Circuit Court for Kent County
Case No.: C-14-FM-24-000040

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 1066

September Term, 2025

KAYLA HAMILTON

v.

DANIEL CHAPPELL

Nazarian,
Zic,
Kenney, James A. III.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Kenney, J.

Filed: January 7, 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 persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

Following a two-day custody trial between Kayla Hamilton ("Mother" and appellant) and Daniel Chappell ("Father" and appellee), the Circuit Court for Kent County established custody of their minor child. It ordered joint physical custody and legal custody to the parties, with Father to have tie-breaking authority.[1] Mother raises the following issues in her informal brief:

> I. Did the circuit court err in finding that Father can financially support the minor child?
>
> II. Did Father lie or mislead the court about a criminal case involving a minor female?
>
> III. Did the circuit court fail to consider in its ruling Father's toxic home life and relationships?
>
> IV. Was the best interest attorney biased against Mother and thus failed to properly investigate Father's statements?

For the following reasons, we affirm the circuit court's order.

FACTS

On October 9, 2015, a child (who we will refer to by a random initial as "C") was born to the parties, who never married. Roughly eight and a half years later, on March 13, 2024, Mother filed a complaint for custody, seeking sole physical and legal custody of C,

[1] Neither Mother nor Father were represented below nor are they represented on appeal. In reviewing appeals by self-represented litigants, we liberally construe the contents of their pleadings but they are subject to the same rules regarding the law, particularly, reviewability and waiver, as those represented by counsel. *Simms v. State*, 409 Md. 722, 731 n.9 (2009).

who it appears had resided with Mother since birth.[2] In his counter-claim, Father also sought sole physical and legal custody. On June 6, 2024, the court entered a pendente lite order ("PLO") memorializing the parties' temporary agreement to joint legal custody of C, with Father to have visitation every other weekend from Friday at 8:00 p.m. until Sunday at 8:00 p.m. The court appointed a best interest attorney ("BIA") for C on June 7, 2024. The court amended the PLO twice prior to trial; once to change the visitation exchange location and later to order Mother to take C to therapy sessions.

At the custody trial held on June 2 and 3, 2025, Mother and Father, among others, testified. Mother testified that she, C, and her thirteen-year-old-daughter live in a single-family home in Kent County that she owns. Her on-again, off-again boyfriend had also lived there. According to Mother, she and her boyfriend have arguments that can turn physical, and that her boyfriend abuses alcohol and marijuana. She was then working weekends from 6:00 a.m. until 6:00 p.m.

Mother testified that Father has had unstable housing but she admitted that he has had stable housing since 2023. She stated that Father had been physically abusive to her in 2020, and that he has "rocky" relationships with "everybody[.]" Admitted into evidence was a final protective order against Father issued on May 13, 2020, and effective for a year.

[2] On March 5, 2024, about two weeks before Mother filed the complaint for custody, the Kent County Department of Social Services ("DSS") opened an investigation for neglect by Mother. The school had called the DSS and reported that there had been inconsistent administration of child's medication by Mother that had resulted in severe outbursts, damage of property, and aggressive behavior to another student and staff. C had also stated that he had been left home alone when Mother had gone shopping. After an investigation, the complaint was closed.

The protective order required, among other things, Father to not abuse, contact, or enter Mother's residence. On cross-examination, Mother admitted that she had twice filed for a protective order against Father that were denied.

Father testified that he, his wife, and their two children, who are both under the age of two, have lived in the same five-bedroom home in Cecil County since 2021. He stated that he works as an electrical engineer in Pennsylvania and commutes to Pennsylvania two days a week and works from home the other three days. According to Father, C loves his half-siblings and gets along "great" with his wife.

Father testified to no pending criminal charges, and that the police have never been called to his home. The last physical altercation he had with Mother was in 2019, and in that incident, Mother was the aggressor. He, however, admitted to a second-degree assault conviction involving a minor female, but denied having had sex with the victim. He explained that he was charged with "hugging" her.

Mother had testified that she was not aware that C played video games after midnight. Father testified to receiving emails from C's on-line video gaming account indicating C playing video games over thirty times in "the middle of the night," and that C was banned from the site in May 2025 for three days for harassment.

Father's wife testified that she filed for a protective order against Father in November 2023, but it was later dismissed at her request. She stated that Father has never "put his hands" on her and that he does not use corporal punishment with his children. She testified that she has a "great" relationship with C.

Evidence regarding C's school attendance, behavior, and performance was admitted into evidence. C was currently in the third grade. His principal at that school testified that C leaves the classroom and walks around the school; uses foul language every day; has difficulty staying awake in and sleeps during class; and throws items in the classroom. C's third-grade teacher testified to the same behavior and that both parents had been responsive when she had communicated with them. The year prior, C was in the second grade at another school. C's second-grade social worker at that school testified that C had turned in homework sporadically; had regularly fallen asleep in class; had seventy-four absences and fifteen tardy reports during the school year; and was removed daily from the classroom for behavioral issues. Mother was responsive when the school reached out to her about these issues, but there was no change in C's behavior.

The circuit court entered the written custody order on June 12, 2025. It granted the parties joint physical custody with C being with Father during the week and with Mother on the weekends. Additionally, C was to have no contact with Mother's boyfriend. Finding that it was in C's best interest "to have both parents as involved" as possible in decisions regarding C's health and education, the court ordered joint legal custody. But because Mother and Father have "clear communication issues[,]" it granted Father tie-breaking authority.

Mother appealed the court's order.[3]

[3] After the custody order, Mother filed a petition for contempt, which the circuit court denied following a hearing. Mother then filed a motion to modify custody. Father subsequently filed a motion to modify custody and visitation. The circuit court denied all motions on December 11, 2025.

We will provide additional facts below to address the questions raised on appeal.

DISCUSSION

Standard of Review

Custody decisions of the circuit court are reviewed under three interrelated standards of review. We review factual findings under the clearly erroneous standard. We review legal questions without deference and reverse if there is error, unless the error is harmless. We review the ultimate conclusion of the circuit court for a clear abuse of discretion, and we do not disturb that conclusion unless there has been a clear abuse of discretion. *In re Yve S.*, 373 Md. 551, 586 (2003). We afford great deference to the custody determinations of a trial judge because the judge sees the witnesses and the parties and hears the testimony, and "is in a far better position than is an appellate court, which has only a cold record before it, to weigh the evidence and determine what disposition will best promote the welfare of the minor." *Id*. (cleaned up).

I. Evidence of Father's lack of employment

Mother contends that the circuit court erred in finding that Father can financially support C because, according to Mother, Father both lied and gave incomplete information about his employment at the custody hearing. To support her argument, Mother states that on June 30, 2025, about two weeks after the court's order, Father sought a waiver of family services fees on grounds that he has no money and was last employed three to four months prior to the hearing. Additionally, on August 28, 2025, more than two months after the court's order, Mother filed in court a letter from Father's employer advising Father that August 22, 2024, was his last day of employment with the company. Mother also states

that Father gave false employment information to the BIA, who failed to verify that Father has "worked anywhere."[4] Father responds that the court addressed all employment and housing issues at trial, and the record supports the court finding that he provides stability and consistent care in his home.

The post-trial allegations to which she directs our attention essentially are factual issues that were not presented to and decided by the trial court. Accordingly, Mother's arguments are not properly before us. *See* Md. Rule 8-131(a) ("Ordinarily, an appellate court will not decide any other issue unless it plainly appears by the record to have been raised in or decided by the trial court[.]"). Moreover, Mother never states what information given to the BIA was false. Thus, Mother's argument regarding information Father gave to the BIA cannot be properly reviewed in this appeal. *See* Md. Rule 8-504(a)(5)-(6) (stating that an appellate brief "shall" include a "concise statement of the applicable standard of review for each issue," and "[a]rgument in support of the party's position on each issue"); Md. Rule 8-504(c) ("[T]he appellate court may dismiss the appeal or make any other appropriate order with respect to the case" for "noncompliance with this Rule[.]"); *see also DiPino v. Davis*, 354 Md. 18, 56 (1999) ("[I]f a point germane to the appeal is not adequately raised in a party's brief, the [appellate] court may, and ordinarily should, decline to address it.").

[4] We note that Mother also filed a motion a few weeks before the custody hearing, asking the court to waive the family service and BIA fees.

II. Evidence of criminal case involving minor female

Mother contends that Father presented false and misleading testimony related to his criminal case involving a female minor. Specifically, she alleges that Father lied and diminished during the custody hearing what happened between him and an underage female. Father responds that the court properly addressed this issue during the hearing.

Mother does not direct us to what and where Father presented false and misleading testimony in the two-day trial or where the court erred in admitting such evidence. In addition, Mother was able to cross-examine Father about the criminal case at the trial. The merits of her contention, in the absence of direct evidence, ultimately rests on witness credibility, which was for the trial judge to decide. *Cf. Li v. Lee*, 210 Md. App. 73, 94 (2013) (noting that, because the appellant bears the burden on appeal, the failure to cite to the record is to the appellant's detriment), *aff'd*, 437 Md. 47 (2014).

III. Evidence of Father's toxic home life and relationships

Mother contends that the circuit court failed to consider Father's toxic home life and relationships within his home. She alleged that Father's home life is toxic because: (1) in November 2023, he "kicked" his wife and all his children, including C who was visiting, out of his home;[5] (2) after the "custody agreement" Father took C to Georgia and "put [his wife] out" of the home and the police were called; and (3) in June 2025, Father's wife filed a protective order against Father. Father responds that the circuit court addressed his

[5] On cross-examination, Father denied "kick[ing]" his children out of his house.

housing situation at the hearing, and the record supports the court's finding that he provides stability and consistent care in his home.

Again, Mother fails to direct us to where any evidence contradicting the evidence that was presented to the court regarding Father's home life or where the evidence presented was improperly considered by the court. The issue is both not properly argued below and on appeal. In other words, the contention cannot be properly reviewed in this appeal. *See Li*, 210 Md. App. at 94.

IV. Evidence that the BIA failed to adequately represent child

Mother further contends that the BIA was biased against her and was not truthful in his testimony regarding Father because he did not investigate any of the information Father provided to him. Mother states that she told the BIA about Father's unstable employment and housing, only to be told that she was a liar. Father responds that the allegations of bias against the BIA lack merit.

Md. Code Ann., Family Law ("FL") § 1-202(a)(1)(ii) authorizes a court to appoint a BIA to represent a minor child when, among other things, custody and visitation rights are contested. Section § 1.1 defines a child's best interest attorney as "an attorney appointed by a court for the purpose of protecting a child's best interest, without being bound by the child's directives or objectives." Md. Rules Appendix 19-D. It further provides that the BIA "makes an independent assessment of what is in the child's best interest and advocates for that before the court[.]" *Id.* The BIA is required to "exercise ordinary care and diligence in the representation of [the] minor child." FL § 1-202(b). The BIA's responsibilities are

outlined in "Guidelines for Practice for Court-Appointed Attorneys Representing Children in Cases Involving Child Custody or Child Access." *See* Md. Rules Appendix 19-D.

We have recognized that "[b]ecause the BIA must advance a child's best interests in the midst of what are often bitter and contentious disputes between the child's parents, the BIA will frequently displease at least one, if not both, of the parties." *McAllister v. McAllister*, 218 Md. App. 386, 403-04 (2014). "If a parent believes (in good faith) that the BIA has injured the child through a breach of the standard of care, then he or she may assert a claim for negligence on the child's behalf." *Id*. at 404. *See also Fox v. Wills*, 390 Md. 620, 634 (2006) (rejecting the contention that BIAs have immunity from civil suit); Md. Rule 2-202(b) (granting a parent with sole custody the exclusive right to sue on the children's behalf for a period of one year following the accrual of any cause of action).

At no time did Mother ask to replace or remove the BIA, and she never brought any of her concerns about the BIA to the circuit court's attention. If Mother believed that the BIA was acting negligently, she could have filed a separate cause of action against the BIA. Moreover, she provides no evidence from the record to support her allegations, and thus, nothing is presented for our review. *See* Md. Rule 8-131(a).

JUDGMENT OF THE CIRCUIT COURT FOR KENT COUNTY AFFIRMED.

COSTS TO BE PAID BY APPELLANT.