

Circuit Court for Baltimore County  
Case No. C-03-FM-23-006824

UNREPORTED\*

IN THE APPELLATE COURT

OF MARYLAND

No. 1132

September Term, 2025

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LAUREN DEAN

v.

CLAYTON DEAN

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Reed,  
Kehoe, S.,  
Eyler, Deborah S.,  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Kehoe, J.

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Filed: February 20, 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 Maryland Rule 1-104(a)(2)(B).

This appeal arises from a divorce and custody dispute adjudicated by the Circuit Court for Baltimore County. Appellant, Lauren (Fram) Dean (“Ms. Fram”),<sup>1</sup> filed a Complaint for Absolute Divorce on November 30, 2023, which was followed by a Counter-Complaint for Divorce, filed on January 8, 2024, by Appellee, Dr. Clayton Dean (“Dr. Dean”). A trial on the merits commenced on April 9, 2025, consumed eleven days, and concluded on May 19, 2025. The circuit court entered the Judgment of Absolute Divorce on June 5, 2025, and a Supplemental Judgment of Absolute Divorce regarding the financial matters on August 14, 2025. An order modifying the child access schedule and child support was entered on October 24, 2025.

Ms. Fram filed an appeal on July 30, 2025, challenging the court’s ruling awarding Dr. Dean primary physical custody and tie-breaking authority in legal custody, as set forth in the Judgment of Absolute Divorce, entered on June 5, 2025. Ms. Fram filed another appeal on September 15, 2025, challenging the court’s finding that the Merrill Lynch accounts #3859 and #7889 were primarily nonmarital, as reflected in the Supplemental Judgment of Absolute Divorce and Memorandum Opinion, entered on August 14, 2025. No appeal was filed in relation to the October 24, 2025 order.

The parties appeared before this Court for oral argument on January 13, 2026.

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<sup>1</sup> Appellant, Lauren Dean, was restored to her maiden name, Lauren Ashley Fram, pursuant to the Judgment of Absolute Divorce. As such, we will refer to her as Ms. Fram in this opinion.

## **I. QUESTIONS PRESENTED**

Ms. Fram presents the following questions for our review, which we have rephrased:<sup>2</sup>

- 1) Did the trial court err in awarding primary physical custody and tie-breaking authority in legal custody to Dr. Dean, despite his parental alienation behavior?
- 2) Did the trial court err in finding that two investment accounts were primarily nonmarital, where marital and nonmarital funds were commingled in the accounts?

For the reasons stated herein, we affirm the judgments of the Circuit Court for Baltimore County.

## **II. FACTUAL & PROCEDURAL BACKGROUND**

The parties met in early 2014 and moved into together six months later. At the time, Ms. Fram was 25 years of age, working at her mother's retail store. Dr. Dean was 37 years of age and a spinal surgeon at Mercy Hospital. Shortly after the parties moved in together, Ms. Fram quit working and Dr. Dean provided financial support for her. The parties

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<sup>2</sup> Ms. Fram presented the following questions in her brief:

- 1) Did the trial court err, abuse its discretion, and was it clearly erroneous when it disregarded clear evidence and its own findings that Father was intentionally interfering with the relationship between Mother and M.D., and yet awarded Father primary physical of M.D. and tie-breaking authority in legal custody?
- 2) Did the trial court err as a matter of law and was it clearly erroneous when it found that two investment accounts were primarily non-marital when the funds were commingled to an inextricable degree and could not be directly traced to a non-marital source?
- 3) To what remedies is Mother entitled?

married on February 3, 2018, and one child was born to the marriage in 2019. Until 2022, Dr. Dean worked full-time, and Ms. Fram was the primary caregiver for the child.

Difficulties in the marriage began shortly after Ms. Fram became pregnant and increased after the child was born. In July of 2022, Ms. Fram left the marital home with the child. The parties shared physical custody of the child during the separation. The separation was difficult for the child and the parties, and the child was returned to the home in September of 2022, followed by Ms. Fram shortly thereafter. However, the marital relationship did not resume. When the child returned to the home, Dr. Dean retired and became the child's primary caregiver. Ms. Fram remained in the marital home throughout the litigation of this case because she was concerned if she moved out that Dr. Dean would keep the child from her.

**A. Judgment of Absolute Divorce & Supplemental Orders**

The Judgment of Absolute Divorce, entered on June 5, 2025, granted Ms. Fram an absolute divorce from Dr. Dean and restored her to her maiden name. Ms. Fram was ordered to vacate the marital home within fourteen days of May 29, 2025. Dr. Dean was awarded primary physical custody of the child, with "reasonable and liberal access" awarded to Ms. Fram.<sup>3</sup> The parties were awarded joint legal custody of the child, with Dr. Dean having tie-breaking authority only after following a strict resolution process

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<sup>3</sup> Ms. Fram's access schedule, once she vacated the marital home, included every Tuesday, Thursday, and Saturday from 11:00 a.m. to 2:00 p.m.; beginning August 2, 2025, Saturdays would be extended to 5:00 p.m.; once school began, Tuesday and Thursday access would begin after school until 7:00 p.m.; and holidays would be as agreed upon by the parties.

established by the court. Ms. Fram was ordered to continue reunification therapy with the child. A review hearing on Ms. Fram's access with the child was scheduled for October 7, 2025.

The court reserved on the financial issues, including marital property, monetary award, and alimony, pending the parties' written closing arguments. Until the resolution of the financial matters, Dr. Dean consented to continuing to pay the monthly payments and insurance for the 2022 Mercedes AMG GLE vehicle driven by Ms. Fram, to pay Ms. Fram's rent and utilities, and to advance \$10,000.00 against any monetary award to assist Ms. Fram with moving expenses. Dr. Dean consented to continuing to provide health insurance and cover any other medical expenses for the child.

A Supplemental Judgment of Absolute Divorce and Memorandum Opinion regarding the marital property, monetary award, alimony, and child support was entered on August 14, 2025. Ms. Fram was awarded half of the marital portion of Dr. Dean's Merrill Lynch Individual Retirement Arrangement ("IRA") account, a monetary award in the amount of \$1,440,763.46, and indefinite alimony in the amount of \$5,000.00 per month. Dr. Dean was denied a monetary award and alimony. However, Ms. Fram was ordered to pay \$535.00 per month in child support to Dr. Dean.

Each party called expert witnesses to testify regarding the parties' finances. Ms. Fram called Bruce G. O'Heir, CPA ("Mr. O'Heir"). Dr. Dean called Mark W. Norris, CPA ("Mr. Norris").

The marital home located on Mantua Mill Road in Glyndon, Maryland was purchased by Dr. Dean two years before the parties' marriage and titled solely in his name. The court found that Dr. Dean's nonmarital contribution to the marital home was 27% of the property's value, which resulted in \$810,000.00 nonmarital equity.<sup>4</sup> The marital value of the home was determined by the court to be \$1,351,172.92.

Dr. Dean's 87.5% ownership in Velocity Ventures I, LLC, was marital property. The court found Dr. Dean's financial expert, Mr. Norris, credible in the LLC's valuation at \$688,500.00.

The parties disagreed on the marital status of the Merrill Lynch Primary Investment Account #3859 and the Merrill Lynch Account #7889. The court found Mr. Norris's analysis as to both accounts credible, as he was able to trace which funds were nonmarital and which were marital. Crediting Mr. Norris's analysis, the court found that 87%, or \$5,643,544.00, of the Merrill Lynch Primary Investment Account #3859 was nonmarital and the remaining 13%, or \$844,355.00, was marital. Regarding the Merrill Lynch Account #7889, the court found that 97% was nonmarital and 3% was marital, equating to \$40,499.00.

The marital portion of Dr. Dean's Merrill Lynch Roth IRA equaled \$394,587.00. The court ordered Ms. Fram's 50% in the marital interest be transferred by a Qualified

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<sup>4</sup> The purchase price of the home was \$2,250,000.00 with a downpayment of \$450,000.00. Dr. Dean's total mortgage payments prior to the marriage equal \$162,424.00. The Fair Market Value ("FMV") of the marital home was appraised at \$3,000,000.00 in 2024. As of June 1, 2025, the mortgage balance was \$838,827.08.

Domestic Relations Order (“QDRO”). Since Ms. Fram’s interest in the IRA would be transferred to her directly, the IRA account was not considered for the purpose of determining a monetary award.

Dr. Dean retained possession of the 2022 Mercedes AMG GLE. The court found that the lien on the vehicle was more than the value of the vehicle, and therefore, valued the vehicle at zero. The court found that the Merrill Lynch Custodial Account opened by Dr. Dean for the benefit of the child was not subject to distribution.<sup>5</sup> Neither the vehicle nor the Custodial Account would be considered an asset of Dr. Dean for the purpose of determining a monetary award for Ms. Fram.

After the parties separated, but prior to the divorce proceedings, Ms. Fram rented a townhouse in Lutherville, paying a \$3,000.00 security deposit. The court found that the furniture purchased by Ms. Fram for the townhouse was worth approximately \$10,000.00. Ms. Fram’s PNC bank account was valued at \$10,000.00 by the court from Ms. Fram’s testimony.

The court found that the total value or equity of the parties’ marital assets was \$2,947,526.92. Dr. Dean held \$2,924,526.92 of the marital assets titled in his name. The court valued the total of Ms. Fram’s marital assets at \$23,000.00.

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<sup>5</sup> See *Abdullahi v. Zanini*, 241 Md. App. 372, 411 (2019) (holding that an account, opened for the benefit of the parties’ child, titled in one spouse’s name, should not be counted as that spouse’s separate asset for the purpose of determining an equitable monetary award, where there is no evidence that the spouse intended to use the funds for anything other than for the benefit of the child).

The court considered the factors required by Md. Code Ann., Fam. Law § 8-205(b), and granted Ms. Fram a monetary award in the amount of \$1,440,763.46.<sup>6</sup> The court considered the factors required by Md. Code Ann., Fam Law § 11-106(b), found that there was a disparity<sup>7</sup> in income and standard of living between the parties, and awarded Ms. Fram indefinite alimony in the amount of \$5,000.00 per month.<sup>8</sup> Using the child support guidelines and considering Ms. Fram's \$5,000 monthly alimony as her only income, the court calculated Ms. Fram's child support obligation to \$535.00 per month.

On October 7, 2025, the court held a review hearing regarding Ms. Fram's access schedule with the child. On October 24, 2025, the court entered an order modifying the child access schedule as set forth in the Judgment of Absolute Divorce. Pursuant to the new order, Ms. Fram was granted two nonconsecutive weekends with the child from 10:00 a.m. on Saturday to 7:00 p.m. on Sunday. After the two nonconsecutive weekends, Ms. Fram was granted visitation with the child every other weekend, starting Friday after school until Monday morning when she takes the child to school. The Tuesday and Thursday schedules

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<sup>6</sup> The total marital assets of \$2,947,526.92 equally divided among the parties equals \$1,473,763.46 per party, minus Ms. Fram's total marital assets of \$23,000 equals \$1,450,763.46, minus the \$10,000.00 that Dr. Dean advanced to Ms. Fram equals a monetary award to Ms. Fram in the amount of \$1,440,763.46.

<sup>7</sup> The standard is whether the standards of living will be unconscionably disparate. Md. Code. Ann., Fam. Law § 11-106(c). Since Dr. Dean does not contest the alimony award we accept the finding of the trial court.

<sup>8</sup> The court found Ms. Fram's reasonable monthly expenses included \$3,000 in rent, \$250.00 for electric, \$100.00 for cellphone service, \$350.00 for drugstore items, \$175.00 for household items, \$250.00 for cable and internet, \$250.00 for haircare, and \$90.00 for nailcare. The court also noted that Ms. Fram would have additional expenses of a new car and health insurance.

remained the same, with Ms. Fram picking the child up from school and returning her to Dr. Dean at 7:00 p.m.; however, during the weeks without a weekend visitation, the Thursday visitation becomes an overnight stay. The parties will alternate holidays and equally divide winter and spring breaks from school.

Due to Ms. Fram's increased access schedule, the child support was also modified. Per the child support guidelines, the court ordered Dr. Dean to pay \$884.00 per month in child support to Ms. Fram. In all other matters, the court's prior orders remained in full force and effect, provided they are not inconsistent with the new order.

Additional facts will be included in the discussion as they become relevant.

### **III. DISCUSSION**

For the following reasons, we conclude that the trial court's ruling is not inconsistent with its findings and objectives, and that the trial court did not abuse its discretion in its custody determination. We further conclude that the court's reliance on the testimony of Dr. Dean's expert was not an abuse of discretion, and its determination as to the marital and nonmarital portions of the two investment accounts was not clearly erroneous.

#### **A. The Trial Court Did Not Err in Awarding Dr. Dean Primary Physical Custody and Tie-Breaking Authority in Legal Custody**

Ms. Fram argues that "the trial court abused its discretion when it awarded primary physical custody and tie-breaking authority to [Dr. Dean] despite repeatedly finding that [Dr. Dean] was intentionally interfering with the relationship between [the child] and [Ms. Fram]." Ms. Fram claims that the trial court's ruling does not logically follow its factual findings of Dr. Dean's parental alienation behavior and its announced objectives of

reunification between the child and Ms. Fram. Ms. Fram requests that this Court vacate the custody award and remand the case for reconsideration of shared physical custody and awarding Ms. Fram tie-breaking authority in legal custody.

Dr. Dean counterargues that Ms. Fram’s “appeal of the trial court’s proper custody order should be dismissed because [Ms. Fram] did not file the required notice of appeal to the controlling custody order and her appeal is moot.” Dr. Dean claims that the controlling custody order is the order that was entered on October 24, 2025, which modified the child access schedule and child support, rather than the Judgment of Absolute Divorce entered on June 5, 2025, to which Ms. Fram takes appeal. Ms. Fram replies that “the appeal is not moot because the October 24, 2025 order did not materially modify the trial court’s Judgment of Absolute Divorce as to physical or legal custody.”

Alternatively, Dr. Dean counters that “the trial court’s legal and physical custody decisions were not erroneous or an abuse of discretion where there was ample evidence in the record to support the trial court’s conclusions.” Dr. Dean emphasizes that the trial court never found that he was guilty of parental alienation, but instead the court found that the toxic home environment was created by Ms. Fram’s decision to continue living in the home. As such, Dr. Dean asks this Court to affirm the trial court’s judgments.

### **1. Standard of Review**

“The light that guides the trial court in its determination, and in our review, is the best interest of the child standard, which is always determinative in child custody disputes.” *Santos v. Santos*, 448 Md. 620, 626 (2016) (citing *Ross v. Hoffman*, 280 Md. 172, 178

(1977) (internal quotation marks omitted). However, “an 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).

We review the trial court’s factual findings for clear error. *Lemley v. Lemley*, 109 Md. App. 620, 627 (1996). A finding is not clearly erroneous where there is competent or material evidence in the record to support it. *Id.* at 628. We do not sit as a second trier of fact, but rather we review the record for the presence of sufficient material evidence to support the trial court’s findings. *Id.* Moreover, the record is reviewed in the light most favorable to the party that prevailed below. *Id.*

We review a trial court’s custody determination under the abuse of discretion standard. *Santos*, 448 Md. at 625. As such, we defer to the trial court, as they are uniquely situated to observe and assess the credibility of the parties and witnesses. *Id.* (citing *Petrini v. Petrini*, 336 Md. 453, 470 (1994)). Under this deferential standard, we may only reverse the trial court where “no reasonable person would take the view adopted by the trial court or when the court acts without reference to any guiding rules or principles.” *Id.* at 626. (quoting *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 312 (1997)). Moreover, we may not reverse the trial court’s decision simply because we would have decided the case differently. *Gordon*, 174 Md. App. at 638.

## 2. Physical & Legal Custody

In determining child custody, the trial court's "paramount concern is the best interest of the child." *Taylor v. Taylor*, 306 Md. 290, 303 (1986). To determine what is in the best interest of the child, the trial court must "evaluate the child's life chances in each of the homes competing for custody and then to predict with whom the child will be better off in the future." *Montgomery Cnty. Dep't of Soc. Servs. v. Sanders*, 38 Md. App. 406, 419 (1978). "[A] judge agonizes more about reaching the right result in a contested custody issue than about any other type of decision [they] render[]." *Id.* at 414 (citation omitted); *see also Taylor*, 306 Md. at 311 ("The resolution of a custody dispute continues to be one of the most difficult and demanding tasks of a trial judge.").

Custody encompasses both "physical" and "legal" custody. *Taylor*, 306 Md. at 296. Physical custody includes the "right and obligation to provide a home for the child and to make the day-to-day decisions required during the time the child is actually with the parent having such custody." *Id.* Whereas legal custody involves the "right and obligation to make long range decisions involving education, religious training, discipline, medical care, and other matters of major significance concerning the child's life and welfare." *Id.*

Custody, both physical and legal, may be granted solely/primarily to one parent, or jointly/shared between both parents. *See id.* at 296–67. "Shared physical custody may, but need not, be on a 50/50 basis, and in fact most commonly will involve custody by one parent during the school year and by the other during summer vacation months, or division between weekdays and weekends, or between days and nights." *Id.* at 297. Joint legal

custody indicates that “both parents have an equal voice in making [] decisions” concerning the child. *Id.* at 296.

When determining custody, there are several factors that a court must consider. *See Sanders*, 38 Md. App. at 420; *Taylor*, 306 Md. at 304–11; Md. Code Ann., Fam. Law § 9-201. Prior to the enactment of Family Law § 9-201 on October 1, 2025, “the factors to be considered by a court in making such a determination [were] not specified in statute but [were] instead [] developed through case law.” Md. Gen. Assemb. Dep’t of Legis. Servs., *The 90 Day Report: A Review of the 2025 Legislative Session*, 447th Sess., at Part F-7 (2025). At the time of trial and the court’s custody ruling in the case *sub judice*, Family Law § 9-201 was not yet in effect. *See id.*; Md. Code Ann., Fam. Law § 9-201. In its ruling, the trial court here considered the custody factors that were applicable at the time, citing to *Sanders* and *Taylor*. *See Sanders*, 38 Md. App. at 420; *Taylor*, 306 Md. at 304–11. As such, we assess the trial court’s ruling based on the case law that applied at the time.

This Court in *Montgomery County Department of Social Services v. Sanders*, established a list of factors to weigh in making a custody determination:

(1) fitness of the parents; (2) character and reputation of the parties; (3) desire of the natural parents and agreement between the parties; (4) potentiality of maintaining natural family relations; (5) preference of the child; (6) material opportunities affecting the future life of the child; (7) age, health, and sex of the child; (8) residences of parents and opportunity of visitation; (9) length of separation from natural parents; and (10) prior voluntary abandonment or surrender.

*J.A.B. v. J.E.D.B.*, 250 Md. App. 234, 253 (2021) (citing *Sanders*, 38 Md. App. at 420).

However, the court’s considerations are not limited to this list and no single factor should

be given more weight than another. *Sanders*, 38 Md. App. at 420–21. The court must consider the “totality of the situation in the alternative environments[.]” *Id.*

When a court is considering whether shared custody is a viable option, it must consider “the *Taylor* factors” as established in *Taylor v. Taylor* by our then Court of Appeals. *J.A.B.*, 250 Md. App. at 255. The *Taylor* factors include:

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

*Id.* at 255–56 (citing *Taylor*, 306 Md. at 304–11). Again, this list of *Taylor* factors is not all-inclusive.<sup>9</sup> *Taylor*, 306 Md. at 311. The court “should consider all other circumstances that reasonably relate to the issue.” *Id.*

### **3. Analysis**

While Dr. Dean argues in his brief that Ms. Fram’s appeal should be dismissed because she did not appeal the proper custody order, Dr. Dean’s counsel at oral argument before this Court conceded that the issue of *legal* custody and tie-breaking authority was still before this Court’s review, because the October 24, 2025 order did not address or modify legal custody. When a trial court determines legal custody, that decision is not made

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<sup>9</sup> The trial court indicated that it also considered “the 35 factors by Judge [Fred S.] Hecker, [that he] puts out through the Family Law University for judges and magistrates,” and the new statute, Family Law § 9-201.

in a vacuum; it is inherently intertwined with the court's assessment and determination of physical custody. As such, a review of legal custody requires us to review physical custody as well. Moreover, because we find no error or abuse of discretion by the trial court in its overall custody determination, we need not address whether the issue of *physical* custody is moot.

Ms. Fram's primary argument is that the trial court's ruling, awarding Dr. Dean primary physical custody and tie-breaking authority in legal custody, does not logically follow from its factual finding regarding Dr. Dean's parental alienation behavior and the court's objective for reunification between her and the child. Thus, we must assess the trial court's factual findings and whether its analysis of those facts supports its ruling.

First, we address the issue of parental alienation. To support her argument, Ms. Fram cites to *Bajaj v. Bajaj*, 262 Md. App. 435 (2024). In *Bajaj*, the trial court found that the mother "deliberately estranged the minor children from the Father." *Id.* at 441. However, the court denied the father's request for a 2-2-5-5 access schedule,<sup>10</sup> finding that it was not in the children's best interest to be apart from mother for five days at a time. *Id.* at 439. Instead, the court granted the father visitation on Wednesday nights until 7:00 p.m., overnight visits on alternating weekends, half of holiday breaks, such as Christmas, Thanksgiving, and spring break, and two weeks during summer vacation, either

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<sup>10</sup> "This custody arrangement would mean that the children would spend two days with Father, two days with Mother, five days with Father, then five days with Mother. Afterwards, the cycle would repeat, giving the parties equal access with the children but on a staggered basis." *Bajaj*, 262 Md. App. at 439 n. 1.

consecutive or nonconsecutive. *Id.* at 441. The father requested an in banc review in the circuit court pursuant to Md. Rule 2-551. The in banc panel held that “given the trial court’s findings about the strength of the loyalty bind such that the children could not be parted from Mother for long periods, the trial court did not adequately explain why it also ordered extended periods of visitation to Father on holidays.” *Id.* The in banc panel remanded the case and asked the trial court to explain why the access schedule was in the children’s best interests. *Id.* The mother appealed to this Court, and we held:

[W]hether the circuit court erred in ordering its custody schedule is not before us in this appeal. But we agree with the in banc panel that there is a logical disconnect in the trial court’s reasoning: given its finding that it was not in the minor children’s best interest to be apart from Mother for periods of five days or more, it left unexplained why it would be in their best interest to be in Father’s custody for longer holidays such as Father’s two-week summer access. While it appears possible that the trial court meant that it would only be detrimental to the minor children to be parted from Mother for long periods during their regular schedule, we need not speculate. The in banc panel ordered the modest remedy of remand to the circuit court for reexplanation and reconsideration of its order, and we agree that this was an appropriate manner of clarifying the trial court's reasoning.

*Id.* at 451.

The issue and holding in *Bajaj* are much narrower than Ms. Fram alleges. Ms. Fram essentially argues that *Bajaj* stands for the proposition that a finding of parental alienation is inconsistent, or logically disconnected, with granting the alienating parent primary custody and limiting the other parent’s access. That is not the holding of *Bajaj*. The narrow holding in *Bajaj* simply says that the finding that the children cannot be apart from the mother more than five days is inconsistent with the ruling granting father holiday periods in excess of five days, *and* because the trial court did not explain why this inconsistency

was in the best interests of the children, the case needed to be remanded for the court to provide such explanation. *See id.* Moreover, we did not foreclose the possibility that the trial court could provide a sufficient explanation for the inconsistency, such as the children could not be apart from their mother “during their regular schedule.” *Id.* In the case *sub judice*, there are no factual findings that are directly inconsistent with the ruling, like that in *Bajaj*. Furthermore, the trial court’s oral ruling sufficiently explains why its custody decision is in the child’s best interest.

In discussing parental alienation in its ruling, the trial court summarized the opinions of the experts in the psychological and child access evaluations. From Dr. Dean’s psychiatric evaluation, it was the opinion of Stephen W. Siebert, M.D., that “Dr. Dean’s parental alienation was under [Dr. Dean’s] control.” The opinion of K. DeShawn Jennings, LCSW-C, in the child access evaluation, was that Dr. Dean “does not separate himself from [the child] or give [the child] time to engage with [Ms. Fram].” The court then indicated that although Dr. Dean has given the child permission to love Ms. Fram, pursuant to the advice of the reunification therapist, Dr. Esther Finglass, “I don’t think she really believes it.” However, the court also found that Dr. Dean began seeing a parenting coach and is working to promote independence within the child.

It is unclear whether the trial court made a finding of parental alienation, as it did not explicitly say so, or if the court was simply summarizing the evidence and testimony presented at trial. Regardless of whether there was such finding, Ms. Fram is asking us to hold that a finding of parental alienation precludes the alienating parent from primary

physical custody and tie-breaking authority in legal custody, which we decline to do. In determining custody, the court considers the “totality of the situation in the alternative environments.” *See Sanders*, 38 Md. App. at 420–21. The trial court clearly considered Dr. Dean’s behavior in its assessment and, despite such behavior, found based on the “totality of the situation” that it was in the best interest of the child to award him primary physical custody and tie-breaking authority in legal custody. As such, the trial court did not abuse its discretion by failing to rely on this one factor in making its custody decision.

Second, we discuss whether the court’s ruling “logically follows” from any of its other factual findings. Ms. Fram fails to acknowledge the trial court’s other factual findings regarding her behavior, that may have resulted in the court declining to order shared physical custody and award her tie-breaking authority in legal custody. While the trial court found that Ms. Fram was fit to care for the child, it had some concerns. The court was primarily concerned with Ms. Fram’s decision to remain in the marital home, which created a toxic environment, despite the advice to move out.<sup>11</sup> The court found that the toxic environment in the home was exacerbated by Ms. Fram’s having “a timer on her phone to take pictures of Dr. Dean and [the child] at every hour” and Ms. Fram’s agreement or

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<sup>11</sup> The trial court expressed:

I am concerned that here we are on May 29th and [Ms. Fram] is still in the house, despite everything that she’s been hearing that she needs to be out. [. . .] This is a toxic, toxic environment to be raising somebody in, and [Ms. Fram] says she didn’t move out because she didn’t want to lose contact with [the child] and lose access to [the child]. I don’t know if she’s being selfless or selfish because the act is both.

understanding with the child that they would not play together or speak to one another in the house, but rather whisper or only talk if Dr. Dean was not around. Regarding this behavior, the court was concerned what message it was sending to the child and noted that Ms. Fram “is teaching [the child] to keep secrets and acting in a way that also isn’t healthy.”

Moreover, although the court did not believe that Ms. Fram’s extramarital affairs made her a “bad mother,” the court found that they did “take her away from time with [the child]” and that “[t]here is a lack of predictability if she tells [the child] she’ll be right back and then doesn’t return for an extended period of time.” Prior to reunification therapy, the child was “anxious and fearful” of Ms. Fram. Even after reunification therapy began, while the child was comfortable with Ms. Fram during the therapy sessions, the child was still not comfortable with Ms. Fram handling her caregiving at home. Ever since the child returned to the marital home, Dr. Dean became the primary caregiver for the child. The child is “highly bonded” with and reliant on Dr. Dean. Ms. Fram would like for us to believe that her fractured relationship with the child is a result of Dr. Dean’s behavior, which it may be, however, it is just as likely that the broken relationship is a result of her own actions, or a combination of both parents’ behavior. Considering these findings, we disagree with Ms. Fram’s argument that the court’s ruling does not “logically follow” its factual findings. Moreover, the ruling is not inconsistent with the court’s objective to

reunify Ms. Fram and the child, as the court ordered reunification therapy to continue and ordered a reasonable and liberal access schedule, which included overnight visits.<sup>12</sup>

Lastly, we consider whether the trial court abused its discretion in its custody determination overall. When deciding whether shared custody was appropriate, as Ms. Fram desired, the trial court considered the *Taylor* factors. The capacity of the parents to communicate “is clearly the most important factor in the determination of whether an award of joint legal custody is appropriate, and is relevant as well to a consideration of shared physical custody.” *Taylor*, 306 Md. at 304. The trial court summarized the testimony of the witnesses and found that the parties did not communicate well. Dr. Dean indicated that “the parties don’t communicate well, don’t trust each other enough, and forcing them to communicate would lead to arguments and acrimony.” Ms. Fram testified that Dr. Dean does not communicate with her regarding the child, including matters related to school and medical appointments. The court referred to the child access evaluation, which indicated that the parties did not co-parent. Several other witnesses testified that the parties did not communicate with one another. Moreover, the parties were only willing to share custody

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<sup>12</sup> In the supplemental order issued on October 24, 2025, Ms. Fram was granted two nonconsecutive weekends with the child from 10:00 a.m. on Saturday to 7:00 p.m. on Sunday. After the two nonconsecutive weekends, Ms. Fram was granted visitation with the child every other weekend, starting Friday after school until Monday morning when she takes the child to school. The Tuesday and Thursday schedule remained the same, with Ms. Fram picking the child up from school and returning her to Dr. Dean at 7:00 p.m.; however, during the weeks without a weekend visitation, the Thursday visitation becomes an overnight stay.

if certain conditions were met.<sup>13</sup> Considering their inability to communicate, hesitation to share custody, and other findings discussed *supra*, we conclude that the trial court did not abuse its discretion in declining to award shared physical custody.

Moreover, we do not find that the trial court abused its discretion by awarding Dr. Dean primary physical custody. The court found Dr. Dean fit to have custody of the child. Since July 2022, Dr. Dean was the primary caregiver for the child. He and the child are “highly bonded” and the child is reliant on him. Dr. Dean is engaged with a parenting coach to address the court’s concerns discussed *supra*. He will retain possession of the family home and is able to maintain a stable home. Dr. Dean is financially “very well off from his work as a spinal surgeon” and retirement investments, and thus financially able to support the child. We conclude that the trial court did not abuse its discretion in awarding primary physical custody to Dr. Dean. Where both parents are deemed fit, it is not an abuse of discretion to award one parent primary physical custody over the other. *See Gordon*, 174 Md. App. at 617, 638–39 (holding there was no abuse of discretion where the trial court found both parents to be fit but granted primary physical custody to the mother and liberal visitation with the father); *Viamonte v. Viamonte*, 131 Md. App. 151, 159 (2000) (holding there was no abuse of discretion where the trial court found that “both parents are fit and proper to have custody of the minor [child], but that [the father’s] personal and

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<sup>13</sup> The trial court noted that Ms. Fram indicated in her psychiatric evaluation that she would be open to shared custody “if Dr. Dean conforms his behavior to be what is what’s best for [the child].” As for Dr. Dean, he indicated that he would be willing to share custody “but trust needs to be rebuilt between [Ms. Fram and the child].”

occupational situation is more stable and that he is therefore more able to provide for [the child,]” and granted primary physical custody to the father).

As for legal custody, while the court found that the parties do not communicate, it also indicated that it had a “great deal of concern that if one party were awarded sole legal custody, sole decision-making ability, they would use it to the exclusion of the other party and completely shut that party out” and that was not in the child’s best interest. Therefore, the court ordered joint legal custody and awarded tie-breaking authority to Dr. Dean.

During its assessment of the character reputation of the parties, the court addressed the spoliation issue, summarizing that there was a hearing that made it “very clear” that email and text messages were not to be deleted, however, Ms. Fram deleted such messages. The court noted that it “could make a reasonable inference that [the deleted messages] would probably not be very flattering to [Ms. Fram]. Do they impact on her parenting skills? [. . .] She deleted them[,] so we won’t know that[.]”Furthermore, the trial court questioned Ms. Fram’s decision-making ability because of Ms. Fram’s decision to remain in the marital home despite experts’ advice to remove herself from that toxic environment.<sup>14</sup> We note that tie-breaking authority is only to be exercised after a strict and lengthy resolution process ordered by the court. Considering Ms. Fram’s history of failing to comply with the court orders, and questionable decision to remain in a toxic environment

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<sup>14</sup> The trial court noted that Ms. Fram “has a townhouse, so it’s not like she has to go out and look for someplace new to live.” After the parties separated, but prior to the divorce proceedings, Ms. Fram rented a townhouse in Lutherville, paid for by Dr. Dean.

despite expert advice, we conclude that the trial court did not abuse its discretion in declining to award Ms. Fram tie-breaking authority in legal custody.

Ultimately, we review the trial court's custody determination under the abuse of discretion standard. *See Santos*, 448 Md. at 625. Again, under such standard we may only reverse the trial court 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." *See id.* at 626. The trial court here thoroughly considered the custody factors applicable at the time under *Taylor* and *Sanders*, and determined that it was in the child's best interest to award Dr. Dean primary physical custody and tie-breaking authority in legal custody. While we understand that Ms. Fram is not satisfied with the access schedule and tie-breaking authority, we cannot conclude that the ruling is inconsistent with the court's findings and objectives, nor can we conclude that the trial court abused its discretion in its custody determination.

**B. The Trial Court Did Not Err in Finding that Two Investment Accounts were Primarily Nonmarital Property**

Ms. Fram argues that "the trial court's finding that the Merrill Lynch Accounts - 3859 and -7889 are mostly non-marital was based on its clearly erroneous reliance on [Dr. Dean's] expert's testimony and is not supported by Maryland law." Ms. Fram asserts that it is impossible to trace funds that have been commingled in an investment account where there have been withdrawals and deposits both before and during the marriage. Ms. Fram asks this Court to remand the case for reconsideration of the Merrill Lynch accounts "as marital property to be divided evenly between the parties."

Dr. Dean counterargues that “the trial court did not err in its findings as to the marital and non-marital components in either (a) account 7889; or (b) the primary investment account [3859].” Dr. Dean asserts that his expert analyzed both accounts, traced the nonmarital funds, and that the trial court was not clearly erroneous in accepting the expert’s analysis. Moreover, even if the accounts were deemed marital, that does not necessitate equal division of the accounts. Dr. Dean asks that we affirm the trial court’s judgments.

### **1. Standard of Review**

Whether an asset, or a portion thereof, is marital or nonmarital is a question of fact, which we review under the clearly erroneous standard. *Wasylyuszko v. Wasylyuszko*, 250 Md. App. 263, 269 (2021) (quoting *Collins v. Collins*, 144 Md. App. 395, 408–09 (2002)). However, we review the decision to grant a monetary award under the abuse of discretion standard. *Id.*; see also *Alston v. Alston*, 331 Md. 496, 504 (1993) (“The decision whether to grant a monetary award is generally within the sound discretion of the trial court.”).

### **2. Marital & Nonmarital Property**

Marital property is “property, however titled, acquired by [one] or both parties during the marriage.” Md. Code Ann., Fam. Law § 8-201(e)(1). Marital property does not include property: “(i) acquired before the marriage; (ii) acquired by inheritance or gift from a third party; (iii) excluded by valid agreement; or (iv) directly traceable to any of these sources.” Md. Code Ann., Fam. Law § 8-201(e)(2). In a divorce proceeding, “if there is a dispute as to whether certain property is marital property, the court shall determine which property is marital property[,]” and “the value of all marital property.” Md. Code Ann.,

Fam. Law §§ 8-203(a), 8-204(a). Thereafter, “the court must determine if the division of marital property according to title will be unfair; if so, the court may make an award to rectify the inequity[,]” pursuant to Fam. Law § 8-205.<sup>15</sup> *Richards v. Richards*, 166 Md. App. 263, 272 (2005) (quoting *Collins*, 144 Md. App. at 409); *see also* Md. Code Ann., Fam. Law § 8-205.

In determining whether property is marital or nonmarital, Maryland courts follow the “source of funds” theory:

[W]hen property is acquired by an expenditure of both nonmarital and marital property, the property is characterized as part nonmarital and part marital. Thus, a spouse contributing nonmarital property is entitled to an interest in the property in the ratio of the nonmarital investment to the total nonmarital and marital investment in the property. The remaining property is characterized as marital property and its value is subject to equitable distribution. Thus, the spouse who contributed nonmarital funds, and the marital unit that contributed marital funds each receive a proportionate and fair return on their investment.

*Dave v. Steinmuller*, 157 Md. App. 653, 663–64 (2004) (quoting *Pope v. Pope*, 322 Md. 277, 281–82 (1991)). Therefore, the “party who asserts a marital property interest bears the burden of producing evidence of the identity and value of the property.” *Noffsinger v. Noffsinger*, 95 Md. App. 265, 281 (1993). “Conversely, the party seeking to demonstrate that particular property acquired during the marriage is nonmarital must trace the property to a nonmarital source.” *Innerbichler v. Innerbichler*, 132 Md. App. 207, 227 (2000)

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<sup>15</sup> “[A]fter the court determines which property is marital property, and the value of the marital property, the court may transfer ownership of an interest in property described in paragraph (2) of this subsection, grant a monetary award, or both, as an adjustment of the equities and rights of the parties concerning marital property, whether or not alimony is awarded.” Md. Code Ann., Fam. Law § 8-205(a)(1).

(quoting *Noffsinger*, 95 Md. App. at 283) (internal quotation marks and brackets omitted).

“Any property acquired during the marriage that cannot be directly traced to a nonmarital source is marital property.” *Noffsinger*, 95 Md. App. at 281.

### 3. Analysis

Ms. Fram argues that the trial court erred in relying on Dr. Dean’s expert witness to determine that two investment accounts, Merrill Lynch accounts #3859 and #7889, were mostly nonmarital, as it is impossible to trace nonmarital funds from marital funds commingled in investment accounts. Therefore, Ms. Fram alleges that these two investment accounts should be deemed entirely marital property and divided equally between the parties.

We disagree with Ms. Fram’s contention that where marital and nonmarital funds are commingled, it is impossible to trace the nonmarital funds. *See Noffsinger*, 95 Md. App. at 284 (“[T]he mere fact that nonmarital funds rested in the same account as marital funds does not compel the conclusion that the funds commingled.”). If “the party seeking to demonstrate that particular property acquired during the marriage is nonmarital [can] trace the property to a nonmarital source[,]” that property or a portion thereof will be deemed nonmarital. *See Innerbichler*, 132 Md. App. at 227. That is just what Dr. Dean’s financial expert witness, Mr. Norris, did. At trial, Mr. Norris, testified as to his methodology on tracing the nonmarital funds in the two investments accounts and his opinion as to the marital and nonmarital portions of those accounts. Mr. Norris’ expert report, which supported his testimony and opinion, was admitted into evidence. Mr. Norris analyzed

every account statement from the date of marriage for account #3859 and from the date that account #7889 was opened in 2023 until February 28, 2025, and categorized every deposit and withdrawal as either marital or nonmarital depending on its origin.

The trial court found, crediting Mr. Norris' testimony, that the balance of account #3859 on February 2, 2018, the day before the marriage, was \$2,564,359.00 and thus, nonmarital. While this account was jointly titled by the time the parties went to trial, the account was not jointly titled until April 1, 2019. Moreover, if "marital property" is any property acquired during the marriage, regardless of its title, it stands to reason that property can be determined "nonmarital" or partly nonmarital regardless of title. *See* Md. Code Ann., Fam. Law § 8-201(e)(1). Regardless, the fact the account was jointly titled is of no consequence because Mr. Norris was still able to trace certain funds to nonmarital sources.

As a result of Mr. Norris' tracing, the trial court found that the deposits in account #3859 of \$259,806.00 from Dr. Dean's 2018 Maryland State tax refund and \$1,191,205.00 from his 2018 federal tax refund were nonmarital. These refunds resulted from Dr. Dean's reported \$4,200,000.00 loss from investing in Global Credit Recovery, which later turned out to be a Ponzi scheme, with nonmarital funds. Dr. Dean invested \$3,000,000.00 in Global Credit Recovery prior to the marriage, and another \$1,000,000.00 after the marriage but with funds that were traced to a bonus Dr. Dean received for 2017.<sup>16</sup> Another

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<sup>16</sup> The \$200,000 investment in Global Credit Recovery was made in June of 2018, less than five months after the marriage. Mr. Norris testified that the \$200,000 represents

\$633,866.00 in account #3859 was traced to the sale of Dr. Dean's interest in Millennium Spine Center and deemed nonmarital. Dr. Dean acquired this interest in 2011, pre-marriage, which Ms. Fram did not dispute was nonmarital. Mr. Norris traced \$22,202.00 in inter-account transfers from Dr. Dean's nonmarital accounts. Mr. Norris testified that any other deposits into the account that was not traced back to one of the sources previously mentioned, were determined marital.

Dr. Dean opened account #7889 in his name solely in January of 2023 with a payment from Global Credit Recovery, as restitution from the loss in the Ponzi scheme, in the amount of \$2,081,031.00. Although this account was opened during the marriage, this deposit was traced back to the nonmarital investment as discussed *supra* and the trial court found it to be nonmarital. Mr. Norris testified, and his report shows, that the other deposits into this account were marital.

For both accounts, Mr. Norris also analyzed the withdrawals and inter-account transfers to determine their marital or nonmarital status and charged them to the appropriate categories. For example, Mr. Norris traced a withdraw from account #7889 in the amount of \$830,000.00 to pay 2024 taxes on the restitution received from Global Credit Recovery and charged it to Dr. Dean as nonmarital. Withdrawals and inter-account transfers occurring during the marriage that could not be traced to a nonmarital purpose were deemed to be marital, according to Mr. Norris.

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less than 5% of the \$4.2 million investment into Global Credit Recovery. Mr. Norris explained that the bulk of the loss was incurred prior to the marriage, and that the restitution paid was only a partial recovery of that loss.

In relation to the withdrawals or transfers, Ms. Fram cites *Schweizer v. Schweizer*, 301 Md. 626, 636 (1984), arguing that “marital debt” must be directly traceable to the acquisition of marital property. Ms. Fram further argues that because Mr. Norris could not directly trace the withdrawals or transfers categorized as marital to the acquisition of marital property, the value of the marital portion should not be reduced by such withdrawals or transfers. However, Ms. Fram’s assertion is misplaced because withdrawals and transfers are not “debts” as envisioned by the Court in *Schweizer*. *See id.* at 636–38.

Regarding how Mr. Norris calculated the net earnings on the marital and nonmarital portions in the investment accounts, he testified that “each month for the earnings per the investment statements, we simply prorated the earnings between the nonmarital balance of the previous month and the marital balance for the previous month and that’s how we prorated the total earnings for each month[.]” Thus, both marital and nonmarital categories accumulated net earnings in proportion to their value.

Based on Mr. Norris’ tracing analysis and opinion, the trial court found that account #3859 was 87% nonmarital and 13% marital, and account #7889 was 97% nonmarital and 3% marital. Whether an asset is marital or nonmarital is a question of fact, which we review for clear error. *Wasylyuszko*, 250 Md. App. at 269. We do not sit as a second trier of fact, but rather we review the record, in the light most favorable to the party that prevailed below, for the presence of sufficient material evidence to support the trial court’s findings. *Lemley*, 109 Md. App. at 628. We conclude there was sufficient material evidence in Mr. Norris’ testimony and expert report to support the trial court’s findings.

Moreover, where “there are two experts, the trier of fact must evaluate the testimony of both of them and decide which opinion, if any, to accept.” *Long v. Long*, 129 Md. App. 554, 570 (2000) (quoting *Quinn v. Quinn*, 83 Md. App. 460, 470 (1990)). The trial court does not abuse its discretion by accepting the testimony of one party’s expert over the expert of the other. *Id.*; *see also Fox v. Fox*, 85 Md. App. 448 459 (1991) (holding that the trial court did not abuse its discretion by accepting the testimony of one party’s expert, where the expert explained in detail how they arrived at such opinion).

Here, both parties’ experts testified as to the marital and nonmarital nature of the investment accounts in question. The trial court accepted the testimony and opinion of Dr. Dean’s expert, who explained in detail how he arrived at his opinion. We conclude that the trial court did not abuse its discretion by accepting the opinion of Dr. Dean’s expert over that of Ms. Fram’s. Consequently, we conclude that the court’s determination of the marital and nonmarital portions of the two investment accounts in question were not in clear error.

#### **IV. CONCLUSION**

For the foregoing reasons, we affirm the judgments of the Circuit Court for Baltimore County. The trial court did not abuse its discretion by failing to rely solely on Dr. Dean’s parental alienation behavior in making its custody decision. We decline to hold that a finding of parental alienation precludes the alienating parent from primary physical custody and tie-breaking authority in legal custody, where the “totality of the situation” of what is in the best interest of the child supports an award of custody to the alienating parent.

Considering their inability to communicate, hesitation to share custody, and other findings discussed *supra*, we conclude that the trial court did not abuse its discretion in declining to award shared physical custody. Subsequently, where both parents are deemed fit, we conclude that the trial court did not abuse its discretion in awarding primary physical custody to Dr. Dean over Ms. Fram. Furthermore, given Ms. Fram's history of failing to comply with a court's order and decision to remain in a toxic environment despite expert advice, we conclude that the trial court did not abuse its discretion in declining to award Ms. Fram tie-breaking authority in legal custody. Overall, we cannot conclude that the trial court's ruling is inconsistent with its findings and objectives, nor can we conclude that the trial court abused its discretion in its custody determination.

We further conclude that the trial court did not abuse its discretion by accepting the testimony and opinion of Dr. Dean's expert over the expert of Ms. Fram. Consequently, we conclude that the court's determination as to the marital and nonmarital portions of the two investment accounts in question was not clearly erroneous.

**JUDGMENTS OF THE CIRCUIT COURT  
FOR BALTIMORE COUNTY AFFIRMED.  
COSTS TO BE PAID BY APPELLANT.**