Circuit Court for Baltimore County
Case No.: C-03-FM-23-006718

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 1109

September Term, 2025

M.J.

v.

T.A.

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

JJ.

Opinion by Kehoe, J.

Filed: February 6, 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 MB. Rule 1-104(a)(2)(B).

M.J. ("Father"), appellant, challenges an order by the Circuit Court for Baltimore County (the "Custody Order") denying his petition seeking sole legal and physical custody of his four-year-old child (the "Child") with T.A. ("Mother"), appellee.[1] In Father's view, the Circuit Court for Baltimore County erred and abused its discretion in ordering a split-week schedule, giving him custody from Friday until Monday, and in other ways that he itemizes in his informal brief identifying seven issues.[2] Concluding that both the record and the law support the circuit court's decision to order joint legal custody and shared physical custody, we will affirm the Custody Order.

LEGAL STANDARDS GOVERNING REVIEW OF CUSTODY DECISIONS

We summarize the legal framework governing custody decisions as background for our review of the record. As this Court has explained, appellate review is limited. "[A]n appellate court does not make its own determination as to a child's best interest; the trial court's decision governs, unless the factual findings made by the lower court are clearly erroneous or there is a clear showing of an abuse of discretion." *Gordon v. Gordon*, 174 Md. App. 583, 637-38 (2007); *see Azizova v. Suleymanov*, 243 Md. App. 340, 372 (2019).

Reviewing the evidence in the light most favorable to the custody decision, we conclude the circuit court's factual findings are not clearly erroneous when competent, material evidence supports them. *Hosain v. Malik*, 108 Md. App. 284, 303-04 (1996).

[1] To preserve the parties' privacy, we will use their initials and family relationships.

[2] Father, as a self-represented appellant in this family law appeal, elected to file an informal brief, as permitted by Md. Rule 8-502(a)(9) and this Court's Administrative Order dated December 19, 2022. Mother did not file a brief in this Court.

Regarding the ultimate custody decision, we review the circuit court's determination for abuse of discretion, which exists only if "no reasonable person would take the view adopted by the trial court" or the ruling is "clearly against the logic and effect of facts and inferences before the court[.]" *Santo v. Santo*, 448 Md. 620, 625-26 (2016) (cleaned up).[3]

Mindful that the "'court's objective is not . . . to punish'" a parent, but "to determine what custody arrangement is in the best interest of the minor children," we consider a well-established list of factors when applying the best interest standard to each case. *Burdick v. Brooks*, 160 Md. App. 519, 528 (2004) (quoting *Hughes v. Hughes*, 80 Md. App. 216, 231 (1989)). In *Taylor v. Taylor*, 306 Md. 290 (1986), and *Montgomery County Department of Social Services v. Sanders*, 38 Md. App. 406 (1978), we find a non-exhaustive list of factors that circuit courts are required to consider when making custody determinations:

> (1) The fitness of the parents;
>
> (2) The character and reputation of the parties;
>
> (3) The requests of each parent and the sincerity of the requests;
>
> (4) Any agreements between the parties;
>
> (5) Willingness of the parents to share custody;
>
> (6) Each parent's ability to maintain the child's relationships with the other parent, siblings, relatives, and any other person who may psychologically affect the child's best interest;
>
> (7) The age and number of children each parent has in the household;

[3] In written orders and opinions, Maryland courts sometimes remove non-substantive material, such as brackets and quotation marks, from quotations to improve readability. The phrase "cleaned up" is a signal to the reader that this has occurred. *See Lamalfa v. Hearn*, 457 Md. 350, 373 n.5 (2018).

> (8) The preference of the child, when the child is of sufficient age and capacity to form a rational judgment;
>
> (9) The capacity of the parents to communicate and to reach shared decisions affecting the child's welfare;
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> (10) The geographic proximity of the parents' residences and opportunities for time with each parent;
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> (11) The ability of each parent to maintain a stable and appropriate home for the child;
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> (12) Financial status of the parents;
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> (13) The demands of parental employment and opportunities for time with the child;
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> (14) The age, health, and sex of the child;
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> (15) The relationship established between the child and each parent;
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> (16) The length of the separation of the parents;
>
> (17) Whether there was a prior voluntary abandonment or surrender of custody of the child;
>
> (18) The potential disruption of the child's social and school life;
>
> (19) Any impact on state or federal assistance;
>
> (20) The benefit a parent may receive from an award of joint physical custody, and how that will enable the parent to bestow more benefit upon the child;
>
> (21) Any other consideration the court determines is relevant to the best interest of the child.

Azizova, 243 Md. App. at 345-46 (quotation marks omitted) (quoting Cynthia Callahan & Thomas C. Ries, *Fader's Maryland Family Law* § 5-3(a), at 5-9 to 5-11 (6th ed. 2016)).

Sanders was decided in 1978; *Taylor* was decided in 1986. The law has not stood still in the intervening forty years. In *Azizova*, we identified nine additional considerations developed in intervening appellate decisions:

> (1) the ability of each of the parties to meet the child's developmental needs, including ensuring physical safety; supporting emotional security and positive self-image; promoting interpersonal skills; and promoting intellectual and cognitive growth;
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> (2) the ability of each party to meet the child's needs regarding, *inter alia*, education, socialization, culture and religion, and mental and physical health;
>
> (3) the ability of each party to consider and act on the needs of the child, as opposed to the needs or desires of the party, and protect the child from the adverse effects of any conflict between the parties;
>
> (4) the history of any efforts by one or the other parent to alienate or interfere with the child's relationship with the other parent;
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> (5) any evidence of exposure of the child to domestic violence and by whom;
>
> (6) the parental responsibilities and the particular parenting tasks customarily performed by each party, including tasks and responsibilities performed before the initiation of litigation, tasks and responsibilities performed during the pending litigation, tasks and responsibilities performed after the issuance of orders of court, and the extent to which the tasks have or will be undertaken by third parties;
>
> (7) the ability of each party to co-parent the child without disruption to the child's social and school life;
>
> (8) the extent to which either party has initiated or engaged in frivolous or vexatious litigation, as defined in the Maryland Rules; and
>
> (9) the child's possible susceptibility to manipulation by a party or by others in terms of preferences stated by the child.

Azizova, 243 Md. App. at 346-47 (quoting *Fader's Maryland Family Law* § 5-3(b), at 5-11 to 5-12).

FACTUAL BACKGROUND

Father and Mother have one child, a son born in May 2021. Since the Child's birth and thirty-day NICU hospitalization, they have maintained a co-parenting relationship. After operating under an informal shared custody arrangement for the Child's first two and a half years, in November 2023, Father petitioned for "sole legal and physical custody . . . pendente lite and permanently[.]" The ensuing proceedings, detailed below, resulted in the denial of that relief and the custody order from which Father now appeals, awarding joint legal custody and shared physical custody.

Custody Pleadings

On November 22, 2023, Father, then represented by counsel, alleged in his custody petition that he had "been the child's primary care taker since his birth" and that Mother "has had an unstable home life and environment, and changed jobs frequently." Contending that they were "unable to communicate with each other for the betterment of the child[,]" he asserted that it was "in the best interests of the child that his custody be awarded to" Father.

Representing herself, Mother answered the complaint, denying that Father had custody of the Child since birth and seeking denial or dismissal of the petition. She also filed a counterclaim, seeking sole legal custody, primary physical custody, and child support, averring that would be in the Child's "best interest" because she is "his primary caregiver" and has had decision-making authority "since birth."

After obtaining counsel, Mother filed an amended answer stating that "the child primarily lives with her at" a residence in Baltimore, that Father "has access with [the]

Child[,]" that "the parties have been able to communicate and resolve significant issues regarding the child's health and general welfare[,]" and that Father's "Complaint for Custody [should] be denied." She also filed an Amended Counter-complaint for Custody, Access, Child Support, and Other Relief, averring in more detail that "[t]he Child has been in [her] primary care and custody . . . since his birth" and that there had been no prior "litigation concerning the custody of the Child[.]" Mother alleged that Father "was not present at the Child's birth" by caesarian section because he was asked "to leave the delivery room" after they "were arguing intensely during labor." He allegedly did not contact Mother or visit the Child until Mother "reached out and invited him to see his son." The Child was four months old when they met. Since about a month after that, Father has had "scheduled regular and independent visits with the Child."

Identifying current and prior addresses, Mother asserted that the Child was living in a household that included Mother's "two (2) other male minor children" and "her 19-year[-]old son" and that "all four (4) children have a close and loving relationship." At the time Mother filed that pleading, the family was living "with her parents . . . in a five (5) bedroom home in Baltimore City" that is "an appropriate residence for the Child."

Mother "aver[red] it is in the Child's best interest that she be awarded sole legal custody" (or joint with tie-breaking authority) and primary physical custody. Mother further stated that, "although the parties' communication needs improvement, they have managed to make some legal custody decisions jointly, such as choosing a daycare provider." The parents lived "approximately 40 minutes from one another and meet halfway to exchange the Child." Citing Father's significant age difference "and

inconsistent employment," Mother "aver[red] she could provide a more suitable environment and facilitate the active lifestyle their young son requires."

With respect to employment, Mother averred that she had been working at "the Greater Baltimore Medical Center as a medical assistant . . . since September, 2023[,]" on a 7:45 a.m. until 4:15 p.m. schedule that makes her "available to care for the Child before and after school." Alleging that Father "is somewhat secretive about his employment[,]" Mother had "a good-faith belief" that his employment had been sporadic and included work "as a maintenance mechanic for properties he owns" and "as a full time physician's assistant[.]" He told her he had "retired from the Baltimore County Police Department and intends to return to work at a hospital, ostensibly as a physician's assistant."

Mother also presented "concerns about [Father's] child-rearing theories[,]" citing as an example that "he sometimes has the Child accompany him while he does maintenance work on his properties." In addition, she maintained that he "has only paid a bare minimum in child support (between $1,500 and $2,000 in total)" and only upon Mother's request.

The Custody Hearing

While the custody matter was pending, the appearances of both Mother's and Father's attorneys were stricken, on August 22 and November 4, 2024, respectively. At the custody hearing on April 9, 2025, neither parent had counsel.

By that time, Father was amenable to joint custody but wary of sharing physical custody because he did not want to be "a weekend dad." Mother sought joint legal and shared physical custody.

Father presented testimony from himself, his two sisters, and Mother, as well as documentary and photo evidence regarding what he viewed as relevant factors. Mother, in addition to cross-examining Father's witnesses and testifying on her own behalf, called Father as a witness. Contending that he would provide the Child with more attention and resources, a safer home, and greater emotional and financial stability, Father maintained that the following factors supported an award of sole legal and primary physical custody:

- **Research on single father and single mother households:** Citing to "a Pew Research study[,]" Father argued that research showed that "single father homes . . . typically had higher outcomes than single mothers and are far less likely to live below the poverty line" with "exponentially lower rates" of "[p]sychiatric disorders[.]" The magistrate declined to consider "this type of evidence" because "you're trying to enter some expert testimony, but they're not here and not able to be cross-examined by" Mother.

- **Historical record and performance:** Referring to "work records," "resumes," "educational records," "financial history," "social media," and "civic . . . engagement[,]" Father emphasized his qualifications and records as an honorably discharged Marine, master's degree graduate, licensed physician's assistant and registered nurse with a successful history of having primary custody of his now-adult daughter beginning at age eleven.

- **Critical thinking, conflict resolution, work ethic, time management, meeting goals:** Father pointed to his successes in his career, financial affairs, and raising his other children.

- **Economic resources, including financial stability and management:** Father cited "past and future financial management skills, financial stability, access to financial resources, dependency on government subsidies, bankruptcy, financial loss, credit card debt, . . . school debt[,]" expenses, access to funding for educational and extracurricular activities, and "projected wealth and long-term resources."

- **Child's safety and well-being:** Inviting comparisons, Father also pointed to what he contended was a "high-risk environment" for the Child at Mother's residence compared to the Child's environment at Father's residence, which featured "safety equipment," "emergency planning, medical training," "health care," as well as "sanitation," "nutrition, proper sleep, emotional resilience, happiness, meeting

> milestones, and fostering a supportive environment." He recognized the importance of "[c]onsistency and stability," including "discipline, routine, [and] reliability."

Father called Mother as a witness. She testified that she has had primary physical custody of the Child since he came home from the hospital after thirty days in the NICU. After Mother reached out to Father, Father began seeing the Child when he was four months old.

Mother had moved several times with the Child. Although they previously lived with her parents, moving into their five-bedroom home in 2024, when Father petitioned for full custody, she moved to a three-bedroom townhouse in Rosedale with the Child and her eight-year-old son, on the recommendation of her attorney. Her eldest son is an adult and her eighteen-year-old son remained at his grandmother's residence.

Mother consistently acknowledged that Father is "a great" parent who loves the Child and typically shares in his childcare and financial support. Although there has never been a child support order, Mother testified that they "split everything" required for the Child's support. In addition, Father had purchased a washer and dryer and furnished a heater and microwave for Mother's household.

Mother attributed intermittent increases in Father's "animosity" toward her to whether or not they were having an intimate relationship. Although she has never prevented him from being with the Child, Mother explained that there had been lapses during which Father stopped responding to her communications, either in connection with some disagreement related to the Child or their intimate relationship.

For example, when Father objected to the distance for one of the Child's daycare centers, he stopped making co-payments, causing Mother to move the Child to a provider that accepted vouchers. The first time Father picked the Child up there, he told the new provider (rather than Mother) that he was moving, then stopped communicating with Mother or picking up the Child.

In November 2023, after they disagreed over a daycare provider, Father did not communicate for two weeks, then filed this petition for custody. At the time of this evidentiary hearing in April 2025, the typical custody arrangement was not a rigid one because Father had begun working at Express Care, so his schedule changed during his probationary period. Often Mother picked up the Child from daycare on Monday and Father picked him up from daycare on either Thursday, Friday, or Saturday. Father had not done so since March 18, however, and was not responding to emails or phone calls from Mother.

Mother was seeking joint legal and physical custody. She had recently removed the Child from his daycare for safety concerns, after "[h]e was able to open the door." Because the Child had a developmental speech delay, Mother had navigated social services to obtain an IEP and a placement at a public preschool, which he was scheduled to begin half-days the following Monday and continue full days for pre-K.

The Magistrate's Findings and Recommendations

On April 17, 2025, applying statutory and other relevant custody factors, the magistrate issued the following written findings and recommendations[4]:

> **1) <u>Fitness of the parents</u>**
>
> Both [Father] and [Mother] testified in this case. The Court observed the demeanor of [Father] and [Mother] while they were testifying. Both parties appeared to be honest and forthcoming. Both parents expressed a love of the minor child and expressed a willingness to act in the best interests of the child. Father called two of his sisters, . . . both of whom praised Father as a parent to his child.
>
> Both Father and Mother appeared to be fit and proper parents.
>
> **2) <u>Character and reputation of the parents</u>**
>
> <u>See</u> fitness of parents section.
>
> **3) <u>The requests of each parent and the sincerity of the requests</u>**
>
> Father is requesting sole legal and primary custody of the minor child. Father testified that he does not want to be a "weekend dad." He strongly believes that children in single father homes do much better than children in single mother homes. Father is very sincere in his request and clearly believes he offers a better living situation for the minor child.
>
> Mother is seeking joint legal custody and primary physical custody. She recommends that Father have the access on weekends and for the entire summer. Mother is sincere and generous in her requests.
>
> **4) <u>Any agreements between the parents</u>**
>
> There is not a current agreement between the parties. Parties had an agreement, but currently Father has not seen the minor child since March 18, 2025. Mother claims that Father has been ignoring her calls and does so when he is upset because "he does get not [sic] his way." The parties followed a routine that had minor child living primarily with Mother. Father would pick

[4] Because neither party presented evidence to support an award of child support under the statutory guidelines, the magistrate did not make a recommendation regarding child support.

the minor child up on Thursday or Friday from daycare and drop him off at daycare on Monday mornings.

5) Willingness of the parents to share custody

See numbers 3&4 above.

6) Each parent's ability to maintain the child's relationship with the other parent, siblings, relatives, and any other person who may psychologically affect the child's best interest

Father's sister [T.J.] testified that she has a daughter who is "roughly the same age" as the minor child. She claims that she sees the minor child on weekdays and some weekends. [R.A.] testified that Father took her youngest daughter to Disney with the minor child. Father took her child on the trip because she could not afford it. She has not seen the minor child recently due to an injury from which she is recovering.

Mother has two sons. One is an adult. The other is an eight-year-old child. There was very little evidence regarding the sons' interaction with the minor child in this case.

7) The age and number of children each parent has in the household

Minor child is the only minor child residing in Father's home. Mother has an eight-year-old child in her home.

8) The preference of the child, when the child is of sufficient age and capacity to form a rational judgment

The minor child is not of an appropriate age to state a preference or to have formed a rational judgment.

9) The capacity of the parents to communicate and to reach shared decisions affecting the child's welfare

Mother is clearly trying to establish lines of communication with Father and share in decision making for the minor child. Mother claims that Father ignores her calls if he is upset about something.

The Father is currently upset with Mother for what he believes was a unilateral decision by Mother to pull the minor child from the Celebree School. Mother and Father agreed to enrolling the minor child in the Celebree

School. Mother receives day care vouchers. The parties agreed that Father would pay the co-pay for the daycare. The child was enrolled in a Celebree school close to her home. After Father stopped paying the co-pay for Celebree due to his concerns about cleanliness and health closures at Celebree, Mother made the unilateral decision to enroll the minor child in Magic Moments Daycare Center in Essex/Parkville. Father is very unhappy about this, claiming that the daycare is too far away from his home and that he must travel three hours round trip to pick up and drop off the minor child. Father has recommended that the minor child go to a daycare closer to his home. Mother did not enroll the minor child in the daycare of Father's choosing because that facility did not accept vouchers. Mother recently decided to unenroll the minor child from Magic Moments due to a security concern. Minor child has discovered how to open the door at Magic Moments. Because the school will not change the door lock system, the school and Mother decided that it was in the best interests of the child's safety for the child to no longer attend Magic Moments. The minor child is currently awaiting placement in a Baltimore County preschool placement due to a potential IEP due to minor child's developmental delays.

Mother testified that she has made educational decisions on her own but has informed Father of all decisions she made. She also testified that she has made all medical appointments for the minor child, but that Father does take the minor child to some of the medical appointments. Mother has attended audiologist appointments. Father has attended the one cardiologist appointment. The parties have attended pediatrician appointments separately and together.

The minor child is enrolled in swim lessons. The parties agreed that the minor child benefits from swim lessons. Father pays for the lessons and Mother transports the minor child to and from the lessons.

The parties have relatively good communications with each other unless Father is upset about something. At the birth of the child, Father was asked to leave the hospital because he was upset with Mother. Medical personnel were concerned about Mother and the minor child's health as they were prepping Mother for a C-section birth. Because he was asked to leave, he did not have contact with Mother for the next thirty days. When Mother removed the minor child from Celebree, Father did not communicate with Mother from November 5 until November 22, 2025, on the day that Mother was served with his initial complaint in this case.

10) <u>The geographic residences of parents and opportunity for visitation</u>

Father resides in Baltimore County in Owings Mills.

Mother resides in Baltimore County by the City County line near Rosedale.

The parties reside approximately 22 miles apart.

11) <u>The ability of each parent to maintain a stable and appropriate home for the child</u>

Father resides in a four-bedroom, two- and one-half bath home in [Owings] Mills. Father testified that he has lived at this home for fifteen years and that he owns the home. Father claims that the home is in a safe neighborhood and that his home is located in a cul-de-sac. Father's home is a stable and appropriate home for the minor child.

Mother resides in a townhome. Father attempted to paint Mother's home as a[n] unfit home. He asked Mother about a "large reptile" being removed from her home. Mother testified that there was a garter snake removed from her home after she discovered the snake and called the home's management company to remove the snake. They removed the snake that same day. Father also implied that Mother's home suffered from a cockroach infestation. There was no proof of this offered other tha[n] Father saying that he saw a bug on his shoe while at Mother's house. Father also raised the concern that Mother has made many frequent moves in the last five years. Despite Father's concerns the Court finds that Mother provides the minor child with a stable and appropriate home.

12) <u>Financial status of the parents</u>

Father is currently employed as a physician's assistant. Father is proud of his credit rating of 842. He appears to be financially stable.

Mother is currently employed by the Baltimore Medical System. According to evidence solicited by Father, Mother earns $21.94 per hour and is employed full time. Mother also appears to be financially stable.

13) The demands of parental employment and opportunities for time with the child

There are no work-related impediments for Father's ability to spend time with the child. He testified that he currently works two to three days per week for eight-to-twelve-hour shifts. Initially, his work schedule was unpredictable because he [was] under a probationary schedule at work. He recently obtained his current job; however, his six-month probationary period has been successfully completed. Now that the probationary period is over, Father has more control over his schedule. Father has ample time to care for the minor child.

Mother is employed full time. There was no testimony that this creates any hardships on Mother's ability to spend time with the minor child.

14) The age, health and sex of the child

The minor child is almost four years old and is male. Minor child has some developmental delays. Minor child requires speech pathology issues which may be related to hearing issues. The minor child is otherwise healthy and active.

15) The relationship established between the child and each parent

The minor child appears to have a good relationship with both parents. Father's sisters praised Father as a "good" and "awesome" father. [R.A.] testified that it is rare not to see the Father and child together. Both of Father's sisters described the minor child as happy. Mother testified that she wants Father to be involved in the life of the minor child.

Mother testified that she and minor child have been together since the child's birth. It appears that she has a good relationship with the minor child.

16) The length of separation of the parents

There was no testimony offered as to when the parties separated. It can be assumed [from] testimony offered that the parents were already separated when the minor child was born.

17) [P]rior voluntary abandonment or surrender of custody of the child

Not applicable.

18) <u>The potential disruption of the child's social and school life</u>

There was no testimony regarding this factor. The minor child is only three years old and is currently not enrolled in school.

19) <u>Any impact on state or federal assistance</u>

Mother receives vouchers for the minor child's daycare; however, the minor child is no longer enrolled in daycare. The minor child is scheduled to begin preschool through Baltimore County Public Schools in the Fall of this year.

20) <u>The benefit a parent may receive from an award of joint physical custody, and how that will enable the parent to bestow more benefit upon the child</u>

There was no testimony regarding this factor.

Father's Exceptions and the Exceptions Hearing

Father filed timely exceptions to the magistrate's report and recommendations. In a detailed pleading corresponding to the mandatory custody factors, he itemized the following challenges to the magistrate's recommendations for joint legal and shared physical custody:

1. **Fitness of the parents:** Father argued that the magistrate erred "in his summation of [Mother's] fitness," given that he presented evidence of "his fitness as a parent, citizen, and guardian[,]" as well as Mother's questionable fitness given her housing and employment insecurities, the condition and amenities of her residence, her financial position including the need for financial assistance in the form of "government subsidies" despite her full-time plus part-time employment.

2. **Character and reputation of the parents:** Father compared the above factors to his "impeccable character and reputation" reflecting his military service, education, medical licensing as a registered nurse and physician's assistant, and service with the Baltimore County Police Department.

3. **The request of each parent and the sincerity of the requests:** Father reiterated that "he does not want to be a 'weekend dad'" and "strongly believes that

children in single father homes do much better than children in single mother homes." Father pointed out that Mother "has three other sons, two of which have developmental and behavioral challenges[,]" as well as "elderly parents for which she provides care and transportation" and "ongoing health challenges of her own[.]"

4. **Any agreements between the parties:** Father disputed the magistrate's finding that there was "no current agreement" regarding custody. He also argued that the magistrate erred in considering Mother's testimony that he had not seen the Child "since March 18th 2025" and was "ignoring her calls[,]" as he does when "upset" about not getting "his way," because Mother "did not provide any factual evidence to substantiate this accusation, i.e. text messages, call log, unreturned emails. *Guidash v. Tome*, 211 Md. App. 725[,] 735 (2013)." Likewise, Father maintained that the magistrate erred in failing to consider that (a) Father "took leave from his employment from 2021 until 2024 to care for the child fulltime during the . . . infant and toddler years while [Mother] return[ed] to work full time" and (b) that the recent "routine" of Father having the Child "from Thursday until Monday morning" "was a temporary arrangement as several daycare providers in [Father's] living area [sic] did not have any openings to accept new toddlers."

6. **Each parent's ability to maintain the child's relationship with the other parent, siblings, etc.:** Father pointed out that the magistrate erred "in stating that . . . Mother has [t]wo sons" because she "has three other sons."

9. **The capacity of the parents to communicate and reach shared decisions affecting the child's welfare:** Father asserted that the magistrate erred in considering Mother's claim that "Father ignores her calls if he is upset about something" because Mother provided no witness or documentation "to substantiate the accusation, i.e. text messages, call log, unreturned emails." Given "the 9735 text messages exchanged . . . over the course of three and one half years," the magistrate should have required some corroboration. For the same reason, the magistrate erred in its consideration of Mother's testimony about the circumstances surrounding the Child's removal from daycares and the Child's diagnoses of a developmental delay.

   In addition, the magistrate's characterization of Mother's testimony that "she has made educational decisions on her own but informed Father of all her decisions" and that she makes "all medical appointments" but both parents have taken him to those appointments evidences a "prejudicial tone and glaringly bias[ed] disposition" given Father's history of full-time care for the Child's first twenty-four months.

Likewise, Father complained about the magistrate's "conspicuous errors and omissions and misdirection" in his description of Father's behavior that led the hospital to ask him to leave "because he was upset with" Mother. According to Father, he left only after Mother, who was in distress with preeclampsia and being prepped for a caesarian delivery, told him to leave and that the baby was not his.

11. **The ability of each parent to maintain a stable and appropriate home for the child:** Father pointed to "omissions, misdirection and errors" in the magistrate's determination not to credit Father's allegations about a snake Mother discovered in her home and "a bug on his shoe while" he was visiting, citing the lack of any evidence to support Mother's claim that the snake was merely a garter snake and his proffer of "color photos of the residence" with "a can of roach spray."

13. **The demands of parental employment and opportunity for time with the child:** Citing Mother's report that she works full time from 8-5 p.m. five days a week and part-time "over night Friday, Saturday and twelve hours every other weekend[,]" Father contended that "schedule will have a negative impact and displays a level of inflexibility in caring for the minor child."

At the exceptions hearing on June 24, 2025, both parents again represented themselves. They updated the court regarding the Child's needs, explaining that he had a developmental delay in speech, for which he now had an IEP. He had finished the school year in a three-year-old program at the public elementary school "five minutes" from Mother's residence in Rosedale and would be starting pre-K at the same school.

According to Father, to reach Mother's residence and the Child's school from his residence in Owings Mills, he had a two to three hour drive round trip. In his view and medical assessment, the Child's "delayed speech" reflected "a hearing problem" that had been "significantly improving" since he had "tympanostomy tubes placed[.]"

Father, acknowledging that he no longer opposed joint legal custody or shared physical custody, focused on the magistrate's split-week custody schedule, which he

criticized for effectively dividing custody into weekdays for Mother and weekends for Father. He pointed out that, even though he "made it very clear to the Magistrate that [he] was not interested in being just the weekend parent" because he "wanted . . . to be significantly involved in what was going on throughout the week, throughout school time, after school," the magistrate made "that exact recommendation."

When the court asked Father what schedule he preferred, Father proposed either the "reverse" schedule, with Mother having weekends, or a week-on/week-off alternating schedule. In doing so, Father acknowledged that "some of the dynamics have changed" since the hearing before the magistrate, because the Child "started Pre-K[.]"

Mother then explained that, since the evidentiary hearing, the Child had completed a three-year-old program at "his zoned school" near her residence, which is a two to three hour drive "across town" from Father's residence. In the fall, he would return to that school for pre-K.

That is why Mother favored their current schedule, where Father picks up the Child on Friday, has "him the whole weekend, every weekend," for "an equal amount of time." In Mother's view, Father's schedule alternatives were not workable because (1) the Child's delay requires a consistent schedule, especially for weekday bedtimes, which have differed between households; (2) she "can't find a before and aftercare just for part-time or every other week"; and (3) she would not be able "to put [him] in activities . . . if every week is different."

Although Father maintained that bedtime had been later at his house because it was the weekend, he conceded that there were "two hours of travel time" to Mother's house,

sometimes "almost three" from his house "on the other side of the beltway." Father was willing to "sacrifice" to help the Child, but also suggested "that he could go to school on [his] side of town" and Mother "can get him on the weekends."

At the conclusion of the hearing, the court recognized that both parents love their Child, "want the best for him[,]" and "have been able to communicate fairly well, which is a pretty rare commodity[.]" After commending them, the court pointed out that "unless the two of you are living together . . . , your son can only be with one of you at a time[.]"

The Circuit Court's Custody Order

In its memorandum opinion and order entered on July 25, 2025, the circuit court denied Father's exceptions on the ground that "the Magistrate's findings and recommendations were supported by the evidence and not clearly erroneous." In particular, the court recognized that Father

> places more weight on certain evidence than did the Magistrate and states that there was evidence that was not appropriately considered in making the custody determination. This Court has independently examined the evidence and, while conclusions may be expressed differently, finds that there was sufficient evidence before the Magistrate to support the conclusions as expressed in the Magistrate's Report and Recommendations.
>
> After reviewing the pleadings, the transcript of the hearing, and evidence before the Magistrate, the Magistrate's findings, and having heard the arguments of the parties, the Court makes the following rulings on [Father's] Exceptions.
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> * * *
>
> [Father] claims that the Magistrate's findings were biased and were not properly supported by documentary evidence, thus affecting the Magistrate's determination of custody and credibility of the parties.

The Court finds that there is not a sufficient factual basis to support [Father's] claims of bias. [Father] did not raise the issue at trial and did not cite to any references on the record. For this reason, [Father] has failed to preserve the issues. . . .

[Father] maintains that he did not want to be a "weekend parent" . . . and states that the Magistrate's findings disregard arguments he presented regarding what he views as more equitable parenting time. [Father] cites to the proposal of a shared parenting scheduled that was presented before the Magistrate . . . . However, given the physical distance between the parties and the Minor Child's perceived developmental delay, this Court believes that there was no error of law made by the Magistrate in his determination of custody.

[Father] states that there was a lack of documentary evidence presented by [Mother] and its absence undermined [Mother's] credibility. . . [T]he Magistrate had opportunity to review the evidence and see the witnesses in person. He found both parties to be credible and made the determination concerning custody that was based on what is in the Minor Child's best interest.

* * *

The Court has considered the arguments set forth in the Exceptions filed by [Father], the Magistrate's Report and Recommendations, the transcript of the hearing before the Magistrate, and the arguments presented to the Court on June 24, 2025.

In exercising its independent judgment, the Court reaches the same result as did the Magistrate as to the best interests of the Minor Child, and the recommended determination of custody. The Court finds that the Magistrate's findings and recommendations were supported by the evidence and not clearly erroneous. The Court adopts as to its own the factual findings as determined by the Magistrate in his Report and Recommendations.

Father noted this timely appeal.

DISCUSSION

In his brief, Father raises the following questions:

1. Whether the trial court erred in failing to draft [a] neutral and balanced parenting plan, conducive to the unique circumstances of the litigants?

2. Whether the trial court abused its discretion by not adequately considering the best interest of the child under the totality of the circumstances?

3. Whether the Court was neutral and unbiased, in the application of case law and [precedent] avoiding favoritism, prejudice, and impropriety?

4. Did the Court protect the rights of all parties and ensure equal treatment under the law?

5. Did the court interpret and apply statutory and case law accurately?

6. Does the current parenting plan[] provide a comprehensive and dynamic blueprint for the litigants and the child in question?

7. Finally did the Court issue a decision based on the facts and evidence presented?

As we understand these issues and supporting arguments, Father challenges the process by which the court determined custody (Issues 3 and 4), the court's application of the law (Issue 5), and the ultimate decision that it is in the Child's best interests for his parents to share both legal custody and physical custody under a schedule that splits each week into Mother having the Child on Monday through Friday morning, and Father having him from Friday until Monday morning (Issues 1, 2, 6, 7).

In custody disputes, magistrates often act as the factfinder and prepare a written recommendation for the circuit court. *See* Md. Rule 9-208(a), (b), (e)(1). The magistrate's factual findings "do not bind the parties until approved by the court." *Doser v. Doser*, 106 Md. App. 329, 343 (1995); Md. Rule 9-208(i)(1). When, as in this case, a parent contests the magistrate's findings by filing exceptions within ten days, Md. Rule 9-208(f), the circuit court reviews the record and exercises its own "independent judgment concerning

the proper conclusion to be reached upon those facts." *Domingues v. Johnson*, 323 Md. 486, 490 (1991).

On appeal, this Court reviews both the process and the decision of the circuit court. As we recently explained, when

> evaluating custody determinations, this Court utilize[s] three interrelated standards of review.
>
> First, when reviewing a magistrate's report, both a trial court and an appellate court defer to the magistrate's first-level findings (regarding credibility and the like) unless they are clearly erroneous. Second, if it appears that the circuit court erred as to matters of law, further proceedings in the trial court will ordinarily be required unless the error is determined to be harmless.
>
> Finally, when the appellate court views the ultimate conclusion of the court founded upon sound legal principles and based upon factual findings that are not clearly erroneous, the court's decision should be disturbed only if there has been a clear abuse of discretion. While the circuit court may be guided by the magistrate's recommendation, the court must make its own independent decision as to the ultimate disposition, which the appellate court reviews for abuse of discretion.[] A court abuses its discretion 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. It has also been said to exist when the ruling under consideration appears to have been made on untenable grounds, when the ruling is clearly against the logic and effect of facts and inferences before the court, when the ruling is clearly untenable, unfairly depriving a litigant of a substantial right and denying a just result, when the ruling is violative of fact and logic, or when it constitutes an untenable judicial act that defies reason and works an injustice.

Velasquez v. Fuentes, 262 Md. App. 215, 227-28 (2024) (cleaned up).

In applying these standards, we are mindful that Maryland's appellate courts consistently affirm custody determinations when the circuit court and magistrate have

conducted a thorough and well-reasoned analysis within the framework of the recognized custody factors. *See, e.g.*, *Santo*, 448 Md. at 646 (concluding the custody decision 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"); *Reichert v. Hornbeck*, 210 Md. App. 282, 308 (2013) (recognizing that "the court articulated fully the reasons that supported the conclusion that joint physical and legal custody was appropriate through an extensive and thoughtful consideration of all suggested factors" (cleaned up)). Applying these standards, we conclude that the circuit court did not err or abuse its discretion in predicating this Custody Order on its independent review of the record supporting the magistrate's thorough consideration of relevant custody factors, and in fashioning a custody schedule designed to meet the Child's educational and health needs while accommodating the geographic distance between these parents' residences.

Legal Rulings (Issue 5)

Challenging the court's interpretation and application of "statutory and case law[,]" Father argues that it failed to "properly address[] each exception to the Master's findings, thereby violating precedent . . . in *Bagley v. Bagley*, 98 Md. App. 18 (1993)." In his view, "the trial court's ruling merely adopted the Master's recommendations without explicit findings on the contested issues[,]" which "mirrors the error in *Bagley*, where . . . the judge failed to demonstrate an independent assessment of the exceptions."

When a circuit court refers a matter to a magistrate, the magistrate has authority to review evidence and make recommended findings of fact. *See* Md. Rule 9-208(b). Either

party may challenge the magistrate's findings by timely filing exceptions in the circuit court. *See Dillon v. Miller*, 234 Md. App. 309, 317 (2017). "'[W]hen reviewing a [magistrate's] report, both a trial court and an appellate court defer to the [magistrate's] first-level findings (regarding credibility and the like) unless they are clearly erroneous.'" *Velasquez*, 262 Md. App. at 227 (quoting *McAllister v. McAllister*, 218 Md. App. 386, 407 (2014)). Generally, factual "findings are 'not clearly erroneous if there is competent or material evidence in the record'" to support those findings. *Azizova*, 243 Md. App. at 372 (quoting *Lemley v. Lemley*, 109 Md. App. 620, 628 (1996)). The magistrate's factual findings "are to be treated as prima facie correct and are not to be disturbed by the court unless found to be . . . unsupported by substantial evidence in the record" presented to the magistrate. *O'Brien v. O'Brien*, 367 Md. 547, 554 (2002).

In turn, the "circuit court may be 'guided' by the [magistrate's] recommendation," but "must make its own independent decision as to the ultimate disposition[.]" *McAllister*, 218 Md. App. at 407 (citation omitted). This Court will set aside the resulting custody order "only on a clear showing that the trial court abused its discretion." *Gizzo v. Gerstman*, 245 Md. App. 168, 201 (2020) (cleaned up). In this context, abuse of discretion occurs "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.'" *Velasquez*, 262 Md. App. at 228 (quoting *Das v. Das*, 133 Md. App. 1, 15 (2000)).

We do not agree that the court failed to exercise its independent discretion. Here, Father filed written exceptions detailing his objections to the magistrate's conclusions and recommendations. The circuit court held an exceptions hearing at which Father had a full

and fair opportunity to orally argue why the court should reject the magistrate's findings and recommendations.

During that hearing, Father conceded that he no longer sought sole legal and physical custody. Instead, he acknowledged that "the dynamics have changed" since the Child began going to school, then focused on his opposition to a split-week custody schedule that would make him "just the weekend parent[.]" When the court asked about the distance from his house to the Child's school if he had custody on schooldays, Father testified that the trip was "almost three hours" but he was willing to make that "sacrifice[.]" He did not address how such a long commute would affect his four-year-old son, but suggested the Child could attend a school near him.

In its Custody Order, the court expressly stated that it "considered the arguments set forth in the Exceptions filed by" Father, as well as "the transcript of the hearing before the Magistrate, and the arguments presented to the Court on June 24, 2025." Citing "the physical distance between the parties and the Minor Child's perceived developmental delay," the court found "no error of law" in the magistrate's recommendation and stated that it was "exercising its independent judgment" to reach the same conclusions and result that the split-week custody schedule was in "the best interests of the Minor Child[.]"

Based on this record, we discern no grounds to question that the circuit court exercised its duty to independently consider both the evidence presented to the magistrate and the recommendations made by the magistrate. In particular, during the exceptions hearing and in its Custody Order, the court directly addressed Father's objection to being "a 'weekend parent[,]'" his concerns about Mother's home and financial resources, and his

beliefs regarding "outcomes" of single mother households and the lack of documentation supporting Mother's claims. Having reviewed the entire record – from pleadings, to evidentiary proceedings before the magistrate, to the exceptions hearing in the circuit court – we conclude that the court full and fairly considered the evidence and arguments presented by both parents.

We are not persuaded otherwise by Father's argument that the court erroneously failed to recognize that he satisfied the two requirements for changing custody, which are that (1) there was a material change in circumstances, and (2) the change serves the best interests of the child. *See Velasquez*, 262 Md. App. at 246. When deciding whether to revise an existing custody order, the purpose of requiring a material change is "to preserve stability for the child and to prevent relitigation of the same issues" that generated the custody order in effect. *See McMahon v. Piazze*, 162 Md. App. 588, 596 (2005). Here, where there was no prior court order regarding custody of the Child, there was no need for the court to make findings regarding a material change.

In any event, to the extent that Father's argument may be read to assert that the Child's needs and the parties' circumstances have evolved over the Child's life, the court expressly considered the family history and current circumstances as part of its custody determination. Based on this record, the court correctly applied the law in predicating its custody decision on the best interests of the Child.

Due Process (Issues 3 and 4)

In two of his "questions presented" – asking "[w]hether the Court was neutral and unbiased, in the application of case law and [precedent] avoiding favoritism, prejudice, and

impropriety" and whether "the Court protect[ed] the rights of all parties [to] ensure equal treatment under the law" – Father suggests that the circuit court was not "neutral" in resolving this custody dispute.

Under Md. Rule 18-102.2(a), judges are required to "perform all duties of judicial office impartially and fairly." Maryland law establishes a "'strong presumption' that judges are impartial participants in the legal process." *Harford Mem'l Hosp., Inc. v. Jones*, 264 Md. App. 520, 541 (cleaned up), *cert. denied*, 490 Md. 640 (2025). "Bald allegations and adverse rulings are not sufficient to overcome this presumption of impartiality." *Id*. at 541-42.

Because preservation requirements apply to allegations of judicial bias, any "litigant claiming bias on the part of the trial judge must generally move for relief as soon as the basis for it becomes known and relevant[,]" identifying the objectionable conduct and the relief requested. *Id*. at 542 (cleaned up). Requiring contemporaneous objection preserves opportunities to ensure an impartial proceeding and prevents belated allegations of bias from being "weaponized to avoid unfavorable rulings[.]" *Id*. at 543. For that reason, when reviewing claims of partiality, we ask whether the

> (1) facts are set forth in reasonable detail sufficient to show the purported bias of the trial judge; (2) the facts in support of the claim [were] made in the presence of opposing counsel and the judge who is the subject of the charges; (3) [the party alleging bias was] ambivalent in setting forth his or her position regarding the charges; and (4) the relief sought [was] stated with particularity and clarity.

Braxton v. Faber, 91 Md. App. 391, 408-09 (1992).

Father does not cite us to a single instance when he objected or otherwise asserted that the magistrate or court was biased against him. For that reason, he did not preserve his due process challenge based on bias. *See id.*

Even if he had done so, we are not persuaded that Father would be entitled to relief. In custody cases, the "'court's objective is not . . . to punish'" a parent, but "to determine what custody arrangement is in the best interest of the minor children[.]" *Burdick*, 160 Md. App. at 528 (quoting *Hughes v. Hughes*, 80 Md. App. 216, 231 (1989)). On appeal, we ask "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." *Harford Mem'l Hosp.*, 264 Md. App. at 547 (cleaned up). For claims of bias in evidentiary rulings or the manner in which the court conducted trial, we recognize that such allegations are undermined when those decisions were legally correct and within the scope of the court's discretion. *See id.*

Father notably does not identify the type of judicial partiality that has warranted appellate relief based on either inappropriate personal conduct toward counsel, improvident remarks concerning a jury, or potential connections to litigants and witnesses. *Cf. Surratt v. Prince George's Cnty.*, 320 Md. 439 (1990) (female attorney alleged repeated instances of sexual misconduct by judge); *In re Turney*, 311 Md. 246 (1987) (judge presided over criminal trial in which former wife's stepson was implicated); *Jefferson-El v. State*, 330 Md. 99, 109 (1993) (judge criticized the jury and remarked that acquittal was an "abomination"). Instead, our reading of Father's complaints is that Father attributes the

custody schedule to bias of the magistrate and/or judge, rather than permissible factors pertaining to the Child's best interest.

Having examined the pleadings, transcripts, recommendation, and Custody Order in context, we are satisfied that neither the magistrate nor the court injected impermissible views or biases into its custody determination. To the contrary, the court explained that a split-week schedule best accommodates the reality that the Child is living in two households that are separated by a two-hour drive. We address Father's challenge to that decision next.

Custody Decision (Issues 1, 2, 6, 7)

Father presents a number of issues that, at their core, challenge the court's ultimate decision to order joint legal and shared physical custody. Specifically, in Father's view, the court abused its discretion in "modifying the schedule" that he proposed and in addressing "matters" on which "the current parenting plan" that Mother and Father had been operating under was "silent." Father complains about the magistrate and court "adopting" certain "recommendations[,]" including provisions in the Custody Order "adopting . . . a rotating IRS tax claimant schedule, establishing a neutral location for custody exchange, [and] establishing mediation guidelines for unresolved or contested medical and or educational concerns." Most importantly in his view, "a more equitable division of parenting time" – presumably meaning some schedule other than the Monday-Friday/Friday-Monday schedule in the Custody Order – would "directly support[] the child's emotional well-being[.]"

When determining whether a custody decision was founded "upon sound legal principles" and based upon "factual findings that are not clearly erroneous[,]" this Court recognizes that "[a]n abuse of discretion should only be found in the extraordinary, exceptional, or most egregious case." *B.O. v. S.O.*, 252 Md. App. 486, 502 (2021) (cleaned up). An abuse of discretion occurs only when "'no reasonable 'person would take the view adopted by the [circuit] court'" or the court "'acts without reference to any guiding principles.'" *George v. Bimbra*, 265 Md. App. 505, 517 (2025) (quoting *Alexander v. Alexander*, 252 Md. App. 1, 17 (2021)). We are mindful that, in many cases, the evidence could support either the custody decision recommended by the magistrate and made by the circuit court, or "a contrary decision to award custody" under a different arrangement. *Gizzo*, 245 Md. App. at 200 (cleaned up). For that reason, we do not second-guess a custody determination merely because another judge might have established different terms. *See Jose v. Jose*, 237 Md. App. 588, 599 (2018).

With respect to the tax schedule, custody exchanges, and mediation guidelines, Father abandoned any such challenges that he had made in his written exceptions when, during the exceptions hearing, he narrowed his objections to the physical custody schedule. After hearing from Mother, Father, and his sisters, and considering the documentary evidence presented by the parties, the circuit court agreed with the magistrate that both parents were loving, fit, and sought the best for their Child. Considering each of the relevant custody factors in light of Father's exceptions, both the magistrate and the court found that Mother and Father were sincere in their desire for custody, able to reach shared decisions

regarding the Child, able to provide a safe and stable home for the Child, and able to meet his developmental and financial needs.

In these circumstances, we conclude that the circuit court did not abuse its discretion in agreeing with the magistrate's assessment that is in the Child's best interest for these parents to share joint legal custody. Although courts consider a variety of factors when deciding whether joint legal custody is appropriate, the "most important factor" is always "the capacity of the parents to communicate and to reach shared decisions affecting the child's welfare." *Santo*, 448 Md. at 628 (cleaned up). On this crucial factor, "the best evidence" is ordinarily "the past conduct or 'track record' of the parties." *Taylor*, 306 Md. at 307.

Here, the record shows that these parents can communicate and come to shared decisions affecting the Child's welfare, including medical and educational decisions. Indeed, they managed his care without any judicial intervention for the first three years of his life. Once they resolved their disagreement over events surrounding Father's departure from the hospital while Mother was in labor, both parents corresponded and agreed about the Child's care, health, and educational needs. Likewise, both parents participated in health care provider visits and otherwise met the Child's health, housing, and emotional needs. Even during the course of this custody litigation, they continued to collaborate on custody, for example by accommodating Father's probationary work schedule and adjusting to other variables.

Moreover, Father conceded that joint legal and shared physical custody was appropriate. By the time of the hearing in April 2025, the Child had been diagnosed with a

speech delay, for which he had been offered IEP services at a public school, in a program that started the following week. At the exceptions hearing in July 2025, the Child had progressed while attending that program and was enrolled in pre-K at the same school for the fall.

Under these circumstances, the court did not abuse its discretion in concluding that prior disputes over daycare issues had evolved and resolved as a result of the Child receiving services for a speech delay at the school near Mother. The court did not err or abuse its discretion in concluding there was no insurmountable obstacle to shared decisionmaking under an order establishing joint legal custody. Both parents have been fit, loving, involved, and willing to make such decisions. Given their track record, the court commended them for putting aside their differences with each other for the benefit of the Child. *See Santo*, 448 Md. at 628. In turn, based on this record, the court did not abuse its discretion in determining that joint legal custody is in the Child's best interests.

With respect to shared physical custody, the court adopted the magistrate's recommendation to continue splitting custody on a schedule like the one under which the parents had been operating since the Child began attending school, with Father picking up the Child on Friday afternoons and delivering him to his daycare or school on Monday mornings, and Mother picking up the Child on Mondays and delivering him to his daycare or school on Fridays. Father contends that "a more equitable division of parenting time directly supports the child's emotional well-being" so that "[t]he trial court's failure to acknowledge these developments constituted a misapplication of law and an abuse of discretion." We disagree.

The court cited two relevant custody factors – the Child's developmental needs and the distance between the parents' residences – as grounds for its custody decision. Under this shared custody schedule, the Child spends significant time periods with each parent during each week, creating a stable schedule that allows this four-year-old with a speech delay to attend a neighborhood public school where he receives appropriate services under his IEP, while living with each parent during at least four days of every week. Although Father objected that this schedule makes him "a weekend dad," his Friday afternoon through Monday morning custody period affords him opportunities to spend time with the Child outside of the work, school/daycare, and other weekday activities that limit Mother's time with the Child during her custody period from Monday afternoon through Friday morning. Given that each parent has a consistent and substantial period of time with the Child, while the Child is able to reach his school in minutes on schooldays, the court did not abuse its discretion in ordering shared physical custody on the split-week schedule set forth in the Custody Order.

THE CUSTODY ORDER OF JULY 25, 2025, BY THE CIRCUIT COURT FOR BALTIMORE COUNTY, IS AFFIRMED. COSTS TO BE PAID BY APPELLANT.