

Circuit Court for Montgomery County  
Case No. C-15-FM-22-000762

UNREPORTED\*  
IN THE APPELLATE COURT  
OF MARYLAND

No. 1180

September Term, 2025

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SHIVANI BAJAJ

v.

RUEBEN BAJAJ

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Wells, C.J.,  
Reed,  
Wilson, Brett R.,  
(Specially Assigned),

JJ.

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Opinion by Wells, C.J.

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Filed: March 5, 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 case returns to us following litigation concerning the dissolution of the marriage between appellant Shivani Bajaj (“Wife”) and appellee Rueben Bajaj (“Husband”). In a prior appeal, this Court affirmed a three-judge panel’s determination that the custody schedule established by the trial court was not supported by its articulated reasoning and remanded for further explanation. *Bajaj v. Bajaj*, 262 Md. App. 435 (2024). Following remand, the parties entered an Amended Consent Custody and Access Order, and the case proceeded to a ten-day merits trial on the remaining issues, including alimony and child support. On June 20, 2025, the Circuit Court for Montgomery County entered a Judgment of Absolute Divorce awarding Wife indefinite alimony in the amount of \$13,500 per month, child support in the amount of \$10,708 per month, and a monetary award of \$222,049.36—reflecting 75% of the marital property.

Wife now appeals and presents three questions for our review:

- I. Did the circuit court abuse its discretion in the amount of alimony awarded to Wife?
- II. Did the circuit court err in finding Wife voluntarily impoverished?
- III. Did the circuit court err in the amount of potential income imputed to Wife?

For the reasons that follow, we answer each question in the negative and affirm.

### **FACTUAL AND PROCEDURAL BACKGROUND**

The parties entered an arranged marriage in India on March 31, 2012, following three preliminary meetings in India, Switzerland, and Italy. Following their marriage, Wife moved from India to the United States, and the parties had two additional wedding ceremonies, including one in Washington, D.C.

After relocating to the United States, the parties initially moved into Husband’s parents’ compound (the “Norton Property”) in Potomac, Maryland. In 2013, the parties purchased real property known as 10024 Avenel Farm Drive in Potomac, Maryland, (the “Avenel Property”) for \$2.4 million. The Avenel Property was a seven-bedroom, seven-bathroom home situated on a golf course with a three-car garage, gym, and finished basement. The parties resided at the Avenel Property for a few months while an addition was being constructed on the Norton Property.

The addition to the Norton Property cost \$4.2 million and included services completed by a luxury contractor and an interior designer based in Florida. The parties flew to Italy to select finishings for the home, which were transported to the United States via shipping vessel. The addition featured five bedrooms, tile floors with radiant heat, Viking appliances, a study, a wine cellar, tea rooms, a fishtank, and iPads in every room for climate and lighting control.

Importantly, this addition was paid for and owned by Husband’s parents; the parties never paid rent to live there. Husband’s parents also paid for most of the furnishings, and Wife’s parents paid for some of the artwork. The evidence established that throughout the marriage, the parties’ lifestyle was largely funded by the generosity of both sets of parents.

Throughout their marriage, the parties enjoyed what can only be described as a luxurious lifestyle. They drove expensive automobiles, including Porsches, Audis, Bentleys, and Mercedes-Benz vehicles. The family enjoyed high-end clothing from brands such as Fendi, Gucci, Prada, Neiman Marcus, and Bergdorf-Goodman. Wife owned many

handbags, including an “exotic skin” bag costing \$45,000. The circuit court determined that Wife’s designer handbag collection totaled \$786,000. The parties also carried an American Express black card, which had a \$10,000 annual membership fee.

The parties have two children, twins K. and R., born on June 22, 2015. The circuit court found the children’s nanny, Asha Lama, was mostly responsible for the “parental duties” during the marriage.

Throughout the marriage, Husband was employed by his family’s company, White Star Management, as the chief executive officer. The circuit court found that Husband’s income is \$1,563,037.40 per year, including a salary of about \$500,000 per year and without consideration of his additional financial resources. In addition to his income, Husband does not pay rent, mortgage, utilities, property taxes, or homeowner’s insurance, as he continues to reside on his parents’ property.

The circuit court also found that prior to the marriage, Husband’s parents had provided him with a trust fund of approximately \$10 million, which the parties spent down entirely during the marriage.

The circuit court found “the parties agree that the [Wife] never worked during the marriage, and [Wife] testified it was her understanding, when the parties got married, that she would not be expected to work during the marriage. Instead, she would be caring for the children and doing charity work.”

Prior to the marriage, Wife had worked for her father’s company in India for approximately one and a half to two years. She testified that she was interested in learning

the business but did not put in many hours. The court also found Wife worked at S. Oliver Fashion Company before meeting Husband and that she held herself out as an executive. Wife holds a degree in human resources management from Cardiff University in Wales and speaks both English and Hindi.

On February 14, 2022, Husband filed a Complaint for Absolute Divorce. On March 23, 2022, Wife filed a Counter-Complaint for Absolute Divorce, or in the alternative, Limited Divorce, and Related Relief, requesting alimony, child support, monetary award, distribution of retirement benefits, attorney's fees, and suit monies.

On July 20, 2022, the court held a pendente lite hearing. On July 28, 2022, the Family Division Magistrate orally recommended Husband pay Wife the sum of \$12,935.81 per month in pendente lite alimony and \$14,699.01 per month in pendente lite child support, for a total monthly support obligation of \$27,634.82.

On December 9, 2024, the parties entered a Consent Custody Order awarding Wife primary physical custody and Husband access every Wednesday to Thursday morning and every other weekend from Friday after school to Monday at school drop-off.

The merits trial proceeded on January 13, 15-17, 21-24, 27-28, 2025, and May 16, 2025. The circuit court heard testimony from several witnesses regarding Husband's income. Kelly Leoni, the chief financial officer for Smart Technology (which includes White Star Management), testified that Husband has served as CEO of White Star Management since 2002, a company that manages real estate owned by his parents. Ms. Leoni testified that in addition to his salary, Husband receives passive income from White

Star Holdings generated from capital gains, interest, and dividends from various entities. A financial statement prepared for the Hingham Institute in April 2024, and admitted as Plaintiff’s Exhibit 26, showed Husband’s net worth at \$43 million and his projected income for 2024 at \$1.7 million. The court found Ms. Leoni to be a credible witness. David De Jong, qualified as an expert in tax accounting and financial forensics, testified regarding Husband’s income, tax returns, and K-1s, and determined that Husband’s average income over the last five years was \$1,355,502, and his average income over the last three years was \$1,237,661.

Husband called Kathleen Sampeck (“Sampeck”) as an expert witness in vocational rehabilitation to offer her opinion as to Wife’s vocational abilities, employment positions in said vocations, and earning capacity in those positions. Sampeck did not have the opportunity to interview Wife, and instead formed her opinion based on Wife’s deposition, Wife’s supplemental answers to interrogatories, and an article published about Wife while she was working in India. Sampeck opined that Wife could be employed in approximately four months, earning between \$40,000 and \$50,000 per year in the area of assistant management for women’s clothing or as a human resources assistant. She further opined that if Wife were to obtain her MBA, which could cost around \$55,000, she could earn close to \$200,000 as either a financial advisor or investment specialist—areas in which Wife had previously expressed interest. Sampeck also considered Wife working in a real estate profession based on Wife’s one-time interest in the field and opined that the earning capacity would be between \$37,000 and \$47,000 for all agents, and between \$67,000 and

\$77,000 for more successful agents, though Wife would need to complete at least 60 hours of training and pay for training and licensure. Sampeck also collected data from the Department of Labor and from employment securities offices in Maryland, the District of Columbia, and Virginia to determine what jobs were available, and she opined there were several job openings in the area Wife could obtain without securing additional training.

On June 16, 2025, the trial judge provided her oral opinion after “read[ing] every exhibit that was submitted” and “consider[ing] all of the arguments, the pleadings, everything else.” The judge made clear “that the Court has reviewed and considered everything over multiple weekends, early mornings, and late nights to get this opinion done.”

The court found Husband’s salary from White Star Management had been relatively consistent, ranging between \$480,060 and \$600,000—his salary was \$500,000 in 2013, \$573,139 in 2020, and \$488,486 in 2023. The court determined it was proper to include Husband’s capital gains, dividend income, interest income, and rental income as part of his actual income. Averaging Husband’s income over the three years preceding trial, the court found Husband’s total income to be \$1,563,037.04 per year, or \$130,253.09 per month. The court also noted the parties’ lifestyle during the marriage was largely attributable to Husband’s parents’ generosity and Husband’s nonmarital assets, and the parties could not have afforded their lifestyle on Husband’s salary or income alone.

The circuit court found Sampeck to be credible and gave weight to her opinion and report. The circuit court determined Wife was voluntarily impoverished. The court

considered that Wife had no physical condition preventing her from working; that she holds a degree in human resources management from Cardiff University in Wales and speaks both English and Hindi; that she has made no efforts to obtain employment or secure retraining since the separation nearly three years earlier despite testifying she could not meet her monthly expenses; and that she did not plan to change her spending habits after the divorce. The court credited Sampeck's testimony that Wife could obtain employment within approximately four months and earn between \$40,000 and \$50,000 per year. The court also found that neither Wife nor her father were credible when testifying about Wife's past work history.

Having found Wife voluntarily impoverished, the circuit court applied the factors from *Goldberger v. Goldberger*, 96 Md. App. 313 (1993), to determine the amount of income to impute. The court considered that Wife was 43 years old at the time of trial with no known mental or physical conditions impacting her ability to work; that she holds a college degree but has not worked in 12 years and has never worked in the United States; and that Sampeck's research confirmed several job openings in the area for which Wife could qualify without additional training. The court also considered Wife's educational background, prior earnings of approximately \$800 per month when she worked for her father in India, and her knowledge of luxury items and ability to manage household staff. Based on the evidence, the court imputed \$44,000 in income annually to Wife, finding she could earn at least that amount without any additional training.

A Judgment of Absolute Divorce was entered on June 20, 2025, granting Wife indefinite alimony in the sum of \$13,500 per month and child support in the sum of \$10,708 per month, and a monetary award of \$222,049.36 which reflected 75% of the marital property. Additionally, Husband was ordered to continue paying the children’s private school tuition, tutors, extracurricular activities, health insurance, therapist fees, and extraordinary medical expenses.

On June 30, 2025, Wife filed a timely Motion to Alter or Amend. The court denied Wife’s Motion to Alter or Amend on July 17, 2025, and entered an Amended Judgment of Absolute Divorce the same day. This timely appeal followed.

#### **STANDARD OF REVIEW**

This Court affords “great deference to the findings and judgments of trial judges, sitting in their equitable capacity, when conducting divorce proceedings[.]” *Malin v. Minenberg*, 153 Md. App. 358, 415 (2003) (quoting *Tracey v. Tracey*, 328 Md. 380, 385 (1992)). “When reviewing a trial court’s award as to alimony, an appellate court will not reverse the judgment unless it concludes that ‘the trial court abused its discretion or rendered a judgment that was clearly wrong.’” *Malin*, 153 Md. at 414–15 (quoting *Crabill v. Crabill*, 119 Md. App. 249, 260 (1998)). However, this Court reviews the trial court’s factual findings on voluntary impoverishment of a parent or spouse for child support or alimony purposes under a clearly erroneous standard, while the court’s ultimate rulings are reviewed for an abuse of discretion. *See Long v. Long*, 141 Md. App. 352 (2001). Furthermore, if the potential income amount the trial court imputes to a spouse or parent is

“realistic, and the figure is not so unreasonably high or low as to amount to an abuse of discretion, then the court’s ruling may not be disturbed.” *Dillon v. Miller*, 234 Md. App. 309, 320 (2017) (quoting *Petitto v. Petitto*, 147 Md. App. 280, 317–18 (2002)) (cleaned up).

## DISCUSSION

### **I. The Circuit Court Did Not Abuse its Discretion in the Amount of Alimony Awarded to Wife.**

#### **A. Parties’ Contentions**

Wife contends the circuit court abused its discretion when determining the alimony award because the award of \$13,500 per month is insufficient to relieve the unconscionable disparity between the parties’ respective standards of living. Wife argues that applying the approach set forth in *Turner v. Turner*, 147 Md. App. 350 (2002), and adopted in *Solomon v. Solomon*, 383 Md. 176 (2004), her annual income—between her imputed income of \$44,000 per year and her alimony award of \$162,000 per year—totals \$206,000, which represents only 13.18% of Husband’s annual income of \$1,563,037.40. Wife asserts that this percentage is insufficient to cure the unconscionable disparity, particularly given Husband’s vast wealth and resources.

Husband contends the circuit court’s award was not an abuse of discretion. Husband argues Wife’s reliance on *Turner* is misplaced because the facts are readily distinguishable: in *Turner*, the parties were married for more than 30 years and the wife was in her fifties at the time of divorce, whereas here, the parties were married for less than ten years when Husband filed for divorce and Wife was only 43 years old at trial. Additionally, Husband

emphasizes that the circuit court found Wife could earn up to \$200,000 per year with additional training or schooling, and that her tax-free alimony of \$162,000 per year is equivalent to approximately \$240,000 in pre-tax income. Husband further argues Wife’s percentage calculations fail to account for his substantial financial obligations, including alimony, child support, and the children’s educational and medical expenses, and that when these obligations are properly considered, there is no dramatic income disparity that is morally unacceptable.

### **B. Analysis**

“Generally speaking, alimony awards, though authorized by statute, are founded upon notions of equity; equity requires sensitivity to the merits of each individual case without the imposition of bright-line tests.” *Tracey v. Tracey*, 328 Md. 380, 393 (1992) (citation omitted).

Although not bound by any formal checklist, this Court must consider all necessary factors when determining an alimony award. *Kaplan v. Kaplan*, 248 Md. App. 358, 372 (2020). Maryland Code, Family Law Article (“FL”) § 11-106(b) sets forth the relevant factors which include: (1) the ability of the party seeking alimony to be wholly or partly self-supporting; (2) the time necessary for the party seeking alimony to gain sufficient education or training to enable that party to find suitable employment; (3) the standard of living that the parties established during their marriage; (4) the duration of the marriage; (5) the contributions, monetary and non-monetary, of each party to the well-being of the family; (6) the circumstances that contributed to the estrangement of the parties; (7) the

age of each party; (8) the physical and mental condition of each party; (9) the ability of the party from whom alimony is sought to meet that party’s needs while meeting the needs of the party seeking alimony; (10) any agreement between the parties; (11) the financial needs and financial resources of each party; and (12) whether the award would cause a spouse who is a resident of a related institution to become eligible for medical assistance earlier than would otherwise occur.

Maryland law favors the award of alimony for a fixed term—rather than indefinitely—to reflect the principle that alimony serves to rehabilitate the economically dependent spouse and facilitate that spouse becoming self-supporting. *St. Cyr v. St. Cyr*, 228 Md. App. 163, 184–85 (2016). *See also Holston v. Holston*, 58 Md. App. 308, 321 (1984) (“[T]he economically dependent spouse is required to become self-supporting, even though that might result in a reduced standard of living.”); *Dave v. Steinmuller*, 157 Md. App. 563, 672 (2004) (“[T]he purpose of alimony is not to provide a life-time pension for a spouse, but to provide financial support to an economically dependent spouse until he or she becomes self-supporting.”).

In exceptional cases, however, indefinite alimony may be appropriate “if the standard of living of one spouse will be so inferior, qualitatively or quantitatively, to the standard of living of the other as to be morally unacceptable and shocking to the court.” *Kaplan*, 248 Md. App. at 371. After considering the initial factors in the alimony analysis, when awarding indefinite alimony, the court must find that “(1) due to age, illness, infirmity, or disability, the party seeking alimony cannot reasonably be expected to make

substantial progress toward becoming self-supporting; or (2) even after the party seeking alimony will have made as much progress toward becoming self-supporting as can reasonably be expected, the respective standards of living of the parties will be unconscionably disparate.” *Id.* at 373 (citing FL § 11-106(c)).

The circuit court here conducted a thorough and detailed analysis of the statutory factors set forth in FL § 11-106(b) before arriving to its alimony determination. The court properly found Wife was entitled to indefinite alimony based on the unconscionable disparity between the parties’ respective standards of living. In coming to its determination, the court noted:

The defendant is young and healthy and has no disability. However, I find that even once the defendant reaches her maximum earning capacity, that the respective standards of living of the parties will be unconscionably disparate. At the current income determinations, her percentage of the income is three percent. Even at her highest earning capacity of \$200,000, which she would not obtain for many years, her percentage of the income, assuming that the plaintiff makes no further income increase, is 11 percent.

The court’s analysis reflects a careful determination that this is an exceptional case warranting an award of indefinite alimony. The question before us on appeal, however, is whether the court abused its discretion in setting the amount of that award at \$13,500 per month. We conclude it did not.

Following a ten-day merits trial with testimony and reports from at least ten different expert and lay witnesses, the judge provided an oral opinion that spanned many hours and meticulously explained Wife’s alimony award and the rationale underlying it. The court’s oral opinion clearly demonstrated the judge exercised sound discretion in coming to the

award of \$13,500. The court began by noting the challenges presented by the parties' submitted financial statements:

I will note that while I understand that the financial statements were filed based on both parties' historic spending and defendant's anticipated expenses, these parties cannot afford this lifestyle anymore. Much of the spending during the marriage was done using [Husband's] nonmarital money and relying on one or both sets of the parties' parents. The parties could not have afforded their lifestyle on the [Husband's] salary or his income alone. Now that there will be two separate households, both parties are going to have to make adjustments to their lifestyle. It would be unrealistic to believe that on [Husband's] income alone, the parties could maintain the exact same lifestyle in two separate homes.

[Wife] testified at length about her financial needs and her steadfast belief that she should have the exact same standard of living as before the separation. That is not only unreasonable based on the [Husband's] income, but also because [Wife] has refused to work, look for work, or reduce her expenses. Her monthly expenses for herself alone totals \$971,199.72 per year. That is almost double the [Husband's] base salary.

The court then methodically reviewed each category of Wife's claimed expenses, making reasoned adjustments based on the evidence presented. A consistent consideration throughout the Court's analysis was that, despite the parties' extravagant lifestyle during the marriage, a substantial portion of that lifestyle was financed by Husband's parents, not by the parties' own earnings or assets. For example, regarding Wife's claimed vacation expenses of nearly \$130,000 per year, the court stated that while the parties did "travel extensively during the marriage, the parties relied on [Husband's] parents and his nonmarital assets to fund those trips." Accordingly, the court reduced Wife's vacation expenses to \$1,000 per month to be consistent with what Husband was allowed. Similarly, the court reduced Wife's claimed clothing expense from \$4,890 per month to \$1,750 per

month and removed the separate handbag expense entirely, finding that “[u]nfortunately [Wife] will need to adjust her spending habits.”

After conducting this detailed analysis, the court determined Wife’s reasonable monthly need was \$17,097.13. And then, in consideration of all the statutory factors—including the fact that the marriage was relatively short, that the court found the wife was voluntarily impoverished, the contributions of the parties to the marriage/family, the Wife’s potential earning potential, etc.—the court arrived at an alimony award of \$13,500 per month.

Wife’s reliance on *Turner v. Turner*, 147 Md. App. 350 (2002), and *Solomon v. Solomon*, 383 Md. 176 (2004), in arguing the income disparity between the parties (\$44,000 vs. \$1,563,037.04) alone renders the alimony award unconscionable is misplaced. While those cases establish that an alimony award must alleviate the unconscionable disparity between the parties, they do not mandate any particular percentage or formula. The *Turner* court vacated the alimony award because the trial court relied on factually incorrect income figures. *Turner*, 147 Md. App. at 391–92. Here, by contrast, the trial judge provided an exhaustive explanation of her reasoning, methodically analyzing each statutory factor and explaining each adjustment to the parties’ financial statements.

Moreover, the cases are factually distinguishable. This Court aptly noted in *Turner*:

[T]his was a marriage of considerable length, and it was [Husband’s] “conduct that gave rise to the estrangement between the parties.” Moreover, the court recognized that during their thirty-one years of marriage, both parties made “significant contributions” and devoted “substantial time and effort” to “the development of [their jointly-owned company] from a fledgling company” to a significant corporate entity. The court found that

[Wife] “was equally involved [with Husband] in the development of the business,” adding that [their company] “would not have been as successful had [Husband] not had the consistent support and assistance of [Wife].” Nevertheless, as the court specifically found, [Husband] alone retains “the controlling ownership interest” in [their company]; only he “remains enmeshed” in [their company], notwithstanding that “[their company] has been as much [Wife’s] career and a focal point for her interests ... as it was for her husband.” Of particular import, the court expressly found that, as a consequence of the dissolution of the marriage, Wife “lost her career path ...,” and now has an earning capacity of \$35,000 a year.

*Id.* at 393 (cleaned up). By contrast, here, the court found the parties’ marriage length at the time of divorce (ten years) to be relatively short and determined both parties—rather than just Husband—were responsible for the marriage’s dissolution. Further, while Wife is correct that the disparity of income between the parties is greater here than in *Turner*, that is because in *Turner*, the court focused on the fact that the husband was keeping the business the parties equally contributed to and that the wife was essentially losing her career in the divorce. Here, Wife does not have a job and has not worked since the marriage. At one point Wife allegedly expressed interest in working at Husband’s company, so Husband set up a desk for her, but she never showed up for work.

Also noteworthy is that the vocational rehabilitation expert, Sampeck—who the court credited as reliable—opined that Wife’s earning potential could be between \$40,000 and \$50,000 per year without any additional training or school, but if she did obtain training, Wife could earn between \$103,000 and \$210,000 per year. Thus, if you add these figures to her tax-free alimony award of \$162,000 per year (about \$240,000 in pre-tax income), Wife’s earning potential is anywhere between \$206,000 per year to \$362,000 per year tax-free.

The court’s analysis was neither arbitrary nor clearly wrong. The court considered all relevant factors, made credibility determinations within its province as the finder of fact, and arrived at an alimony award that, combined with Wife’s earning potential, would enable her to meet her reasonable needs as determined by the court. We find no abuse of discretion.

## **II. The Circuit Court Did Not Err in Finding Wife Voluntarily Impoverished.**

### **A. Parties’ Contentions**

Wife contends the circuit court erred in finding her voluntarily impoverished because she argues it was Husband’s expectation she be a stay-at-home mother and household manager during the marriage. Wife argues she was never asked to work during the marriage and the court’s finding of voluntary impoverishment is inconsistent with its own factual finding that “the parties agree that the [Wife] would not have to work during the marriage.”

Husband contends Wife’s argument essentially asserts that because she was not expected to work during the marriage, she should never have to work again. Husband emphasizes Wife has no physical or mental condition preventing her from working, is only 43 years old, holds a college degree, and speaks multiple languages. Husband further notes that despite claiming she could not meet her expenses, Wife has made no effort to find employment or secure retraining in the nearly three years since separation, and that even when she expressed interest in working at his company in the past, Husband set up a desk for her, but she never showed up to work.

## **B. Analysis**

A parent or spouse is “voluntarily impoverished” where they “ha[ve] made the free and conscious choice, not compelled by factors beyond the parent’s control, to render the parent without adequate resources.” Md. Code, FL § 12-201(q). “The intent in question is whether the parent or spouse intentionally became impoverished, for any reason, as opposed to whether the parent or spouse became impoverished with the intent of avoiding support payments.” *Long*, 141 Md. App. at 351.

In determining whether a party is voluntarily impoverished, this Court looks to the following factors: “(1) his or her current physical condition; (2) his or her respective level of education; (3) the timing of any change in employment or financial circumstances relative to the divorce proceedings; (4) the relationship of the parties prior to the divorce proceedings; (5) his or her efforts to find and retain employment; (6) his or her efforts to secure retraining if that is needed; (7) whether he or she has ever withheld support; (8) his or her past work history; (9) the area in which the parties live and the status of the job market there; and (10) any other considerations presented by either party.” *Goldberger v. Goldberger*, 96 Md. App. 313, 327 (1993).

Here, the circuit court conducted a thorough analysis of each of the factors before concluding Wife was voluntarily impoverished. The court made express findings that:

- (1) Wife has no physical conditions that would prevent her from working.
- (2) Wife holds a degree in human resources management from Cardiff University in Wales and speaks both English and Hindi.
- (3) Wife has not worked in the last 12 years and did not work during the marriage.

- (4) Wife has not made any efforts to obtain employment since the separation nearly three years ago, despite her testimony that she has been unable to meet her monthly expenses relying solely on the pendente lite child support and alimony.
- (5) Wife has not made any effort to secure retraining despite indicating at some point she was interested in working in finance or real estate.
- (6) Wife has never withheld support.
- (7) After graduating in 2004 from Cardiff University, Wife eventually worked for her father's company in human resources for about a year and a half to two years, and also held herself out as an executive at S. Oliver Fashion Company.
- (8) there were several open positions locally that Wife could qualify for without significant additional training, including in retail and human resources, as testified to by the vocational expert, Sampeck.

The court further discussed Wife's testimony during the hearing, stating:

Despite her strong feelings, [Wife] has made no efforts to find employment so that she could financially contribute to keeping the children's lives . . . the same at both homes. Instead, she appears to believe that [Husband] should bear the entire financial burden for providing not only for the children, but also for [Wife] for the foreseeable future at a level that was only achievable with the assistance of [Husband's] parents.

The Court will also note that [Wife] has made very little effort to change any of her spending habits since the separation based on her financial statement, which the Court will address in greater detail. She does not plan to change her spending habits after the divorce.

Wife's argument that she should not be found voluntarily impoverished because she was not expected to work during the marriage conflates expectations during the marriage with obligations after separation. The voluntary impoverishment inquiry focuses on whether a party has made a "free and conscious choice" to be without adequate resources. *Goldberger*, 96 Md. App. at 327. The fact Wife was not expected to work during the marriage does not excuse her failure to make any effort to find employment in the nearly

three years since separation, particularly when the evidence showed she has the education and ability to do so, and she claims she cannot afford her necessary expenses.

The circuit court’s factual findings were not clearly erroneous, and its ultimate determination that Wife is voluntarily impoverished was not an abuse of discretion. We affirm the court’s finding on this issue.

**III. The Circuit Court Did Not Err in the Amount of Potential Income Imputed to Wife.**

**A. Parties’ Contentions**

Wife contends even if she were found to be voluntarily impoverished, the amount of income imputed to her—\$44,000 per year—is unreasonably high because the circuit court failed to consider her childcare obligations and the custody schedule, which limit her availability to work full-time.

Husband contends the circuit court properly considered all the *Goldberger* factors in determining the amount of income to impute. Husband argues Wife did not present any evidence or argument for a lesser amount, and her only position at trial was that she should never have to work again. Husband emphasizes the vocational rehabilitation expert, whose testimony was unrefuted, specifically considered that Wife cares for the children more than 50 percent of the time in reaching her conclusions. Husband further notes the children are now 10 years old and attend school from 8:30 a.m. to 3:45 p.m. each day, with after-school programs available, and that the court allocated \$1,000 per month to Wife for a domestic assistant/nanny.

## B. Analysis

Having determined the circuit court did not err in finding Wife voluntarily impoverished, we now must address whether the court erred in imputing \$44,000 in potential income to Wife. *See Malin*, 153 Md. App. at 406 (“After the court makes a finding of voluntary impoverishment, the court must then make a determination of ‘potential income’ to impute to the parent who has become voluntarily impoverished, in order to ascertain the appropriate level of child support.”). *Goldberger* provides a list of factors to consider when imputing income to a party, including: (1) age; (2) mental and physical condition; (3) assets; (4) educational background, special training, and skills; (5) prior earnings; (6) efforts to find and retain employment; (7) the status of the job market in the area; (8) actual income from any source; and (9) any other factors. 96 Md. App. at 328.

The circuit court considered each of the *Goldberger* factors in determining the amount of income to impute to Wife. The court found:

Based on all of the factors and evidence presented, the Court is going to impute income to [Wife] in the amount of \$44,000. This is based on the fact that while she does hold a degree, she has not worked in 12 years, has never worked in the United States. The Court does feel that [Wife] could be making at least \$44,000 annually without any additional training. I credit Ms. Sampeck’s opinion that there are positions available [Wife] could qualify for today.

The \$44,000 figure falls squarely within the range identified by Sampeck. Sampeck opined that Wife could be employed in approximately four months, earning between \$40,000 and \$50,000 per year in the area of assistant management for women’s clothing or as a human resource assistant. The court’s decision to impute \$44,000—at the lower end

of this range—reflects appropriate consideration of the fact that Wife has not worked in 12 years and has never worked in the United States.

Wife’s argument that the court failed to consider her childcare obligations is not supported by the record. Sampeck did consider that Wife “cares for the children more than 50 percent of the time.” Moreover, the court awarded Wife \$1,200 per month for a “domestic assistant nanny” in her reasonable expenses. The court’s determination that Wife could earn \$44,000 per year while also caring for the children was not clearly erroneous.

We find no error in the court’s imputation of \$44,000 in potential income to Wife. Therefore, we affirm.

**THE JUDGMENT OF THE CIRCUIT  
COURT OF MONTGOMERY  
COUNTY IS AFFIRMED.  
APPELLANT TO PAY THE COSTS.**