Circuit Court for Harford County
Case No. C-12-FM-23-000573

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1303

September Term, 2025

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PRINCESS WILLIAMS EVANS

v.

DERRICK EVANS

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Albright,
Kehoe, S.,
Pauler, Viki M.
(Specially Assigned),

JJ.

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Opinion by Kehoe, J.

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Filed: March 17, 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 matter stems from a divorce and child custody case in the Circuit Court for Harford County. Appellee, Derrick Evans ("Father"), filed a complaint for absolute divorce, or in the alternative, limited divorce, and related relief from Appellant, Princess Williams Evans ("Mother"). On September 12, 2023, Mother filed a counter-complaint for absolute divorce and related relief. After several motions were filed and discovery was exchanged, a two-day trial was scheduled and held on October 31, 2024 and November 1, 2024. The trial court recessed and resumed on April 30, 2025 and concluded on May 1, 2025.

In the midst of trial, the parties reached an agreement resolving the issues of grounds for divorce, physical custody, property division and alimony. This agreement was memorialized in a consent order entered on May 8, 2025. The trial court subsequently decided the remaining issues of legal custody, holiday schedule and child support and delivered its oral ruling on June 25, 2025. In doing so, the trial court discussed several of the *Taylor* factors[1] and awarded joint legal custody to the parties, vesting tie-breaking authority in Father. The trial court ultimately adopted Father's proposed holiday schedule and ordered Father to pay $1,588.00 per month in child support to Mother. The judgment of absolute divorce was entered on June 25, 2025. On July 7, 2025, Mother filed a motion to alter or amend the judgment, which the trial court denied on July 24, 2025. On July 8, 2025, Mother filed a motion for a new trial, which the trial court denied on August 8, 2025. This appeal followed. Our Court held oral argument on the matter on February 4, 2026.

[1] *See Taylor v. Taylor*, 306 Md. 290 (1986).

## I. QUESTIONS PRESENTED

Mother presents three questions for our review, which we have rephrased for clarity.[2] First, Mother contests whether the trial court abused its discretion in denying Mother's request for postponement. Second, Mother contends that the trial court abused its discretion by awarding the parties' joint legal custody with tie-breaking authority to Father. Last, Mother contests whether the trial court abused its discretion in denying Mother's motion to alter or amend the judgment of absolute divorce. We answer each in the negative. We affirm the judgments of the Circuit Court for Harford County and explain below.

## II. FACTUAL & PROCEDURAL BACKGROUND

Mother and Father married in a religious ceremony on July 3, 2017. Thereafter, Mother and Father had one child, A.E. ("Child"), in January of 2021. Father works for a financial services company; prior to Child's birth, Mother maintained employment with

[2] Mother's questions appear in her principal brief as follows:

> I.
>
> WHETHER THE TRIAL COURT ABUSED ITS DISCRETION IN DENYING APPELLANT'S REQUEST FOR POSTPONEMENT OF TRIAL.
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> II.
>
> WHETHER THE TRIAL COURT ERRED IN AWARDING JOINT LEGAL CUSTODY WITH TIE-BREAKING AUTHORITY TO THE APPELLEE.
>
> III.
>
> WHETHER THE TRIAL COURT ABUSED ITS DISCRETION IN DENYING APPELLANT'S MOTION TO ALTER OR AMEND THE JUDGMENT OF ABSOLUTE DIVORCE.

various state and federal government agencies. Following Child's birth, the parties decided that Mother would stay home to care for Child while Father continued as the primary income earner for the family. Eventually, difficulties arose in the parties' marriage, and, on April 11, 2023, Father filed a complaint for limited divorce and related relief. Represented by counsel, Mother answered Father's complaint and subsequently filed a counter-complaint for absolute divorce and related relief.

### A. Request for Postponement of Trial

On May 24, 2023, Kimberly Fleming, Esquire, entered an appearance on behalf of Mother. On July 25, 2024, pursuant to Md. Rule 2-132, Ms. Fleming advised Mother in writing that she intended to withdraw her appearance five days from the date of the letter. On July 31, 2024, Ms. Fleming filed a motion for leave to strike her appearance on behalf of Mother. The trial court granted counsel's motion and entered an order striking counsel's appearance on August 20, 2024. On September 10, 2024, a notice to employ new counsel was sent to Mother by the clerk of the court. Mother appeared in proper person at a pre-trial conference on September 19, 2024 and expressed discomfort with litigating claims in which she had a substantial interest without legal assistance. On October 26, 2024, Mother filed a *pro se* motion requesting that the trial be postponed for the express purpose of obtaining counsel. In her motion, Mother explained her efforts to secure counsel and indicated that her inability to do so was largely because of prospective trial counsels' conflicts with the pre-scheduled trial dates. Father filed an opposition to Mother's request to postpone, and argued that Mother's motion "constitute[d] an impermissible eleventh-

hour request, especially given that [the] matter ha[d] been pending for over eighteen (18) months[.]" The trial court denied Mother's request for postponement on October 31, 2024. Over Mother's objections, trial began as scheduled on October 31, 2024. Mother filed a motion for reconsideration of the denial of her request for postponement and a motion to shorten time to respond to such request, both of which were denied.

**B. Trial**

As stated, trial consumed four days in total: October 31, 2024, November 1, 2024, April 30, 2025, and May 1, 2025. While some preliminary motions were decided by other judges in the trial court, the Honorable Kevin J. Mahoney[3] presided over the trial from start to finish.

On the first day of trial, Mother was unrepresented and vehemently expressed to the court her discomfort with representing herself. Trial proceeded, nonetheless. Father's counsel gave an opening statement and Mother gave an opening statement. Through counsel, Father called two witnesses, his sister and his mother.

On the second day of trial, Father testified and entered several exhibits into evidence. Mother, still unrepresented, entered none. Because Mother had a witness present from out-of-state, the trial court allowed Mother to call her witness that day, although Father had not finished presenting his case-in-chief. Mother called her first witness, her mother, to the stand. Mother conducted a direct examination of her mother, who was later cross-examined

[3] The transcript for the October 31, 2024 proceeding incorrectly lists Judge Mahoney's first name as Philip.

by Father's counsel. At the end of the second day of trial, the court modified the July 29, 2024 pendente lite order in effect to allow Father "exclusive and unfettered access to [Child] on alternating weekends . . . as well as one Wednesday evening visit[,]" recognizing that there would be a significant amount of time before the parties returned for trial, that Father was not being afforded the parental time that he is entitled to, and that Mother is "unilaterally controlling the whens, the wheres, and the hows of parenting[,]" despite the existing order awarding joint legal custody.

By no fault of either party, several months passed before trial resumed, and in the interim, Mother secured new counsel.[4] When trial continued on April 30, Father returned to the stand and Mother's new counsel, Julius Blattner, Esq., conducted a direct examination of Father. Father was cross examined by his counsel. Father, through counsel, then resumed the presentation of his case-in-chief and called his last witness, Mother. The court recessed prior to the conclusion of Mother's testimony.

### C. Consent Order

Before the last day of trial, the parties reached a partial resolution regarding several issues before the trial court. In particular, the parties resolved the issues of physical custody and access, personal property division, real property disposition, and alimony. Represented by counsel, Mother testified on the record that she entered into the agreement freely and voluntarily. The parties' agreement was later memorialized in a consent order entered May 8, 2025.

[4] Mr. Blattner entered his appearance on February 4, 2025.

The only remaining issues to be decided were (1) legal custody,[5] (2) holiday schedule, and (3) child support. The trial court held disposition on the remaining issues *sub curia*, and the parties submitted written closing arguments at the request of the court. The trial court delivered its oral opinion on June 25, 2025. Therein, the trial court awarded the parties joint legal custody of Child and granted Father tie-breaking authority in the event of an impasse.

**D. Mother's Motion to Alter or Amend**

On July 7, 2025, Mother filed a motion to alter or amend the judgment of absolute divorce. In her motion, Mother contested the (1) tie-breaking authority granted to Father, (2) lack of inclusion of a "Care of Minor Child" provision,[6] (3) lack of retroactive child support, and (4) the alternating-year holiday schedule. On July 22, 2025, Father filed an

[5] Although Mother requested sole legal custody in her Parenting Plan prepared April 4, 2025, on the last day of trial, Mother stated as follows: "Right now, I want us to try shared legal custody." Father also requested joint legal custody at trial but expressed a preference for him to hold tie-breaking authority, which Mother opposed. Accordingly, joint legal custody was actually an agreed upon issue between the parties. This was recognized by the trial court when it clarified that tie-breaking authority in particular was the central issue reserved for the court's consideration: ". . . really, tie-breaking authority is the term we should be focusing on." As follows, this opinion centers on whether joint legal custody *with an award of tie-breaking authority to Father* was appropriate, rather than mere joint legal custody.

[6] The "Care of the Minor Child" provision requested here is identical to the "Right of First Refusal" provision requested in Mother's closing argument and motion for new trial. This provision would ensure that, "if either parent is unavailable during their designated parenting time—due to work, travel, or other obligations—the other parent should be offered the opportunity to care for [Child] before a third party is engaged."

opposition to Mother's motion to alter or amend. On July 23, 2025, the trial court denied Mother's motion to alter or amend without a hearing.

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

## III. DISCUSSION

First, we hold that the trial court did not abuse its discretion in denying Mother's request for postponement. Second, we hold that the trial court did not abuse its discretion in awarding joint legal custody with tie-breaking authority to Father. Lastly, we hold that trial court did not abuse its discretion is denying Mother's motion to alter or amend the judgment of absolute divorce. For the reasons stated herein, we affirm the judgments of the Circuit Court for Harford County.

### A. Standard of Review

An appellate court reviews "a trial court's custody determination for abuse of discretion." *Santo v. Santo*, 448 Md. 620, 625 (2016). "This standard of review accounts for the trial court's unique 'opportunity to observe the demeanor and the credibility of the parties and the witnesses.'" *Id.* (quoting *Petrini v. Petrini*, 336 Md. 453, 470 (1994)). "A court can abuse its discretion when it makes a decision based on an incorrect legal premise or upon factual conclusions that are clearly erroneous." *In re Adoption/Guardianship of Ta'Niya C.*, 417 Md. 90, 100 (2010). We will disturb a trial court's findings of fact only if they are clearly erroneous, but we exercise *de novo* review over the court's legal conclusions. *Id.*

Finally, "a court can abuse its discretion by reaching an unreasonable or unjust result even though it has correctly identified the applicable legal principles and applied those principles to factual findings that are not clearly erroneous." *Guidash v. Tome*, 211 Md. App. 725, 736 (2013). For an appellate court to reverse a trial court's ruling under this scenario,

> [t]he decision under consideration has to be well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable. That kind of distance can arise in a number of ways, among which are that the ruling either does not logically follow from the findings upon which it supposedly rests or has no reasonable relationship to its announced objective.

*North v. North*, 102 Md. App. 1, 15 (1994). When determining whether a custody decision was founded "upon sound legal principles" and based upon "factual findings that are not clearly erroneous[,]" this Court recognizes that "[a]n abuse of discretion should only be found in the extraordinary, exceptional, or most egregious case." *B.O. v. S.O.*, 252 Md. App. 486, 502 (2021).

**B. <u>Request for Postponement of Trial</u>**

For the following reasons, we hold that the trial court did not abuse its discretion in denying Mother's request for postponement.

Mother argues that the trial court abused its discretion in denying Mother's request for postponement when the basis for her request was to secure counsel. Mother relies on *Reaser v. Reaser*, 62 Md. App. 643, 648 (1985), arguing that several factors necessitated a continuance. First, Mother argues that Father would not have been prejudiced by an

additional continuance, as there was only one prior continuance[7] in the case and Father consented to a continuance of the trial at the September 19 pre-trial conference. Second, Mother avers that the trial court failed to consider the issues to be tried, and the substantial interest Mother had in the disposition of those issues, which included Mother's request for alimony and the disposition of marital property.

Father contends Mother "failed to provide the court with any evidence or reason that she did not begin finding an attorney once she was made aware of her counsel withdrawing." Father further argues that Mother suffered no actual prejudice as she consented to some issues and was still heard on the issue of legal custody.

Maryland Rule 2-508 provides, that "[o]n motion of any party or on its own initiative, the court may continue or postpone a trial or other proceeding as justice may require." Md. Rule 2-508(a). A decision to grant or deny a motion to postpone a hearing is within the discretion of the court. *Touzeau v. Deffinbaugh*, 394 Md. 654, 669 (2006); *Attorney Grievance v. O'Neill*, 477 Md. 632, 661 (2022). Thus, "[a]bsent an abuse of that discretion[,] we historically have not disturbed the decision to deny a motion for continuance." *Id.* This is true "even where the ground for the requested continuance is the withdrawal of movant's counsel from the proceedings." *Fontana v. Walker*, 249 Md. 459, 463 (1968).

[7] The pre-trial conference was initially set for December 21, 2023. Following a hearing on April 25, 2024, the trial court re-set the pre-trial conference for September 19, 2024. It was at this time that Mother was informed that trial would be set for two days, October 31, 2024 and November 1, 2024.

Our Supreme Court has made clear that only in "exceptional situations" will a denial of a motion to postpone constitute reversible error. *Plank v. Summers*, 205 Md. 598, 605 (1954). In *Touzeau*, the Court enumerated three such circumstances: (1) when "the continuance was mandated by law," (2) when "counsel was taken by surprise by an unforeseen event at trial," or (3) "in the face of an unforeseen event, counsel [or *pro se* litigant] had acted with diligence to mitigate the effects of the surprise[.]" 394 Md. at 669–70. However, the Court stated that its "reticence to find an abuse of discretion in the denial of a motion for continuance has not been ameliorated[.]" *Id.* at 674. The Court noted that it had never "found it to be an exceptional situation, when the denial has had the effect of leaving the moving party without the benefit of counsel." *Id.* (internal quotations omitted).

In *Touzeau*, a mother requested a continuance due to her lack of counsel and the serious nature of the proceedings regarding her daughter. *Id.* at 660. At the custody modification hearing, the court denied the mother's motion for a continuance, finding that she had been given adequate time to obtain counsel. *Id.* at 662. The hearing was held with the mother proceeding *pro se*. *Id.* The father was ultimately granted physical and legal custody of their daughter and the mother appealed. *Id.* at 664. Our Court concluded that the mother had months to file for a postponement but waited until eleven days before the trial date. *Id.* at 664–65. The Supreme Court of Maryland granted *certiorari* and held that the trial court did not abuse its discretion in denying the mother's request for a continuance. *Id.* at 678. The Court found, first, that no statute or rule mandated the granting of a continuance. *Id.* at 670. The Court then determined that there was not an exceptional

circumstance requiring a continuance as the matter "lack[ed] the elements of surprise and due diligence." *Id.* at 675.

In the present case, like in *Touzeau*, there is no statute or rule that obligated the court to grant Mother's request for a postponement. *See id.* at 670. Also, like in *Touzeau*, Mother failed to establish that an exceptional, unforeseen circumstance necessitated a postponement. *See id.* at 675. The record reflects that Mother was notified on July 25 (or July 31 when the notice was electronically docketed) that her prior counsel intended to withdraw her appearance. At that point, trial had been scheduled, and Mother should have commenced efforts to secure counsel at that time. Mother's exhibits to her motion to postpone include conversations with prospective counsel dated October 26 and October 28. Assuming Mother waited until August 20 to commence her search (the date the motion to withdraw was granted by the trial court), or even waited until September 10 (the date when Mother was notified by the court to employ new counsel), we see no justification for the delay until late October to communicate with prospective counsel—about representation for a trial set for the following week.

Mother contends that at the September 19 pre-trial conference, Father advised that he was not opposed to a brief postponement to afford Mother the opportunity to secure counsel. Even accepting Mother's position *arguendo*, we see no justification for the delay in filing her request to postpone with the court for over a month. In sum, we hold that the trial court did not abuse its discretion in denying Mother's request for a postponement, as this case lacks the requisite element of unfair surprise. Furthermore, we do not feel as

though Mother exercised the necessary due diligence warranting relief. The trial court did not abuse its discretion in declining to postpone the matter, despite that Mother was without counsel for two out of four days of the trial.

### C. Joint Legal Custody

We hold that the trial court did not abuse its discretion in awarding joint legal custody with tie-breaking authority to Father based on the evidence adduced at trial.

Mother contends that the trial court's factual findings concerning Mother's unwillingness to co-parent were clearly erroneous, thus, the trial court abused its discretion in awarding tie-breaking authority to Father. Mother further argues that the "findings made by the [t]rial [c]ourt with regard to [Mother] were largely drawn from her self-representation[,]" and argues that the trial court "only accept[ed] the evidence presented by [Father], with the assistance of counsel." In essence, Mother claims the trial court's factual findings were clearly erroneous because they were based upon bias or unsubstantiated factual findings.

In particular, Mother argues the following findings of fact articulated during the trial court's oral ruling were motivated by improper considerations, including bias against Mother, and thus, erroneous:

- "And prior to, again, [Mother's trial counsel's] entry into the case, [Mother's] courtroom behavior was atrocious."
- "[Mother] continues to co-sleep with [Child] beyond when [Child] should be sleeping in his own bed. I noted that a number of times throughout the course of the trial that [Mother] would either refer to [Child] as 'my child' or 'the baby.' I think there gets a point where the child is four years old that we stop referring to them as the baby."

Mother argues the following findings of fact were unsubstantiated by the evidence, and thus, erroneous:

- "[Mother] exhibited what the Court finds to be bizarre beliefs regarding illnesses, food, poisoning."
- "As to [Mother], she has actively prevented meaningful contact between [Father] and his family, as – particularly as it pertains to [Child]."
- "[Father] wants equal time in the life of his child. [Mother] wants total control. And the Court finds that this is a completely unrealistic expectation."
- "[Father] has made it eminently clear that he is willing to share custody. I believe [Mother] is only willing to share custody if it is on her terms."

Mother also argues that the trial court abused its discretion as it overlooked or ignored the factual finding that "[Father is] not as engaged with child care[.]" Mother further argues that the evidence in the record underpinning this finding, namely, that Father has a "demanding work schedule and [is] inexperience[d] with [Child's] medical needs, among other things," should have been dispositive on the issue of an award of tie-breaking authority to *Mother*, since an award of tie-breaking authority to *Father* is against the best interest of Child.

Father contends that the trial court's custody findings are supported by the record, and awarding joint legal custody with tie-breaking authority to him was a proper exercise of discretion. Father argues that much of the parties' testimony "demonstrated a persistent pattern of deadlock, unilateral conduct, and inability to cooperate on essential parenting decisions[,]" thereby warranting an award of tie-breaking authority in his favor. Father contends the trial court vested tie-breaking authority to Father "to ensure that major

decisions affecting the child's welfare could be made in a timely and consistent manner." We agree.

In child custody disputes, the best interest of the child "is always determinative[.]" *Santo*, 448 Md. at 626 (quoting *Ross v. Hoffman*, 280 Md. 172, 178 (1977)). Legal custody confers 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." *Taylor*, 306 Md. at 296. Maryland courts have the authority to order joint custody as part of "the broad and inherent authority of a court exercising its equitable powers to determine child custody." *Id.* at 298. In its analysis, the Court in *Taylor* developed a non-exhaustive list of thirteen considerations[8] which should guide courts in deciding whether to award joint custody.[9] *Id.* at 303–11. The most important factor is the "capacity of the parents to communicate and to reach shared

[8] 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. *See Taylor*, 306 Md. at 304–11.

[9] 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 trial 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 *Taylor*. *See 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.

decisions affecting the child's welfare." *Id.* at 304 ("Rarely, if ever, should joint legal custody be awarded in the absence of a record of mature conduct on the part of the parents evidencing an ability to effectively communicate with each other concerning the best interest of the child[.]").

Even when the parties' history of communication was not encouraging, however, it may still be appropriate to grant one parent tie-breaking authority. *Santo*, 448 Md. at 630. The Court in *Santo* explained:

> In a joint legal custody arrangement with tie-breaking provisions, the parents are ordered to try to decide together matters affecting their children. *When, and only when the parties are at an impasse after deliberating in good faith does the tie-breaking provision permit one parent to make the final call.* Because this arrangement requires a genuine effort by both parties to communicate, it ensures each has a voice in the decision-making process.
>
> To be sure, the *Taylor* Court's definition of joint legal custody places parents' decision-making rights on an equal footing; indeed, it characterizes their voices as being equal. A delegation of final authority over a sphere of decisions to one parent has the real consequence of tilting power to the one granted such authority.
>
> But such an award is still consonant with the core concept of joint custody because the parents must try to work together to decide issues affecting their children. . . . We require that the tie-breaker parent cannot make the final call until after weighing in good faith the ideas the other parent has expressed regarding their children.

*Id.* at 632–33 (citations omitted; emphasis added); *see also Shenk v. Shenk*, 159 Md. App. 548, 559–60 (2004) (A court may grant tie-breaking authority to one parent in a joint custody case as an appropriate "proactive provision" to resolve "probable continued conflict[.]"). The Court in *Santo* further explains that "tie-breaking authority does not eliminate the voice of the parent without that authority." *Santo*, 448 Md. at 634–35 (citing

*Downing v. Perry*, 123 A.3d 474, 483–85 (D.C. 2015)). "Rather, such measure pragmatically reflects the need for *some decision* to be made for the child when parents themselves cannot agree." *Id.* at 636 (emphasis added).

In order for us to set the tie-breaking provision of the custody order aside, we must conclude that the trial court's decision was "well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable." *North*, 102 Md. App. at 15. On the record before us, we cannot reach this conclusion.

Here, the evidence adduced at trial demonstrated repeated impasse on medical and educational decisions affecting Child. Therefore, it was reasonable for the trial court to grant one party tie-breaking authority as a "proactive provision" to resolve "probable continued conflict[.]" *See Shenk*, 159 Md. App. at 559–60. Moreover, the trial court recognized that an award of tie-breaking authority to Mother would be "absolutely contrary" to the evidence presented to the trial court. Father testified that Mother sought and subjected Child to non-standard preventative medical testing, without joint agreement. The evidence also demonstrated that Mother changed Child's pediatrician without consulting Father, who only found out after the fact. Father further testified that Mother prevented Child from participating in an extracurricular activity at school because Mother refused to consent. In general, Father's testimony demonstrated that the parties were unable to resolve major decisions collaboratively, despite his willingness to collaborate. Specifically, when asked whether Father is "able to express [his] concerns and they be considered by [Mother]"

Father replied: "I don't feel that no." We reject Mother's argument that the trial court was motivated by bias toward Mother in awarding tie-breaking authority to Father. Particularly, we disagree with Mother's contention that the trial court's skepticism toward Mother stemmed from her lack of representation, rather than her parenting, as evidenced by the findings *supra*.

Mother next argues that it was improper for the trial court to consider witness testimony "with heavy emphasis on the parties themselves[,]" further contending that evidence presented by her witness (her mother), was improperly discounted.[10] First, we note that Mother, in addition to representing herself for part of trial, testified as a witness herself. As follows, it was entirely proper for the trial court to consider the substance of Mother's testimony, as well as her credibility and demeanor. The fact that contrary testimony exists, through Mother or her witness, does not mandate reversal, as trial judges are tasked with making credibility assessments of witnesses. *See Santo*, 448 Md. at 625 (quoting *Petrini*, 336 Md. at 470). Judge Mahoney was free to credit Father's evidence over Mother's.

In custody cases, the "'court's objective is not . . . to punish'" a parent, but "to determine what custody arrangement is in the best interest of the minor children[.]" *Burdick v. Brooks*, 160 Md. App. 519, 528 (2004) (quoting *Hughes v. Hughes*, 80 Md. App. 216,

[10] Specifically, Mother's witness testified that Mother's communication style is "[c]alm. Open-Minded. Approachable. Considerate of others or thoughtful of other people's emotions. Articulate." In making factual findings, Judge Mahoney noted that this witness in particular "struck him," explaining that the testimony felt "compelled" rather than genuine.

231 (1989)). We emphasize that Mother was not "punished," despite Judge Mahoney's clear irritation with Mother's courtroom behavior, as she still was afforded joint legal custody. Contrary to Mother's assertion at trial, tie-breaking authority does not diminish the "opportunity for one parent to have a say in the life of a child." Instead, an award of joint legal custody with tie-breaking authority "require[s] that the tie-breaker parent cannot make the final call until *after* weighing in good faith the ideas the other parent has expressed regarding their children." *See Santo*, 448 Md. at 633 (emphasis in original).

Ultimately, the trial court had valid reasons for awarding tie-breaking authority to Father that serve the Child's best interest in coming to "*some decision* . . . when the parents cannot agree." *See Santo*, 448 Md. at 636. We will not disturb the court's ruling absent an abuse of discretion.

**D. Motion to Alter or Amend**

We hold that the trial court did not abuse its discretion in denying Mother's motion to alter or amend the judgment of absolute divorce.

Mother contends that the trial court improperly denied her July 7, 2025 motion to alter or amend the judgment of absolute divorce, which requested that the trial court amend the judgment as it pertains to legal custody (specifically, tie-breaking authority), the right of first refusal, child support, and the holiday schedule. Father counters that Mother "knowingly entered a partial consent judgment, expressly reserved legal custody for judicial termination, and—while represented by counsel—declined to present further evidence before the court ruled."

We first address Mother's contention that the trial court abused its discretion in declining to alter or amend the judgment to award legal custody with tie-breaking authority to Mother. Mother argues that the trial court failed to give due regard to Mother's contributions to Child's growth and development as homemaker and primary caretaker of Child. Mother argues that her request that the trial court vest tie-breaking authority to her, with the condition that at least one mediation session be completed before tie-breaking authority is invoked, was reasonable and consistent with Child's best interest. Mother's insistence on mediation is both impractical and unnecessarily expensive. Nor does mediation always result in a prompt decision. Accordingly, we see no abuse of discretion in the trial court's decision not to adopt Mother's mediation request. Because the remainder of the parties' arguments here are similar to those previously addressed, we need not address the merits of this issue any further. For the reasons stated *supra*, we conclude that the trial court's denial of Mother's motion to alter or amend the judgment of divorce with respect to tie-breaking authority was proper. The trial court did not abuse its discretion.

Mother argues the trial court abused its discretion in declining to adopt Mother's right of first refusal provision. Even if framed differently, *see supra* note 6, this is an issue related to *physical* not *legal* custody.[11] *See, e.g.*, *A.A.E v. S.K.B.*, No. 937, 2026 WL

[11] 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.*

206053 at *5–7 (Md. App. Jan. 26, 2026) ("We conclude that the trial court did not abuse its discretion in ruling that each party would make childcare decisions for M. *during their custodial time*."). We remind Mother that physical custody was agreed upon in the consent order and expressly waived at trial, while represented by counsel.[12]

[12] On the last day of trial, Mr. Blattner qualified Mother on the agreement, in order to establish, to the trial court's satisfaction, that the agreement was entered into freely and voluntarily. The following colloquy occurred in relevant part:

> [MOTHER]: I would like to move forward with reaching an agreement.
>
> [MR. BLATTNER]: Okay. All right. . . . I understand that you want the right of first refusal, and we've talked a lot about that.
>
> [MOTHER]: Yes.
>
> [MR. BLATTNER]: We have discussed that with opposing party through Counsel. And at this time, we do not have an agreement regarding the right of first refusal. Do you understand that?
>
> [MOTHER]: I do understand.
>
> [MR. BLATTNER]: Okay. Do you understand by proceeding in this manner, by moving forward, does not preclude us, it does not stop us from continuing to discuss that term after this agreement has been entered?
>
> [MOTHER]: Yes, I would like to continue it after this agreement has been entered.
>
> [MR. BLATTNER]: Okay. And do you understand that that right of first refusal is not tied to this current agreement? Do you understand that?
>
> [MOTHER]: Yes, I do.
>
> [MR. BLATTNER]: And do you understand that you can't at a later time say, "Well I would never have entered into this agreement had I known that he was not gonna do the right of first refusal"? Do you understand that? In other words, you can't use the fact that there's not a right of first refusal –
>
> [MOTHER]: No, I understand that we're talking about custody, but I do understand.
>
> [MR. BLATTNER]: Okay.

A consent judgment is both a binding contract and a final judgment, enforceable absent fraud, mistake, illegality, or lack of consent, none of which are argued or present here. *See Chernick v. Chernick*, 327 Md. 470, 480 (1992). Rule 2-534 does not permit a party to relitigate matters already decided. *See Hughes v. Beltway Homes, Inc.*, 276 Md. 382, 388–89 (1975). In sum, the trial court did not abuse its discretion in denying Mother's motion to alter or amend to reflect a "right of first refusal" provision, given that Mother consented to an agreement resolving physical custody, that did not contain any such provision.

Moreover, we do not find an abuse of discretion with respect to the holiday schedule. In essence, both parties requested even time with Child on holidays, but in different ways. Mother divided most holidays in half, often suggesting that Child be in her care in the mornings and Father's care during the evenings. Father sought an alternating-year arrangement, where Father would spend every holiday with Child one year, and Mother would spend every holiday with Child the next year, with some exceptions. Though the trial court offered no reasoning for its decision to adopt Father's schedule over Mother's, we cannot say that this decision was well removed from any center mark imagined by the or beyond the fringe of what we deem minimally acceptable. *See North*, 102 Md. App. at

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> [MOTHER]: And yeah, I do understand.
>
> [MR. BLATTNER]: I just wanna make clear you can't use the fact that there's no agreement on right of first refusal in the future as a basis for saying, "Well, I didn't really want to or believe that the schedule was in [Child's] best interest."

15. An abuse of discretion occurs only when "'no reasonable 'person would take the view adopted by the [trial] court'" or the court "'acts without reference to any guiding principles.'" *George v. Bimbra*, 265 Md. App. 505, 517 (2025) (quoting *Alexander v. Alexander*, 252 Md. App. 1, 17 (2021)). We are mindful that, in many cases, the evidence could support a custody decision made by the circuit court, or "a contrary decision to award custody" under a different arrangement. *Gizzo v. Gerstman*, 245 Md. App. 168, 200 (2020). For that reason, we do not second-guess a custody determination merely because another judge might have established different terms. *See Jose v. Jose*, 237 Md. App. 588, 599 (2018). While Mother raises the valid concern about not being able to see Child for *any* holiday in a given year, these concerns are tempered by the fact that Mother will spend *every* holiday with Child the following year. Perhaps the trial court reasoned that extensive travel time on holidays would not serve the best interests of Child, but we cannot speculate. Nonetheless, the holiday schedule containing an alternating-year arrangement was substantively fair and we cannot reverse simply because we could have made a different, equally fair, decision.

Next, we address whether the trial court abused its discretion in supposedly disregarding Family Law Article 12-101(a) of the Maryland Code, wherein a trial court is vested with the authority to award retroactive child support for a period from the filing of the initial pleading containing such a request. Mother contends she is entitled to retroactive child support, claiming she made such a request in her answer to Father's complaint, dated June 20, 2023.

Section 12-101 of the Family Law Article states as follows:

> (a) (1) Unless the court finds from the evidence that the amount of the award will produce an inequitable result, for an initial pleading *that requests child support pendente lite*, the court shall award child support for a period from the filing of the pleading that requests child support.

Md. Code Ann., Fam. Law § 12-101(a)(1) (emphasis added). As for other pleadings that seek child support, a trial "court may award child support for a period from the filing of the pleading that requests child support." Fam. Law § 12-101(a)(3). Where there is no request for pendente lite child support in an initial pleading, the trial court's decision to award retroactive child support is discretionary. *See Sims v. Sims*, 266 Md. App. 337, 389 (2025).

Upon review, the prayer for relief section of Mother's answer dated June 20, 2023 reads as follows: "E. That the Plaintiff be ordered to pay child support to be established in accordance with the Maryland child support guidelines." As this pleading does not expressly request pendente lite child support, we cannot say the trial court disregarded FL § 12-101(a)(1). To be sure, the prayer for relief section of Mother's counter complaint dated September 12, 2023, reads: "C. That the Plaintiff/Counter-Defendant be ordered to pay child support in accordance with the Maryland child support guidelines and pendente lite, rehabilitative and indefinite alimony to the Defendant/Counter-Plaintiff." Again, this pleading does not request pendente lite child support. Here, "pendente lite" modifies alimony, thus, we do not read either of Mother's pleadings as a request for pendente lite child support, triggering Fam. Law § 12-101(a)(1). The trial court was under no obligation

to award retroactive child support, and its implicit decision *not to*, as evidenced by the court's silence on the issue, was not an abuse of discretion.

## IV. CONCLUSION

We first hold that the trial court did not abuse its discretion in denying Mother's request for postponement. Mother was not faced with any unfair surprise, did not exercise due diligence in securing new counsel, and was not ultimately prejudiced by the trial court's ruling.

We further hold that the trial court did not abuse its discretion in awarding joint legal custody with tie-breaking authority to Father. After considering the testimony and credibility of witnesses, the trial court expressed its concerns with the ability of the parties to reach a mutual decision on issues pertaining to legal custody. Because it was foreseeable that the parties would likely reach an impasse in the future given their history under the existing joint legal custody arrangement *that did not contain any tie-breaking authority*, the trial court reasonably sought it appropriate to vest such authority. Mother's proposed "solution" of a mediation condition, while well-meaning in theory, is not a decisional process. Mediation will, at best, *aid* the parties in making a decision, but will not actually *render* a decision. It was not an abuse of discretion to vest tie-breaking authority in Father given the court's factual finding that Mother had exercised unilateral control despite a prior court order, and the court's valid concern of a prospective impasse on legal custody matters.

Lastly, we hold that trial court did not abuse its discretion is denying Mother's motion to alter or amend the judgment of absolute divorce. All issues raised at this juncture were fairly decided previously or waived either by consent or insufficient pleadings.

For the reasons stated above, we affirm the judgments of the Circuit Court for Harford County.

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