Circuit Court for Charles County
Case No. C-08-FM-19-001223

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1327

September Term, 2024

PERRY HAYWOOD, JR.

v.

JASMINE HENRY, ET AL.

Leahy,
Beachley,
Raker, Irma S.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Leahy, J.

Filed: June 25, 2025

* This is an unreported opinion. The 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).

Subject to certain exceptions, Maryland law allows an appeal "only after the entry of a final judgment where all claims against all parties are resolved." *Cnty. Comm'rs for St. Mary's Cnty. v. Lacer*, 393 Md. 415, 424 (2006). This is a jurisdictional requirement. *See Addison v. Lochearn Nursing Home, LLC*, 411 Md. 251, 267 (2009) (calling the final judgment requirement a "bedrock" principle of appellate jurisdiction). Unless there is a final judgment—or an otherwise appealable judgment—we are without jurisdiction and must dismiss the appeal without reaching the merits. *Waterkeeper Alliance, Inc. v. Md. Dep't of Agriculture*, 439 Md. 262, 277-78 (2014).

In this appeal, appellant Perry Haywood Jr. ("Father") challenges the Circuit Court for Charles County's grant of the motion to establish arrears filed by the Charles County Child Support Administration (the "Administration"). In the motion, the Administration claimed that the court miscalculated Father's child support arrears owed to appellee Jasmine Henry ("Mother") in one of the court's interim orders. At the time, Father had filed a motion to modify child support, which was held in abeyance at his own request. Following a hearing that Father failed to attend, the court entered an order granting the Administration's motion to establish arrears (the "Arrears Order"), without addressing Father's motion to modify child support. Father timely appealed the court's Order.

In his brief, filed *pro se*, Father presents the following questions:

1. "Did the Circuit Court err by failing to address the October 26, 2022 motion for modification, leaving critical issues unresolved?"

2. "Did the Circuit Court err by issuing the August 5, 2024 order, which directly contradicts the findings in the January 16, 2024 order, without justification?"

3. "Did the Circuit Court violate procedural fairness by not providing Appellant with the promised Zoom link for the August 5, 2024 hearing, thereby denying his right to meaningful participation?"

We conclude that the circuit court's Arrears Order was not a final judgment. As none of the exceptions to the final judgment requirement apply, we dismiss Father's appeal for lack of jurisdiction without reaching the merits.

BACKGROUND

To provide proper context for Father's questions presented on appeal, we start by summarizing the events that preceded entry of the underlying order.[1]

Entry of the Final Order

Father and Mother have one minor child (the "Child"), born February 2019.[2] On August 29, 2019, Father filed a complaint for custody, seeking joint legal and joint physical custody of the Child.[3] On October 24, 2019, Mother filed an answer and a counter-complaint, seeking sole legal and sole physical custody of the Child, as well as "child support *pendente lite* and permanently."

Following a final merits hearing on May 19 and October 5, 2021, the circuit court entered an Order of Custody, Visitation and Child Support (the "Final Order") on October

[1] Because Father only challenges the circuit court's grant of the motion to establish his child support arrears, we focus on the facts relevant to the issue of child support.

[2] The parties were never married.

[3] Although Father's complaint for custody shows two children with the same first name and date of birth, it appears that he listed the same Child twice, once with his last name and once with Mother's.

28, 2021, which, in relevant part: (1) granted Mother sole legal and sole physical custody of the Child; (2) allowed Father scheduled visitations with the Child in person and through FaceTime; and (3) ordered Father to pay $1,384.00 each month in child support, along with $224.00 towards arrearages.[4] The court determined Father's child support arrearages to be $26,880.00 as of October 1, 2021. Neither party appealed the Final Order.

Administration Filed a Petition for Contempt

On May 4, 2022, the Administration re-opened the case by filing a "petition to cite for contempt," claiming that Father was "delinquent in the payment of support monies as required by Order of Court." Following a contempt hearing on June 13, 2022, the court entered the first Consent Order. This Consent Order (1) rescheduled the hearing for August 8, 2022; (2) required Father to pay $500.00 in child support by July 30, 2022; (3) ordered Father to continue paying $1,384.00 in monthly child support, plus an additional $224.00

[4] Specifically, the Final Order provided Father's child support obligations as follows:

> ORDERED that **commencing November 1, 2021, [Father] shall pay to [Mother] the sum of $1,384.00 per month for the support of the parties' minor child**, payable by wage lien through the Office of Child Support Enforcement; and it is further
>
> ORDERED, that **child support arrearages be and hereby are assessed at $26, 880.00 of October 1, 2021 that [Father] has pay [*sic*] and additional $224.00 per month commencing November 1, 2021 and continuing until the arrearage is paid in full**[.]

(Emphasis added).

per month towards his arrearage; and (4) established his arrearage at $37,452.00 as of June 9, 2022.[5]

On August 8, 2022, the circuit court entered the second Consent Order. Substantially identical to the first, the second Consent Order rescheduled the contempt hearing to October 17, 2022, and updated Father's arrearage to $40,220.00 as of August 4, 2022. On October 17, 2022, the court entered the third Consent Order, moving the hearing date to December 21, 2022, and setting Father's arrearage at $42,688.00 as of October 13, 2022.

Petitions to Modify Custody, Child Support, and for Contempt

On the same day the third Consent Order was entered, Mother filed a petition to modify visitation, alleging Father's non-compliance with the visitation schedule set forth in the Final Order.

About a week later, on October 26, 2022, Father filed his own petition to modify custody. In the petition, Father checked a box indicating that he "also request[s] a change in the current child support order." Attached to Father's petition was his sworn financial statement, listing his "[t]otal monthly income (before taxes)" as "-[$]1100.00[,]" "[c]hild support . . . for . . . other child(ren) each month" as "$300.00," and "[t]he monthly health

[5] In the First Consent Order, the court also noted that Father was "self-employed . . . since 2019" and "receiving help from his family for daily expenses." Additionally, the court required the parties to make or receive "any current or delinquent support payments . . . through the Maryland Child Support Account" only and warned that "[a]ny current or delinquent payments made directly to [Mother] may not be credited towards the child support account."

insurance premium" for the Child as "$59.00." Various financial documents, including Father's past tax returns, were also attached.

Months later, on February 6, 2023, Father filed a "motion for contempt and request for show cause[,]" alleging, among other things, that Mother violated the Final Order by denying his visitation with the Child and access to the Child's educational and medical information. The court initially scheduled a hearing on all of the parents' pending petitions (and motion) for May 22, 2023, but subsequently rescheduled the hearing to September 25, 2023, and finally to January 16, 2024.

The Circuit Court Changed Father's Arrearage Amount

As the parents' petitions remained pending, the court continued to postpone the contempt hearing on the Administration's petition.[6] Following each postponement, the court issued an order providing the new contempt hearing date and Father's updated child support arrearage amount.[7] Below is a summary of the circuit court's postponements and arrearage assessment beginning May 4, 2022—the day the Administration reopened the

[6] In the Administration's brief, the Administration explains that the contempt hearing was postponed because the court wanted to hear the Administration's contempt petition and the parents' petitions together, and the parties needed more time to present their cases.

[7] The orders from June 13, August 8, and October 17, 2022 hearings, all signed by a family magistrate, were titled "Consent Order." These three Consent Orders were identical in substance to each other, differing only in their hearing dates and the updated arrearage amount. The orders from December 21, 2022, February 15, 2023, and June 21, 2023 hearings, which were signed solely by a judge, were also substantially similar, varying only by their hearing dates and updated arrearage amounts.

case by filing the petition for contempt—and ending January 16, 2024, the date of the consolidated hearing for contempt and modification petitions.

Original Hearing	**New Hearing**	**Child Support Arrearage**
June 13, 2022	August 8, 2022	$37,452.00 (as of June 9, 2022)
August 8, 2022	October 17, 2022	$40,220.00 (as of August 4, 2022)
October 17, 2022	December 21, 2022	$42,688.00 (as of October 13, 2022)
December 21, 2022	February 15, 2023	$45,104.70 (as of December 16, 2022)
February 15, 2023	June 21, 2023	$47,670.26 (as of December 10,2023)
June 21, 2023	July 19, 2023	$5,846.84 (as of June 20, 2023)
June 19, 2023[8]	October 18, 2023 (rescheduled to January 16, 2024)	No calculation

Notably, the court's June 21, 2023 order showed Father's arrearage amount at "$5,864.84 as of June 20, 2023"—over $40,000 less than the amount assessed at the February 15, 2023 hearing. Earlier that day, the court had conducted a brief hearing, which lasted for about two minutes. Father appeared with counsel, and the Administration also appeared, but neither Mother nor her counsel were present.[9] Father's counsel reminded the court that "there were multiple motions filed by both parties, as far as modifications to

[8] There was no order from this hearing. However, the record indicates that Father requested postponement "in order to simultaneously address all pending matters before the court."

[9] At the hearing, counsel for the Administration represented that Mother and her counsel were not able to appear because they did not receive the "reset [hearing] date from the court."

their custody and child support." Counsel also stated that Father believes the child support calculations "were inaccurate from the onset" and "there were some adjustments with the calculations." Without addressing the merits of Father's claim, the court rescheduled the hearing and excused the parties.

Subsequent to the entry of the June 21, 2023 order, Mother filed a letter with the court,[10] raising an issue with the change in Father's arrearage. In relevant part, the letter states:

> I recently received a signed order regarding child support arrears, and upon careful review, I have discovered that the amount listed is inaccurate. I would like to request a correction of this mistake and provide the correct information for your reference.
>
> * * *
>
> The child support arrears listed in the order that was signed on June 21, 2023 reflect an amount to **$5,846.84**. However, upon a thorough review and confirmation from the Maryland DHS Child Support Case office, I have found that the correct amount of arrears is significantly higher. The accurate arrears amount stands at **$54,292.82** (as of date: 7-10-23) which is substantially different from the amount stated in the order[.]

Attached to the letter was a copy of Mother's child support account summary, provided by the Administration, stating, "[t]he total balance owed is: $54,292.82" as of July 10, 2023. The court, however, did not revisit Father's child support arrearage until January 16, 2024.

[10] The letter is dated July 10, 2023, and was filed the next day, but was not docketed until August 11, 2023.

Circuit Court's Contempt Order and Father's First Appeal[11]

At the January 16, 2024 hearing, the circuit court addressed all pending motions for contempt and modification of child support, custody and visitation. Mother's counsel began by informing the court that the parents had agreed to allow FaceTime access when the child was with the other parent and to refrain from making disparaging remarks about the other parent to the child. Father's counsel then noted that Father had filed a "motion for contempt on denial of access and failure to provide certain information[,]" requesting "at least . . . information as to where the child goes to school." The court instructed Mother's counsel to provide the school information, and counsel complied on the record. The court also determined the parents' FaceTime access schedule.

The court next turned to Father's failure to pay child support as required by the Final Order dated October 28, 2021. Asserting that he had not been able to pay child support, Father reminded the court that his request for child support modification—originally part of his October 26, 2022 custody modification petition—was still pending.

> [THE COURT]: Right, okay. Alright, so what are we to do about this huge . . . arrearage that you have?
>
> [FATHER]: Well, Your Honor, I filed my amended taxes that pretty much show that just like most businesses in their first two years, that we took a loss. Unfortunately, it wasn't took into consideration when the—
>
> [THE COURT]: Yeah, but you are in violation of a court order.
>
> [FATHER]: Yes, Your Honor.

[11] The propriety of the court's contempt order is not before this Court in this appeal.

> [THE COURT]: Okay, it is not up to me to tell you, "Oh, poor thing, you can't do it." It is a court order, so what are you going to do about it?
>
> [FATHER]: I have . . . filed the modification for child support, I filed the paperwork. I thought we would be addressing that here today to get that relief.
>
> * * *
>
> [MOTHER'S COUNSEL]: Yeah, it looks like he filed one on the 18th.
>
> [THE COURT]: It says, "Motion to modify custody."
>
> [MOTHER'S COUNSEL]: Right.
>
> [THE COURT]: Okay. But you are saying you filed a separate motion to modify child support?
>
> [FATHER]: Yes, in that motion to modify custody, I checked the box for it to modify the child support, as well.

After some confusion, the court decided to set a separate hearing for Father's motion to modify child support. The court told Father:

> I don't know why you haven't been given a hearing on your motion, why that didn't happen, and that should happen. I am going to give you a date right now that that should happen. So . . . if we could find a date purely for a modification of child support . . . you need to gather all of that information for [Father's counsel], and you need to gather it for him in enough time that he can give it to [Mother's counsel] so that she can review it, so she knows exactly what it is that is going to be presented at the hearing. So, you are not ready for that today, but that is what has to happen to prove . . . you have to prove there has been a material change in your circumstances beyond your control from this court order date, that would qualify you, legitimately qualify you for a change in child support.

The court also noted that if Father's motion to modify child support is granted, it would "have an impact on the arrears." Following a brief discussion with the parties' counsel,

the court announced that it would set a child support modification hearing for March 11, 2024.

The court found Father in contempt. As the court was setting the purge provision, Mother's counsel interjected, stating, "Your Honor, the total outstanding [child support arrearage] is $61,000[,]" but the court responded that it "d[id]n't want to get into that[.]" Instead, the court set the purge provision based on Father's arrearage amount at the time of the Final Order, telling Father as follows:

> **Okay, so what I am hearing . . . is that I find you in contempt, and at this point I am going to use this figure because we don't know if there is going to be a modification, which would then change the current arrearage.**
>
> **So I find you in contempt of court for not paying the $26,880.00 that was your arrearage back in October of 2021.** So, you have said, and you are ordered to pay, $1,500.00 directly to [Mother] within fifteen days of today's date, and another $1,500.00 within thirty days of today's date.
>
> And that is in addition to your regular monthly child support that you are supposed to be paying, or what you are paying right now, or whatever. So, if you fail to pay that $3,000.00 as you have just said you will do, then the $26,880.00 is going to be reduced to a judgment against you.
>
> * * *
>
> **Okay. So, that is done, you have a court date for your modification.** You need to make sure that you get [Father's attorney] all the information he is telling you he needs, because if you don't, then the judge isn't going to have any evidence with which to help you with the modification.

(Emphasis added).

On March 18, 2024, the court entered a written "contempt and modification" order, which found Father in contempt for failure to pay child support and required him to pay $1,500 within 15 days and another $1,500 within 30 days to purge the contempt. The order

provided that the court would "enter a judgment for the remaining arrears in the amount of . . . $26,888.00[,]" upon Father's failure to purge the contempt.[12] The court also ordered Father to continue with his child support payment of $1,384.00, and scheduled a separate hearing on Father's motion to modify child support.[13] The order was amended on April 4, 2024, without altering these provisions, and counsel for both parents signed the amended order.[14] On May 3, 2024, Father appealed the amended order.

Administration's Motion to Establish Arrears

While Father's appeal was pending, Father and Mother jointly filed a motion to hold the child support modification hearing in abeyance "until after [Father's] [a]ppeal has been heard and ruled on." The Administration did not file any response. On May 28, 2024, the court granted the joint motion on the record, instructing the clerk's office to set the mater "for status in 60 days."

On May 29, 2024, the Administration filed a "motion to establish arrears[,]" claiming that "in the absence of a large payment, the arrears amount set on June 21, 2023, was clearly in error[,]" and that Father was "attempting to capitalize on the error in the . . .

[12] At a subsequent hearing on August 5, 2024, the Administration represented that "[t]he purge amounts, the $1,500.00 payments, were made."

[13] The hearing was originally scheduled for March 11, 2024, but was rescheduled for May 28, 2024.

[14] The amendment accurately reflected the court's announcement at the January 16, 2024 hearing by (1) increasing the length of Father's FaceTime visitation with the Child from 10 to 20 minutes, (2) allowing Mother's FaceTime access during the Child's visit with Father, and (3) adding a provision prohibiting both parties from making "disparaging remarks" to the Child.

June 21, 2023[ ] order which incorrectly assessed arrears[.]" In the motion, the Administration further stated that its "audit f[ou]nd[] an arrearage of $63,334.47, as of May 22, 2024" and asked the court to determine the amount of child support, "given the error on June 21, 2023 . . . and the [Administration's] actual calculation." Mother filed a response, asking that the court grant the Administration's motion to establish arrears and correct the arrearage amount on the June 21, 2023 order. Father opposed, arguing that the Administration's motion was an improper attempt "to use the [c]ourt's revisory power" under Maryland Rule 2–535.[15]

Circuit Court's Ruling on Motion to Establish Arrears

Following a status hearing, which was held via video conference, the court scheduled a hearing on the Administration's motion to establish arrears. The notice of hearing, issued on July 30, 2024, required all parties "TO APPEAR before a Judge of the CIRCUIT COURT FOR CHARLES COUNTY" on August 5, 2024. That day, however, Father did not appear at all, whereas Mother and her counsel appeared via video conference. Counsel for Father and the Administration both appeared in person. Father's counsel did not explain Father's absence.

[15] Maryland Rule 2–535 provides, in relevant part, that "[o]n motion of any party filed at any time, the court may exercise revisory power and control over the judgment in case of fraud, mistake, or irregularity." Md. Rule 2–535(b). However, "non-final orders are 'subject to revision . . . without regard to Rule 2–535.'" *Waterkeeper Alliance, Inc. v. Md. Dep't of Agriculture*, 439 Md. 262, 277 (2014) (quoting *Albert W. Sisk & Son, Inc. v. Friendship Packers, Inc.*, 326 Md. 152, 159 (1992)).

At the outset of the August 5, 2024 hearing, the Administration confirmed with the court and counsel present that the hearing was solely on its motion to establish arrears. The Administration then represented that Father's child support arrearage was $66,679.18, as of August 2, 2024, and that "the $5,000.00 arrears [on the court's June 21, 2023 order] . . . was a clerical error as far as the [Administration] is concerned." Mother also testified that her child support account showed a balance of $66,679.18 when she checked her account on August 2, 2024, and confirmed that she believed it was the correct amount of arrears owed by Father. Father's counsel declined to cross-examine her, and did not object to the admission of any exhibits or offer any evidence on Father's behalf.

Later that day, the court entered the Arrears Order, which provides as follows:

> Upon consideration of [Mother's] Response to [the Administration's Motion] to Establish Arrears in this case, and any objection thereto; it is thereupon, this 5th day of August, 2024;
>
> **ORDERED**, that the [Administration's] Motion to Establish Arrears be and the same is hereby **GRANTED;**
>
> **ORDERED**, that the Order of Court dated June 21, 2023 which incorrectly assessed arrearage at $5,864.84 be **corrected** to $66,679.18;
>
> **ORDERED**, that this Court issue an Order assessing the current Child Support Arrears of Plaintiff, [Father] in **the correct amount** of $66,679.18 as of August 5, 2024.

(Emphasis added).

A week later, on August 12, 2024, Father's first appeal was dismissed for his failure to file a brief, which was due August 5, 2024.

Father filed the instant appeal from the Arrears Order on September 4, 2024.

DISCUSSION

Legal Framework

The "Final Judgment" Requirement

Although neither party challenged the finality of the circuit court's order granting the Administration's motion to establish arrears, we must address the finality of the Arrears Order on our own initiative. *Stuples v. Balt. City Police Dep't*, 119 Md. App. 221, 241 (1998) ("[A]n appellate court may, *sua sponte*, raise the issue of non-finality and nonappealability at any time."). Whether a judgment is final—and whether we have jurisdiction to review that judgment—is a question of law subject to a *de novo* standard of review. *Balt. Home Alliance, LLC v. Geesing*, 218 Md. App. 375, 380-81 (2014).

Ordinarily, under Maryland law, appellate jurisdiction may arise "only after the entry of a final judgment where all claims against all parties are resolved." *Cnty. Com'rs for St. Mary's Cnty. v. Lacer*, 393 Md. 415, 424 (2006). Consistent with this principle, section 12-301 of the Courts and Judicial Proceedings Article of the Maryland Code ("CJP") (1974, 2020 Repl. Vol.) provides, "[t]he right of appeal exists from a final judgment entered by a court . . . unless in a particular case the right of appeal is expressly defined by law." The statute further defines "final judgment" as "a judgment, decree, sentence, order, determination, decision, or other action by a court . . . from which an appeal . . . may be taken." CJP § 12–101(f). The final judgment requirement serves "to prevent piecemeal appeals and to prevent the interruptions of ongoing judicial proceedings." *Sigma Repro. Health Ctr. v. State*, 297 Md. 660, 665 (1983).

In order to qualify as a final judgment, a circuit court's ruling "must be 'so final as either to determine *and conclude* the rights involved or to deny the appellant the means of further prosecuting or defending his or her rights and interests in the subject matter of the proceeding.'" *Metro Main. Sys. South, Inc. v. Milburn*, 442 Md. 289, 299 (2015) (quoting *Rohrbeck v. Rohrbeck*, 318 Md. 28, 42 (1989)). Furthermore, the ruling must "leave nothing more to be done in order to effectuate the court's disposition of the matter." *Rohrbeck*, 318 Md. at 42. On the other hand, as a general matter, a ruling "that adjudicates less than an entire claim, or that adjudicates the rights and liabilities of fewer than all the parties to the action . . . is not a final judgment[.]" Md. Rule 2–602(a). In sum, a circuit court's ruling does not become a final judgment unless it was "intended by the court as an unqualified, final disposition of the matter in controversy[.]" *Rohrbeck*, 318 Md at 41.

Exceptions to the "Final Judgment" Requirement

In civil actions, there are three "limited" exceptions to the final judgment requirement: (1) appeals from interlocutory rulings specifically allowed by CJP § 12–303; (2) immediate appeals permitted under Maryland Rule 2–602(b); and (3) appeals from interlocutory rulings allowed under the common-law "collateral order doctrine." *Ruiz v. Kinoshita*, 239 Md. App. 395, 417 (2018) (citing Kevin F. Arthur, *Finality of Judgments and Other Appellate Trigger Issues* 37 (3d ed. 2018)); *Lacer*, 393 Md. at 424-25. We shall discuss these exceptions below.

Exception Under CJP § 12–303

Section 12–303 of the Courts and Judicial Proceedings Article provides only one exception to the final judgment rule that we need to examine in relation to the appealability of the underlying Arrears Order: The statute provides as follows:

> A party may appeal from any of the following interlocutory orders entered by a circuit court in a civil case:
>
> * * *
>
> (3) An order:
>
> * * *
>
> (v) For the sale, conveyance, or delivery of real or personal property or **the payment of money**, or the refusal to rescind or discharge such an order, unless the delivery or payment is directed to be made to a receiver appointed by the court.

CJP § 12–303(3)(v) (emphasis added).

The Supreme Court of Maryland has explained that an "order for payment of money" means the type of order that traditionally would emanate from a court of equity—namely, "orders for alimony, child support, and related counsel fees." *Anthony Plumbing*, 298 Md. at 19-20. According to the Court, such an order "differ[s] markedly from . . . a typical judgment at law for the payment of money" because "[t]he latter type of judgment 'may settle the respective rights of the parties . . . but it does not purport to order anyone to do anything.'" *Id.* at 20 (quoting *Della Ratta v. Dixon*, 47 Md. App. 270, 285 (1980)); *see also Adelakun v. Adelakun*, 263 Md. App. 356, 377 (2024) (holding that an order is appealable under CJP § 12–303(3)(v) only where the order "require[s] a party to take affirmative action to pay[.]"). An order for payment of money appealable under CJP § 12–

303(3)(v) is "immediately enforceable" and renders the party against whom it operates "directly and personally answerable *to the court* in the event of noncompliance." *Anthony Plumbing*, 298 Md. at 20 (quoting *Della Ratta*, 47 Md. App. at 285).

Exception Under Maryland Rule 2–602(b)

Maryland Rule 2–602(b) provides:

> **If the court expressly determines in a written order that there is no just reason for delay, it may direct in the order the entry of a final judgment:**
>
> (1) as to one or more but fewer than all of the claims or parties; or
> (2) pursuant to Rule 2–501(f)(3), for some but less than all of the amount requested in a claim seeking money relief only.

(Emphasis added). Put differently, "[t]o effectuate the right of appeal, . . . the court must expressly determine in a written order that 'there is no just reason to delay' the entry of final judgment." *Ruiz*, 239 Md. App. at 417 n.11 (citation omitted). Further, even if the circuit court expressly finds that there is no just reason for delay, such a finding does not turn a *nonfinal* order—"an order which disposes of only part of a single claim"— into an appealable final judgment. *Lacer*, 393 Md. at 425-26 (quoting *Planning Bd. v. Mortimer*, 310 Md. 639, 649 (1987)). As with other exceptions to the final judgment requirement, Rule 2–602(b) may be invoked only in "very infrequent" circumstances. *Id.* at 425 (quoting *Diener Enterprises v. Miller*, 266 Md. 551, 556 (1972)).

Exception Under the Collateral Order Doctrine

Lastly, under the collateral order doctrine, we may treat a "narrow class" of interlocutory rulings as final judgments regardless of the posture of the case. *In re Franklin P.*, 366 Md. 306, 326 (2001); *see also Pittsburgh Corning Corp. v. James*, 353 Md. 657,

660-61 (1999) (referring to the collateral order doctrine as a "very narrow exception" to the final judgment requirement). For a ruling to be appealable under the collateral order doctrine, it must satisfy the following four elements:

> (1) the ruling must conclusively determine the disputed question;
>
> (2) the ruling must resolve an important issue;
>
> (3) the ruling must be completely separate from the merits of the action; and
>
> (4) the ruling must be effectively unreviewable on appeal from a final judgment.

Lacer, 393 Md. at 428 (citing *Towns of Chesapeake Beach v. Pessoa*, 330 Md. 744, 755 (1993)). In Maryland, these four elements are "very strictly applied, and appeals under the [collateral order] doctrine may be entertained only in extraordinary circumstances." *Id.* (quoting *In re Foley*, 373 Md. 627, 634 (2003)).

Analysis

The "Final Judgment" Requirement

Applying these principles to the instant appeal, we conclude that the circuit court's Arrears Order, which established Father's child support arrears as of August 2, 2024, was not a final judgment. To begin with, the Arrears Order did not determine or conclude the rights of the parties in the proceedings below. *See Milburn*, 442 Md. at 299. At the time the Arrears Order was entered, Father's motion to modify child support had been held in

abeyance without adjudication,[16] and at the hearing on Father's motion to modify child support, the court can, and suggested that it would, address the arrearages. The plain language of the Arrears Order also suggests that its purpose was to "correct" an erroneous assessment from a prior hearing, rather than to render a final determination on Father's pending child support claim.

> **ORDERED**, that the [Administration's] Motion to Establish Arrears be and the same is hereby **GRANTED;**
>
> **ORDERED**, that the Order of Court dated June 21, 2023 which incorrectly assessed arrearage at $5,864.84 be **corrected** to $66,679.18;
>
> **ORDERED**, that this Court issue an Order assessing the current Child Support Arrears of Plaintiff, [Father] in **the correct amount** of $66,679.18 as of August 5, 2024.

(Emphasis added).

At the outset of the hearing on August 5, 2024, the Administration's counsel established with the circuit court and opposing counsel present that, despite "other things going on[,]" that hearing was limited solely to adjudicating the Administration's motion to establish the correct amount of arrears. Accordingly, we conclude that the Arrears Order

[16] Recently, though in a different context, Justice Angela M. Eaves of the Supreme Court of Maryland discussed the meaning of "abeyance," noting that the term is "defined as '[t]emporary *inactivity*; suspension[,]" and therefore "placing a matter in 'abeyance' does not mean you have exercised discretion and made a decision; it means you have avoided for another day or put off that matter to a later time[.]" *State v. Thomas*, 488 Md. 456, 513-14 (2024) (Eaves, J., concurring in part and dissenting in part) (quoting *Abeyance*, Black's Law Dictionary (11th ed. 2019)); *see also* Abeyance, Merriam-Webster (2025), https://www.merriam-webster.com/dictionary/abeyance (defining "abeyance" as "a state of temporary inactivity" or "suspension").

was not "intended by the court as an unqualified, final disposition of the matter in controversy[]" *Rohrbeck*, 318 Md at 41, because, as we noted above, Father can address the arrearage issue at the hearing on his motion to amend child support.

The Arrears Order also fails to "leave nothing more to be done in order to effectuate the court's disposition of the matter." *Id.* at 42. Rather, in Father's own words, the Arrears Order left "critical issues unresolved" by not addressing his motion to modify child support. Even after the court granted the Administration's motion to "establish" arrears, Father's motion to modify child support remained pending, and the court indicated during the January 16, 2024 hearing, that the adjudication of the motion for child support modification may result in amending the arrears as well. Had Father asked the court to consider his motion along with the Administration's motion, the court could have reassessed the arrears based on his modified child support obligation. *See* Maryland Code (1984, 2019 Repl. Vol.), Family Law Article ("FL"), § 12–104(a)-(b) (only allowing modification of a child support "subsequent to the filing of a motion for modification[,]" not "prior to the date of the filing of the motion for modification"). Instead, the court updated Father's child support arrears based on the child support obligation set forth in the Final Order, without mentioning his pending motion. Therefore, the Arrears Order did not, in this case, constitute a conclusive determination of the child support arrearage that Father owed to Mother. Father may appeal and challenge the arrearages when the court enters a final judgment on Father's motion to modify child support.

Exceptions to the "Final Judgment" Requirement

None of the exceptions to the final judgment requirement apply here. *First*, the Arrears Order is not an order for payment of money under CJP § 12–303(3)(v). It merely "corrects" the court's error in the June 21, 2023 order and updates Father's arrearage amount as of August 2, 2024. The Arrears Order does not contain language ordering Father to pay anything. *See Anthony Plumbing*, 298 Md. at 19-20 (noting that, unlike orders appealable under CJP § 12–303(3)(v), "typical judgment at law for the payment of money" are "not immediately enforceable[.]"). If Father fails to pay towards the arrears, such noncompliance will constitute a contempt of the Final Order—which specifically required him to pay $224.00 towards child support arrears—not the Arrears Order. Because the Arrears Order does not require Father to "take an affirmative action to pay[,]" his appeal does not satisfy CJP § 12–303(3)(v)'s exception to the final judgment requirement. *Adelakun*, 263 Md. at 377.

Second, Rule 2–602(b) is inapposite because it only applies where "the court expressly determine[d] in a written order that there is no just reason to delay" the entry of a final judgment. Here, the circuit court made no such determination (and we are not suggesting that it could have).

Third and finally, the Arrears Order fails to satisfy the requirements for appealability under the collateral order doctrine. *See Lacer*, 393 Md. at 428 (listing conditions that a non-final judgment must satisfy to become appealable under the doctrine). Proceeding directly to the third element of the doctrine—whether an order is "completely separate from

the merits" of the underlying action—we conclude that the Arrears Order is not separate from the merits of the underlying case, which centered upon Father's ability, or lack thereof, to bear his child support obligation. If the court considers and grants Father's pending motion to modify child support, that could change the arrearage amount set forth in the Arrears Order. On the other hand, if the court denies Father's motion, the amount may remain the same. Because the Arrears Order was not "completely separate from" Father's pending claim for modifying child support, it is not appealable under the collateral order doctrine.

For these reasons, we conclude that the circuit court's Arrears Order was not a final judgment and does not meet any of the exceptions to the final judgment requirement. Accordingly, we dismiss Father's appeal for lack of jurisdiction without addressing the merits.

APPEAL DISMISSED; COSTS TO BE PAID BY APPELLANT.