § 4-506(c)(1)(ii), which provided in May 2025, as it does now, that, "if the judge finds by a preponderance of the evidence that the alleged abuse has occurred, or if the respondent consents to the entry of a protective order, the judge may grant a final protective order to protect any person eligible for relief from abuse."

"Preponderance of the evidence means more likely than not." *C.M. v. J.M.*, 258 Md. App. 40, 56-57 (2023) (cleaned up). The petitioner bears the burden of proving that it is more likely than not that the alleged abuse occurred. *Piper*, 125 Md. App. at 754. "'If the court finds that the petitioner has met th[at] burden, it may issue a protective order tailored to fit particular needs that the petitioner has demonstrated are necessary to provide relief from abuse.'" *Id.* (quoting *Ricker v. Ricker*, 114 Md. App. 583, 586 (1997)).

A person eligible for relief includes, among others, a former spouse of the respondent, a person related to the respondent by blood, marriage, or adoption, a child of the respondent who resided with the respondent or person eligible for relief "for at least 90

days within 1 year before the filing of the petition[,]" and an individual who has a child in common with the respondent. FL § 4-501(m).[1]

At the time of the May 2025 incident that gave rise to the instant appeal, FL § 4-501(b) defined "abuse" for purposes of a final protective order, as it does now, to mean any of several acts including, but not limited to, "assault in any degree[.]" FL § 4-501(b)(1)(iii). Here, the circuit court granted a final protective order based on a finding of assault – specifically, an unlawful touching. In Maryland, assault encompasses three modalities: "(1) intent to frighten, (2) attempted battery, and (3) battery." *State v. Frazier*, 469 Md. 627, 644 (2020) (cleaned up); *Hammond v. State*, 257 Md. App. 99, 126 (2023); *Snyder v. State*, 210 Md. App. 370, 382, *cert. denied*, 432 Md. 470 (2013). The battery variety of assault consists of "the unlawful[,] unjustified, offensive[,] and non-consensual application of force to the person of another." *Hickman v. State*, 193 Md. App. 238, 256 (2010); *see also Quansah v. State*, 207 Md. App. 636, 647 (2012) ("A battery is a touching that is either harmful, unlawful or offensive.").

A criminal battery may be intentional or unintentional. *Lewis v. State*, 263 Md. App. 631, 647 (2024); *Elias v. State*, 339 Md. 169, 183 (1995). "An intentional battery is a specific intent crime: the defendant must have committed the act with the specific intent to injure the victim, even if the injury intended is slight." *Lewis*, 263 Md. App. at 647-48 (citing *Lamb v. State*, 93 Md. App. 422, 455 (1992)). Unintentional battery is a general intent offense. "[T]he intent need only be for the touching itself; there is no requirement of

[1] Effective October 1, 2025, the definition of "person eligible for relief" is codified at FL § 4-501(n).

intent to cause a specific injury." *Elias*, 339 Md. at 183 (cleaned up). "'[A]ny unlawful force used against the person of another, no matter how slight, will constitute a battery.'" *Lamb*, 93 Md. App. at 447 (quoting *Kellum v. State*, 223 Md. 80, 85 (1960)); *accord Williams v. State*, 457 Md. 551, 567 (2018).

In cases where the person for whom relief is sought is a child, "abuse" may also include abuse of a child, as defined in Title 5, Subtitle 7 of the Family Law Article. FL § 5-701(b)(1) defines "abuse," in pertinent part, as:

> (i) the physical or mental injury of a child under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed by:
>
> 1. a parent;
> 2. a household member or family member;
> 3. a person who has permanent or temporary care or custody of the child;
> 4. a person who has responsibility for supervision of the child; or
> 5. a person who, because of the person's position or occupation, exercises authority over the child[.]

"'Mental injury' means the observable, identifiable, and substantial impairment of a child's mental or psychological ability to function caused by an intentional act or series of acts, regardless of whether there was an intent to harm the child." FL § 5-701(r).

> "Long before the advent of contemporary child abuse legislation, it was a well-recognized precept of Anglo-American jurisprudence that the parent of a minor child or one standing *in loco parentis* was justified in using a reasonable amount of force upon a child for the purpose of safeguarding or promoting the child's welfare."

*Fisher v. State*, 367 Md. 218, 271 (2001) (quoting *Bowers v. State*, 283 Md. 115, 126 (1978)). Accordingly, "[a]s a defense, by way of justification, to what would otherwise be an assault and battery, an individual *in loco parentis*" may seek to establish "that the force

used upon the child was privileged as necessary and proper to the exercise of domestic authority." *Anderson v. State*, 61 Md. App. 436, 443 (1985). The General Assembly codified this common law right to impose reasonable corporal punishment in FL § 4-501(b)(2)(ii), which provides: "Nothing in this subtitle shall be construed to prohibit reasonable punishment, including reasonable corporal punishment, in light of the age and condition of the child, from being performed by a parent or stepparent of the child."

"The common law notion of privileged force as a defense to what would otherwise be assault and battery has two clear limitations." *Anderson*, 61 Md. App. at 444. First, the force must "truly be used in the exercise of domestic authority by way of punishing or discipling the child – for the betterment of the child or promotion of the child's welfare – and not be a gratuitous attack." *Id.* When a "battery is inflicted on the child with no purpose of enforcing parental discipline[,]" the parental privilege does not arise. *Fisher*, 367 Md. at 274. Second, the amount of force used must be "moderate and reasonable." *Anderson*, 61 Md. App. at 444-45. Where moderate force is applied for the purpose of discipline or punishment, the parent or custodian is not liable for assault and battery or a similar offense. *Id.* at 446. "[A] reasonable spanking of a child for disciplinary purposes inflicts pain and, in a physical sense, harms or injures the child. But it is not a legally recognized harm or injury." *Fisher*, 367 Md. at 272. Where the "chastisement becomes immoderate," however, "it defeats the parental privilege and is treated as an ordinary assault and battery, as if perpetrated upon a stranger[.]" *Anderson*, 61 Md. App. at 446. Stated otherwise, "'[s]o long as the chastisement [is] moderate and reasonable, in light of the age, condition and disposition of the child, and other surrounding circumstances, the parent or custodian [will]

not incur criminal liability for assault and battery or a similar offense.'" *Fisher*, 367 Md. at 271 (quoting *Bowers*, 283 Md. at 126). "'On the other hand,'" if a parent or custodian inflicts corporal punishment "'with a malicious desire to cause pain,'" or if the punishment "'amount[s] to cruel and outrageous treatment of the child, the chastisement [is] deemed unreasonable, thus defeating the parental privilege and subjecting the parent to penal sanctions in those circumstances where criminal liability would have existed absent the parent-child relationship.'" *Id.* (cleaned up) (quoting *Bowers*, 283 Md. at 126).

When deciding whether a particular parental discipline is child abuse under either FL §§ 5-701 or 4-501, the circuit court "always determines whether the corporal punishment was reasonable." *Charles Cnty. Dep't of Soc. Servs. v. Vann*, 382 Md. 286, 303 (2004). In assessing the reasonableness of corporal punishment, courts employ an objective standard. *Fisher*, 367 Md. at 272. Similarly, to determine whether a parent acted maliciously, a court "looks to the objective facts of the intended conduct and not to the subjectively perceived result." *Id.* Courts must "consider … the totality of circumstances surrounding the physical punishment[.]" *Vann*, 382 Md. at 299; *accord Fisher*, 367 Md. at 272. Relevant factors include "the misbehavior of the child[,]" "the amount of force used in the punishment from the parent's perspective, … the physical and mental maturity of the child, and the propriety of the decision to use force in circumstances that may increase the potential for serious injury." *Vann*, 382 Md. at 299. Ultimately, however, "[t]here simply is no privilege … within the context of administering ostensible child discipline, for excessive, cruel, or immoderate conduct[.]" *Anderson*, 61 Md. App. at 446. As Maryland's Supreme Court recognized in *Vann*, "[r]easonable corporal punishment, by

definition, is not child abuse." 382 Md. at 303. "[C]hild abuse and reasonable corporal punishment are mutually exclusive; if the punishment is one, it cannot be the other." *Id.*

## DISCUSSION

### I.

Father contends that the circuit court erred in finding that he assaulted A. He argues that the judge's statements that "corporal punishment is not to be used," "it doesn't matter what your intent was[,]" "assault is a general intent crime[,]" and that Father's "method of parenting" with respect to making a child sit for hours to eat three, two, or one stalks of broccoli plus rice and noodles was "absurd" and "a terrible parenting idea[,]" conflicted with the parental privilege provided by FL § 4-501(b)(2)(ii). Father maintains that by announcing that corporal punishment should not be used, the court deprived him of the privilege afforded by the statute. He also contends that the evidence showed that his use of corporal punishment on A. was not unreasonable.

The court's statement that "corporal punishment is not to be used" does not find support in the law. The rest of the judge's remarks focused on her opinion about Father's method of parenting, speculation about bacteria on the food, and her opinion that children should be respectful to members of the household. At no time did the court consider whether the corporal punishment imposed by Father on A. was used in the exercise of domestic authority to punish or discipline A. for her betterment or the promotion of her welfare. Nor did the court consider whether the amount of force used was moderate and reasonable in light of A.'s age, condition, disposition, and other surrounding circumstances, or articulate any finding that Father's infliction of corporal punishment was

excessive, cruel or immoderate. As the court failed to assess properly whether Father's conduct constituted reasonable corporal punishment, which the law permits, or abuse, which the law prohibits, we shall vacate the circuit court's finding and remand the case for further proceedings.

**II.**

Father contends that the circuit court abused its discretion in making medical and psychological findings that were not supported by the evidence. Specifically, he points to the judge's statements about modern psychology's view of making an individual finish eating what is on his or her plate and about bacteria that can grow on food between lunch and dinner. Father is correct that there was no evidence to support those findings. Those comments were neither factual findings nor legal conclusions, but statements of the trial judge's view of Father's "method of parenting." In assessing whether the corporal punishment was inflicted for the purpose of parental discipline and whether the amount of force used was moderate and reasonable, the court should have considered the evidence presented at the hearing, made factual findings based on that evidence, and applied the facts to the law.

**III.**

Father contends that the trial court erred in admitting in evidence A.'s medical records from Holy Cross Hospital. He complains that "no witness with knowledge of the hospital's record-keeping practices" testified, that the custodian's certification was never read into the record, and that the court did not make findings that the record contained the foundational facts required by Md. Rule 5-803(b)(6), which sets forth the exception to the

rule against hearsay for records of regularly conducted business activity. Lastly, Father argues that Mother failed to provide notice pursuant to Md. Rule 5-902(b)(12),[2] and that he was not given advance written notice and pre-hearing access to the medical records and the custodian's certification.

At trial, when presented with the medical records, Father asked for time to review them, and the court granted that request. When counsel for Mother requested to have the medical records admitted in evidence, the court asked to see the "authentication" from the custodian of records. After reviewing that document, the court admitted the medical records without objection. Not only did Father fail to object to the admission of the medical records, but he relied upon the medical records in his motion for reconsideration in which he argued that the records "undermine any suggestion that [A.] suffered trauma or serious injury." Because the record shows that Father's contention on appeal was waived, we need not resolve here that issue in light of our decision to vacate the circuit court's entry of a final protective order and remand for further proceedings. Md. Rule 8-131(a) ("Ordinarily,

[2] Maryland Rule 5-902(b)(12) provides:

> (12) **Certified Records of Regularly Conducted Activity.** — The original or a copy of a record of a regularly conducted activity that meets the requirements of Rule 5-803(b)(6)(A)-(D) and has been certified in a Certification of Custodian of Records or Other Qualified Individual Form substantially in compliance with such a form approved by the State Court Administrator and posted on the Judiciary website, provided that, before the trial or hearing in which the record will be offered into evidence, the proponent (A) gives an adverse party reasonable written notice of the intent to offer the record and (B) makes the record and certification available for inspection so that the adverse party has a fair opportunity to challenge them on the ground that the sources of information or the method or circumstances of preparation indicate lack of trustworthiness.

an appellate court will not decide any [issue other than jurisdiction] unless it plainly appears by the record to have been raised in or decided by the trial court[.]"). Nonetheless, we highlight here some potential issues that may resurface in any further proceedings on remand.

**IV.**

Father contends that the circuit court erred in granting a protective order for Mother because it did not find that he had "committed a qualifying act of abuse against" Mother, "nor did it articulate any basis on the record for concluding that the sweeping stay-away and no-contact provisions were necessary to protect her." In light of our decision to vacate the circuit court's grant of a final protective order, we need not decide here this issue.

**V.**

Father argues that the circuit court erred in allowing testimony about a prior protective order obtained by Mother in 2021. Although much of the testimony that Father complains of was not objected to, in light of our decision to vacate the circuit court's grant of a final protective order, we need not engage here with the merits of this argument.

**JUDGMENT OF THE CIRCUIT COURT FOR HOWARD COUNTY VACATED; CASE REMANDED TO THE CIRCUIT COURT FOR FURTHER PROCEEDINGS; COSTS TO BE PAID ONE-HALF BY APPELLEE AND ONE-HALF BY APPELLANT.**