Circuit Court for Howard County
Case No. C-13-FM-25-00319

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1349

September Term, 2025

MARIA ELIBERTA CHICAS

v.

TIFFANY PORTILLO, ET AL.

Arthur,
Ripken,
Hotten, Michele D.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Arthur, J.

Filed: February 9, 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).

A grandmother appealed from the circuit court's discretionary decision not to revise a temporary order regarding custody. While the appeal was pending, the circuit court issued a permanent order that supersedes the temporary order. Because the challenge to the temporary order is now moot, we shall dismiss the appeal.

FACTUAL AND PROCEDURAL BACKGROUND

This is a dispute involving the custody of a 13-year-old child. The parties are: the child's maternal grandmother, appellant Maria Eliberta Chicas ("Grandmother"); and the child's paternal aunt and uncle, appellees Tiffany and Obed Portillo ("Aunt and Uncle").

The child, her mother, and Grandmother once lived in Virginia. On September 7, 2018, the Juvenile and Domestic Relations District Court of Prince William County, Virginia, entered an order that gave joint legal custody and shared physical custody to Grandmother and the child's mother.

In September 2023 Grandmother moved to Maryland, with the child.

In March 2024 Aunt and Uncle, who live in Howard County, Maryland, filed an emergency petition for custody in the Juvenile and Domestic Relations District Court of Prince William County, Virginia. On April 8, 2024, the Virginia court issued a "temporary" order in which it granted joint legal and physical custody of the child to Aunt and Uncle. The court added that "Prince William County is not the appropriate venue" for the matter because "all parties reside in Maryland and all substantial contacts will occur in Maryland." The court concluded that the "appropriate venue" was Howard County, Maryland.

In another order issued on the same day, the Virginia court "transferred" the case

to Howard County, Maryland, "for future hearings, as that [was] a more convenient forum for all parties involved."[1]

Grandmother did not appear at the hearing that led to the Virginia court's order. She now claims that Aunt and Uncle deliberately prevented her from learning of the hearing by putting an incorrect name in the emergency petition and by omitting her apartment number. Grandmother, however, appears to have known of the Virginia court's temporary order when it was entered or shortly thereafter, as her counsel later told the Circuit Court for Howard County that the child has been in the care of Aunt and Uncle since "March or April of 2024." At oral argument before this Court, counsel for Grandmother agreed that Grandmother knew of the Virginia court's temporary order when the child was removed from her care pursuant to that order in April 2024.

Although the Virginia court had "transferred" the case to Howard County, Maryland, "for future hearings[]" in April 2024, Grandmother asked the Virginia court to amend or dismiss its temporary order sometime in late 2024 or early 2025. On January 10, 2025, the Virginia court denied Grandmother's motion because its earlier order had "transferred" the case to Maryland. The order advised Grandmother that she must

[1] The Virginia court relied on § 20-146.18 of the Virginia Code. Subsection (A) of that statute states that a Virginia court "that has jurisdiction . . . to make a child custody determination may decline to exercise its jurisdiction at any time if it determines that it is an inconvenient forum under the circumstances and that a court of another state is a more appropriate forum." Subsection (C) of that statute states that if the Virginia court determines that "it is an inconvenient forum and that a court of another state is a more appropriate forum, [the court] shall stay the proceedings upon condition that a child custody proceeding be promptly commenced in another designated state and may impose any other condition the court considers just and proper."

"register[]" the Virginia orders in Maryland. The order concluded with the words, "This matter is final."

On February 13, 2025, some ten months after the Virginia court issued the temporary order, Grandmother, representing herself, commenced this case by filing a form complaint for custody in the Circuit Court for Howard County. On May 5, 2025, Aunt and Uncle filed a counterclaim for custody.

Meanwhile, on April 16, 2025, Grandmother, still representing herself, had filed a form request to register out-of-state child custody orders in the Circuit Court for Howard County. Among the orders that Grandmother sought to register were the Virginia court's order of September 17, 2018, which gave joint legal and shared physical custody to Grandmother and the child's mother; and the temporary order of April 8, 2024, which replaced the earlier order and gave joint legal and physical custody to Aunt and Uncle.

On April 29, 2025, the clerk of the circuit court gave notice of the registration of the out-of-state orders to all interested parties in accordance with § 9.5-305 of the Family Law Article of the Maryland Code (1984, 2019 Repl. Vol.).

On June 10, 2025, Grandmother, now represented by counsel, moved the circuit court to revise the temporary order of April 8, 2024, on the ground of what Grandmother called "extrinsic fraud." Grandmother premised her motion on Maryland Rule 2-535(b), which empowers a court to revise an enrolled judgment on grounds of fraud, mistake, or irregularity, as those terms are "'narrowly defined and strictly applied'" in the case law. *Pelletier v. Burson*, 213 Md. App. 284, 290 (2013) (quoting *Thacker v. Hale*, 146 Md.

App. 203, 217 (2002)).

A motion to revise an enrolled judgment will succeed only if the moving party acted in good faith and with ordinary diligence. *See, e.g.*, *Thacker v. Hale*, 146 Md. App. at 217. Ordinary diligence typically entails "moving to vacate a judgment 'as soon as' a party learns of the judgment and investigates the facts." *Bland v. Hammond*, 177 Md. App. 340, 357 (2007) (quoting *Fleisher v. Fleisher Co.*, 60 Md. App. 565, 573 (1984)). Grandmother asserted that the one-year-old temporary order was "void" and that the 2018 order, which gave her joint legal and shared physical custody, was "the only valid order."

On August 7, 2025, the circuit court conducted a hearing on Grandmother's motion to revise. On August 11, 2025, the circuit court confirmed the Virginia orders in accordance with section 9.5-305 of the Family Law Article. On that same day, the circuit court exercised its discretion to deny the motion to revise the order of April 8, 2024.

On August 22, 2025, Grandmother noted a timely appeal.

In December 2025, while Grandmother's appeal was pending, the circuit court conducted a three-day hearing on the issue of custody. On January 12, 2026, the circuit court issued a new custody order, in which the court granted sole physical and legal custody to Aunt and Uncle and ordered that Grandmother shall have no access to the child until the expiration of a final protective order in another case pending in Howard County. The new custody order supersedes the temporary order that Grandmother asked

the court to declare void.

DISCUSSION

Maryland Rule 8-602(c)(8) permits this Court to dismiss an appeal if "the case has become moot." This case has become moot.

"Generally, a case is moot if no controversy exists between the parties or 'when the court can no longer fashion an effective remedy.'" *D.L. v. Sheppard Pratt Health Sys., Inc.*, 465 Md. 339, 351-52 (2019) (quoting *In re Kaela C.*, 394 Md. 432, 452 (2006)). Here we can fashion no effective remedy: even if we concluded that the circuit court somehow abused its discretion in declining to revise the temporary order of April 8, 2024, our conclusion would have no effect, because the order of January 12, 2026, has replaced the earlier order. Grandmother's recourse is to note an appeal from the order of January 12, 2026.

When a party appeals from a temporary custody order, and that custody order is later replaced by another custody order, the party's appeal is usually moot. *See Cabrera v. Mercado*, 230 Md. App. 37, 85-86 (2016); *see also Krebs v. Krebs*, 183 Md. App. 102, 109-10 (2008); *Wagner v. Wagner*, 109 Md. App. 1, 22-23 (1996); *Sami v. Sami*, 29 Md. App. 161, 180 (1975). The rationale is that, after the court issues a "final" custody order, the temporary order is no longer the governing order. So, even if the appellant prevails and the appellate court knocks out the temporary order, the subsequent order would remain in place as the governing order. *See Cabrera v. Mercado*, 230 Md. App. at 86-87 (holding that appeal from "emergency temporary custody order" was moot because, even

if the appellate court vacated that order, "it would have no consequence because a final custody order [was] already in place").

In short, the dismissal of this appeal is warranted because this Court will "not render judgment on moot questions." *In re M.C.,* 245 Md. App. 215, 224 (2020).

APPEAL DISMISSED. COSTS TO BE PAID BY APELLANT.

The correction notice(s) for this opinion(s) can be found here:

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