

Circuit Court for Montgomery County
Case No. 144397FL

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1254

September Term, 2025

RANDALL DAVID ROBINSON

v.

SHANA TANEISHA BAILEY

Graeff,
Tang,
Raker, Irma S.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Graeff, J.

Filed: July 10, 2026

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

Following a hearing, the Circuit Court for Montgomery County issued an order modifying child support and child custody between the parties, Randall Robinson (“Father”), appellant, and Shana Bailey (“Mother”), appellee. Father noted the instant appeal, where he asserts that the court erred in modifying child support and child custody. Finding no error or abuse of discretion, we shall affirm the judgment of the circuit court.

BACKGROUND

The parties are the parents of one minor child (“Child”) born in July 2008. In April 2017, Mother and Father entered into a marital separation agreement providing that they have joint legal custody and shared physical custody of Child and that Father would pay monthly child support of \$468. One month later, the court entered a judgment of absolute divorce, which incorporated the marital separation agreement therein.

In June 2024, Mother filed a petition to modify custody and visitation. She sought, in pertinent part, sole physical custody and tie-breaking legal custody of Child. Mother alleged that there had been several material changes in circumstances, including that “the relationship between [Father] and [Child] has changed.”

Father opposed Mother’s petition. In September 2024, he filed a motion to modify child support, requesting that the court modify child support to reflect “the parties’ actual *pro rata* incomes and in consideration of [his] sole source of income being his disability.”¹

¹ Father has several health conditions that prevent him from working. The court noted that Father retired in approximately 2007, and he received several sources of disability income, including social security disability income and long-term disability benefits.

In December 2024, Mother filed a motion for the court to conduct an in-chambers interview with Child.

On May 19, 2025, the court held a hearing. Father appeared *pro se*, and Mother appeared with counsel. The court heard from Mother, Father, and Child. On June 11, 2025, the court issued an oral ruling, and on July 22, 2025, the court entered an order modifying child support and child custody. The court ordered that Mother have sole legal custody and primary physical custody of Child, that Father’s access with Child be limited to family therapy until he completed an anger management program, and that Father’s monthly child support obligation be decreased from \$468 to \$454.

This appeal followed.

STANDARD OF REVIEW

We review child custody modifications under three interrelated standards of review. *In re Yve S.*, 373 Md. 551, 586 (2003). First, we do not disturb the circuit court’s factual findings unless they are clearly erroneous. *Id.* Second, if the trial judge erred as a matter of law and the error was not harmless, we will remand for further proceedings. *Id.* Finally, we will not disturb a circuit court’s ultimate conclusion, founded upon sound legal principles and factual findings that are not clearly erroneous, unless there has been a clear abuse of discretion. *Id.*

We will not disturb a circuit court’s child support determination “absent legal error or an abuse of discretion.” *Ruiz v. Kinoshita*, 239 Md. App. 395, 425 (2018) (quoting *Ware v. Ware*, 131 Md. App. 207, 240 (2000)). Nor will we disturb a circuit court’s decision to admit or exclude evidence in the absence of an abuse of discretion. *Gasper v.*

Ruffin Hotel Corp. of Maryland, Inc., 183 Md. App. 211, 224 (2008), *aff'd*, 418 Md. 594 (2011). Decisions will be reversed for an abuse of discretion only if they are “well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable.” *Best v. Fraser*, 252 Md. App. 427, 434-35 (2021) (quoting *In re J.J.*, 231 Md. App. 304, 345 (2016)).

DISCUSSION

Father, an unrepresented litigant, contends that the court erred in modifying child support and child custody. With respect to child support, he contends that, because Md. Code Ann., Family Law (“FL”) § 12-104 (2025 Supp.) “requires a filed motion” to modify child support, the court erred in modifying child support when Mother had “filed no such motion.” Additionally, he argues that the court “misapplied” FL § 12-202 by “fail[ing] to apply [] protections” for disabled parents. With respect to child custody, Father argues that the court improperly excluded highly relevant evidence, and it failed to consider inconsistencies in Mother’s testimony, as well as her prior fraud conviction, “which were essential to assessing her credibility.” He contends that the court’s rulings deprived him “of a fair opportunity to present his case,” which “affected both custody and child support outcomes.”

Mother contends that the court did not err in modifying child support after Father filed a motion to modify child support and the court found a material change in circumstances. She asserts that the court was “not required” to eliminate child support due to Father’s disability, and the court properly “considered evidence of [Father’s] resources and income” in calculating child support. Mother argues that, in modifying custody, the

court properly assessed credibility and excluded evidence that was not disclosed in discovery. She asserts that Father’s claim that the court deprived him of a fair opportunity to present his case is meritless.

A.

Child Support

The court may modify child support “subsequent to the filing of a motion for modification and upon a showing of a material change of circumstance.” FL § 12-104(a). When calculating child support, “[t]here is a rebuttable presumption that the amount of child support which would result from the application of the child support guidelines set forth in this subtitle is the correct amount of child support to be awarded.” FL § 12-202(a)(2)(i). That presumption “may be rebutted by evidence that the application of the guidelines would be unjust or inappropriate in a particular case.” FL § 12-202(a)(2)(ii).

Receipt of income by a child, such as social security disability dependent benefits, “may be a relevant factor in determining whether ‘the application of the guidelines would be unjust or inappropriate.’” *Drummond v. State to Use of Drummond*, 350 Md. 502, 518 (1998) (quoting FL § 12–202(a)(2)(ii)). Parents are not, however, “entitled to an automatic credit against the child support obligation equal to the amount of social security disability dependency benefits received by the minor child[.]” *Id.* at 505. Instead, “a court in its discretion may, if the circumstances warrant, adjust the amount of the child support obligation of the parent consistent with the child support guidelines.” *Id.*

Here, Father’s assertion that the court erred in modifying child support because Mother did not request a child support modification is without merit. FL § 12-104(a) does

not require that a motion to modify be filed by a particular party before a child support modification may occur. Instead, it requires “a motion for modification and [] a showing of a material change of circumstance.” FL § 12-104(a). There is no challenge here to the court’s finding regarding a material change in circumstances warranting a child support modification, and Father filed a motion to modify child support. Father’s contention in this regard is without merit.

Father’s contention that the court “misapplied” FL § 12-202 in modifying child support is similarly without merit. The statute does not, as Father asserts, “limit” sources of income that may be considered in awarding child support. Rather, FL § 12-202 provides that “[t]he court may decline to establish a child support order if the parent who would have the obligation to pay child support” “is unemployed;” “has no financial resources from which to pay child support; and” “is totally and permanently disabled, is unable to obtain or maintain employment, and has no income other than Supplemental Security Income or Social Security disability insurance benefits.” FL § 12-202(c)(1)(ii). By its plain language, however, the provision that the court “may decline to establish a child support order” is discretionary and it “does not obligate the court to decline to establish a child support order.” *Houser v. Houser*, 262 Md. App. 473, 498 (2024), *aff’d*, 490 Md. 592 (2025).

Using the parties’ incomes – neither of which are challenged on appeal – the court determined that child support owed by Father, pursuant to the child support guidelines, was

\$1,009 per month.² The court then concluded that the \$555 social security dependent benefit received by Child would “offset [Father’s] child support obligation,” and it reduced Father’s child support obligation to \$454 per month. The court declined to order the child support modification be retroactive, noting that “[n]either party has an unlimited income,” Father “receives disability income, which, given this disability, he doesn’t have a true opportunity to work more and therefore increase his income,” and Mother had been receiving the social security benefits.

The record reflects that the court properly considered Father’s disability and the benefits received by Child as a result. Based on the record, we perceive no error or abuse of discretion in the court’s child support order.

B.

Child Custody

Father contends that the court abused its discretion in modifying custody, asserting that it improperly excluded relevant evidence, thereby depriving him of a fair opportunity to present his case, and it failed to properly evaluate Mother’s credibility. We disagree.

Father testified at length at the hearing, and he introduced seventeen exhibits. He alleges, however, that the court erred in excluding police-body camera evidence. The record indicates that, when Father attempted to introduce this video, defense counsel objected on the ground that the video was not produced in discovery, which asked for all

² Income is defined in Md. Ann. Code, Family Law § 12-201(b)(1) (Supp. 2025), as “income from any source,” and it expressly includes social security benefits and disability benefits. Family Law §§ 12-201(b)(3)(x), (xiii).

exhibits intended to be used at trial, and Father agreed that he did not provide it. Excluding the evidence on this basis was not an abuse of discretion. *See Rodriguez v. Clarke*, 400 Md. 39, 56 (2007) (“Trial judges are vested with great discretion in applying sanctions for discovery failures.”).

Moreover, the court engaged in an extensive dialogue with Father about this evidence. It asked how the bodycam footage would help Father, and Father explained that it showed that there was a court order for him to have access to his son, and Mother had the responsibility to comply with the court order. The court agreed, but it stated that, if 16-year-old Child refused to see Father, Mother could not “pick the child up and cart him over [her] shoulder.” Based on the purpose for introducing the evidence, and the discussion about the issue, Father has failed to show prejudice from the court’s exclusion of the video. *See Rochkind v. Stevenson*, 454 Md. 277, 295 n.12 (2017) (in civil cases, the burden is on the appealing party to show that an error caused prejudice).

With respect to Father’s contention that the court “failed to consider inconsistencies in [Mother’s] testimony,” we note that the court expressly stated that it observed the parties testify and react to testimony, and it observed things necessary to determine the credibility of both parties.³ “It is not our role, as an appellate court, to second-guess the trial judge’s

³ Father does not argue that the court did not consider the relevant factors in making a custody decision. We note that, in considering these factors the court discussed a concerning physical altercation between Father and Child and that Father threatened to file charges against Child. It stated that Child “wants [Father] to undergo anger management and therapy before [Child] tries to rebuild his relationship with [Father],” and it stated that, “[g]iven [Child’s] age and maturity level, [the court] give[s] his preference great weight.”

assessment of a witness’s credibility.” *Gizzo v. Gerstman*, 245 Md. App. 168, 203 (2020). This is because the trial court ““sees the witnesses and the parties, hears the testimony, and . . . is in a far better position than is an appellate court, which has only a cold record before it, to weigh the evidence and determine what disposition will best promote the welfare of the minor’ child.” *Reichert v. Hornbeck*, 210 Md. App. 282, 304 (2013) (quoting *In re Yve S.*, 373 Md. at 586). Accordingly, we “give due regard to the opportunity of the trial court to judge the credibility of the witnesses.” *Karen P. v. Christopher J.B.*, 163 Md. App. 250, 264 (2005); *see also* Md. Rule 8-131(c).

The court did not abuse its discretion in its modification of custody.

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