Circuit Court for Anne Arundel County
Case No. C-02-FM-25-810125

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 1358

September Term, 2025

JULIA BALDEA

v.

MATTHEW BALDEA

Graeff,
Berger,
Kenney, James A., III.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Kenney, J.

Filed: May 7, 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).

Alleging Julia Baldea ("Mother") had abused them, Matthew Baldea ("Father") filed, in the District Court of Maryland for Anne Arundel County, a petition for a protective order against Mother on behalf of the parties' minor children. The District Court entered a temporary protective order against Mother, and transferred the matter to the Circuit Court for Anne Arundel County, where the parties had a pending custody dispute involving the children. Following a final protective order hearing, the circuit court granted Father's request for a final protective order, and Mother noted this appeal.

Mother presents four questions for our review, which we have rephrased as follows[1]:

[1] Mother phrased the questions as:

1. Did the trial court err as a matter of law in concluding that a child's accidental fall into the deep end of a swimming pool – occurring while Ms. Baldea's attention was momentarily diverted – constituted "statutory child abuse" based on "negligent supervision" under Md. Code, Family Law §§ 4-501(b) and 5-701(b)(1), where Maryland law expressly excludes accidental injury from the definition of abuse and requires proof of intentional conduct or reckless disregard, not ordinary negligence?

2. Did the trial court abuse its discretion by excluding material eyewitness testimony about the incident's duration, only to substitute its own speculation for the excluded evidence and reject the eyewitness's credibility based on a mischaracterization of his testimony?

3. Did the trial court err in admitting and relying on hearsay statements of non-testifying minor children contained in a DSS report that was never admitted into evidence?

4. Did the trial court abuse its discretion and err as a matter of law by admitting and relying upon photographs purportedly depicting prior injuries to the children – without evidence of causation, timing, or relevance – while preventing the Appellant from denying responsibility

(continued…)

1. Did the trial court commit reversible error in finding that Mother had abused the children and in issuing a final protective order based on that finding?

2. Did the trial court err or abuse its discretion in limiting the testimony of an eyewitness and later determining that the witness lacked credibility?

3. Did the trial court err or abuse its discretion in relying on hearsay statements contained in a court-ordered report that was never admitted into evidence?

4. Did the trial court err or abuse its discretion in admitting photographs of prior injuries to the children, in limiting Mother's testimony regarding the cause of the injuries depicted in the photographs, and in using the photographs to find that Mother had abused the children?

For reasons to follow, we hold that the court did not commit reversible error in entering the final protective order. Accordingly, we affirm.

BACKGROUND

Mother and Father, who were parties to a pending divorce action and custody dispute in the circuit court, are the parents of M.B., born in 2020, and E.B., born in 2022. At all times relevant to this appeal, Mother and Father were living apart and sharing custody.

On June 21, 2025, Mother attended a pool party with C.B. and J.B., her minor children from a previous relationship, and with M.B. and E.B., who were in her care at the time. At some point during the pool party, Mother lost sight of E.B. When Mother called out for her, someone in the pool pointed toward the deep end and said that "somebody's

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for those marks, and by using that evidence to find "statutory child abuse" under Md. Code, Family Law §§ 4-501(b)(1) and 5-701(b)?

drowning[.]" C.B., who was ten years old at the time, then saw E.B. under the water. He picked her up and moved her to the side of the pool, and Mother pulled E.B. out of the water. Mother observed that E.B.'s lips were blue and that she was "coughing a little bit[.]" Mother later took E.B. to the hospital "out of an abundance of caution." At Father's request, E.B. remained in the hospital overnight.

On June 22, 2025, Father, on behalf of M.B. and E.B., filed a petition for a protective order against Mother in the District Court. In addition to the pool incident, Father also alleged that Mother was "hitting [the] children leaving bruises."

The following day, the District Court entered a temporary protective order. On July 1, 2025, the case was transferred to the circuit court, where the parties had a pending custody matter.

Final Protective Order Hearing

On July 28, 2025, a final protective order hearing was held in the circuit court. At that hearing, Ashley Argyle, an investigator for Child Protective Services ("CPS"), testified that she investigated the pool incident and prepared a report. In her investigation, Ms. Argyle obtained statements from Mother, Father, Michael Canonico, the owner of the home where the pool party took place, and Mother's four minor children.

Ms. Argyle testified that she interviewed M.B. and E.B. shortly after the pool incident. During the interview, she observed "two bruises on [M.B.]" When Ms. Argyle asked M.B. about the bruises, he reported that Mother had "hit" him "with a hand." Ms. Argyle testified that she also observed a bruise on E.B.'s chin. When she asked Mother about E.B.'s bruise, Mother initially stated that "she couldn't recall" how E.B. got the

bruise. Mother later stated that she "believe[d] [E.B.] accidentally fell from a stool in the bathroom" and "hit her chin on the bathroom counter[,]" but according to Ms. Argyle, Mother "wasn't certain that that's what happened."

Regarding the pool incident, Ms. Argyle testified that M.B. told her that the water was "foggy" and he "couldn't see [E.B.]" and that when E.B. "came up." she said that "she couldn't breathe[.]" Mother and the other three children characterized the water as "murky." Ms. Argyle concluded, based on her investigation, that Mother had neglected E.B. due to "the substantial risk of harm of a three-year-old falling into the pool[,]" but that the allegations of abuse were not substantiated. Ms. Argyle testified that J.B., C.B., and M.B. each reported other incidents where there were issues with being around water when in Mother's care.

Father, who Mother had called, went to the hospital following the pool incident. He testified that, while he was there, Mother stated "that if this was God's will for [E.B.] to die, so be it[,]" and that Mother told E.B.: "I'm sorry you didn't get to meet Jesus today." According to Father, Mother told him that when she was inside the house with M.B., she lost track of where E.B. was located. He testified that Mother also told him that E.B. "was blue from her head down to her chest" and was "vomiting up" some pool water.

According to Father, he had previously complained to Mother about injuries and marks on the children when they were returned to his care. He introduced a series of photographs of the children, approximately fifty in total, that he had taken on twelve different dates between January 22, 2024, and December 9, 2024, immediately upon their return to him from Mother. Among other things, the pictures showed noticeable and rather

significant bruising on the children's buttocks, back, stomach, arms, legs, and face. When he asked Mother about the bruising, she admitted to "hitting" and "paddling" the children, and having "gone overboard" and abusing the children.

Mr. Canonico testified that, on the day of the pool incident, he observed Mother "on the edge of the pool" and "looking at [M.B.] up on … the deck." He then noticed "one of the older boys" in the pool holding E.B. and saying that "she had almost drowned." According to Mr. Canonico, Mother went "quickly over there" and "pulled [E.B.] completely out of the pool."

Mother testified that, at approximately 4:00 p.m. on the day of the pool incident, she took E.B. inside the house to use the bathroom. E.B. had been wearing a life vest, but she removed it so that E.B. could use the bathroom. When E.B. was finished, Mother did not put the life vest back on because it was "time to go." Mother and E.B. walked back to the pool to get the other children out of the pool. According to Mother, she was "distracted" for "a couple seconds" and, when she "looked up," E.B. "wasn't there." When she called out for E.B., someone in the pool pointed at E.B., who was submerged in the deep end of the pool. C.B., who was also in the deep end, "turned around and saw [E.B.] there under the water right behind him, and … picked her up onto a step." Mother then "rushed over and pulled [E.B.] out of the water[.]" When she did, E.B.'s "lips were a little bit blue" and "she was coughing a little bit," but otherwise appeared to be okay. Mother testified that, "out of an abundance of caution[,]" she decided to take E.B. to the hospital. According to Mother, E.B. was "fine" and released the following day. Mother admitted that, while at the

hospital, she told E.B.: "Jesus is going to have to wait." Mother explained that, in making that statement, she meant that she was "grateful to God for sparing [E.B.'s] life[.]"

As to other water-related incidents involving her children, Mother testified that, about a week prior to the pool incident, she and M.B. were at a community pool and M.B. "swallowed water a little bit[.]" Mother also testified that, in 2020, she was at a pool with C.B., J.B., and M.B. C.B. pulled J.B. into the water, and, after about "two seconds," a nearby swimmer pulled J.B. out of the water. She did not recall any other incident involving C.B.

Regarding the photographs taken by Father, Mother testified that, for the most part, she did not recall how the children received the marks and bruises. She insisted that some of the marks were "rashes" and "dry skin" and not bruises. One of the bruises on E.B., Mother testified, resulted when E.B. "fell on a block."

At the conclusion of the hearing, the circuit court made findings. First, it found that Mr. Canonico's descriptions of where Mother was when E.B. went into the pool caused it to question his credibility. On the other hand, it found that the children's reports of what occurred, as reflected in the CPS report, appeared credible. In the court's view, the pool incident was "concerning," given that it was "not the first time that this occurred[.]" It did not believe that E.B. was in the water for only a couple of seconds. Mother's comment to E.B. that "Jesus would have to wait" the court found to be curious and "didn't make sense[.]" The court also expressed concern about the "unexplained bruises" depicted in the photographs taken by Father, and found that there were "too many unanswered bruises with these children" when they were returned to Father.

Based on its findings, the court concluded that Mother committed the following abuse:

> And that would be of neglect of the minor children and that while the minor children were in … [Mother's] custody, they were placed in harm, one by an almost drowning, and bruising found on the minor children, that this Court believes was caused by [Mother], which would be statutory abuse, physical.

The court entered a final protective order on behalf of M.B. and E.B. against Mother. In that order, it found, by a preponderance of the evidence, that Mother had committed "[s]tatutory abuse of a child (physical)," in the form of: "Negligent supervision of [E.B.] causing an almost drowning resulting in overnight hospitalization and causing bruising and marks on [M.B.] and [E.B.]" The final protective order was effective through July 28, 2026.

This timely appeal followed. Additional facts will be supplied as needed below.

STANDARD OF REVIEW

"A trial court may grant a final protective order if there is a finding 'by a preponderance of the evidence that the alleged abuse has occurred[.]'" *Hripunovs v. Maximova*, 263 Md. App. 244, 261 (2024) (quoting Md. Code, Fam. Law § 4-506(c)(1)(ii)). When we review a circuit court's decision to grant or deny a final protective order, "we accept the circuit court's findings of facts, unless they are clearly erroneous." *C.M. v. J.M.*, 258 Md. App. 40, 58 (2023). We defer to the court's determinations of credibility and consider the evidence in a light most favorable to the prevailing party. *Id.* As to its ultimate conclusion, "'we must make our own independent appraisal by reviewing the law and applying it to the facts of the case.'" *Id.* (quoting *Piper v. Layman*, 125 Md. App. 745, 754 (1999)).

DISCUSSION

I.

Parties' Contentions

Because Maryland law "excludes accidental injury from the definition of abuse[,]" Mother contends that the trial court erred as a matter of law in finding that she had committed "statutory abuse" based on "negligent supervision." She argues that "abuse" requires either an intentional act or reckless disregard amounting to gross negligence, causing serious bodily harm or fear of such harm. Mother asserts that the circumstances surrounding E.B.'s near drowning cannot meet those standards.

Father contends that the trial court properly found that Mother had abused the minor children. He argues that leaving a small child near a pool without proper supervision, which resulted in a near drowning, is reckless and therefore meets the definition of "abuse."

Analysis

"A petitioner may seek relief from abuse by filing with a court … a petition that alleges abuse of any person eligible for relief by the [alleged abuser]." Fam. Law § 4-504(a)(1). The statutory definition of "petitioner" includes the parent of a minor child, and the definition of "person eligible for relief" includes the natural child of the alleged abuser. Fam. Law § 4-501(n)(3), (p)(2)(ii). "Abuse" is defined, in relevant part, as "an act that causes serious bodily harm[.]" Fam. Law § 4-501(b)(1)(i). Where the person eligible for relief is a child, the definition of "abuse" is expanded to include "the physical or mental injury of a child under circumstances that indicate that the child's health or welfare is

harmed or at substantial risk of being harmed by … a parent[.]" Fam. Law § 5-701(b)(1)(i)(1); *see also* Fam. Law § 4-501(b)(2)(i).

For a physical injury to constitute "abuse," the injury must generally be intentional. *C.M.*, 258 Md. App. at 57. The statutory definition of abuse involving a child expressly states that "'[a]buse' does not include the physical injury of a child by accidental means." Fam. Law § 5-701(b)(2). Intent may be established "by showing a parent acted in reckless disregard for the child's welfare." *C.M.*, 258 Md. App. at 57. "'Reckless conduct' is conduct that amounts to a 'gross departure from the type of conduct a reasonable person would engage in under the circumstances.'" *Id.* (quoting *McClanahan v. Washington Cnty. Dep't of Soc. Servs.*, 445 Md. 691, 712 (2015)).

That said, "'[t]he purpose of the domestic abuse statute is to protect and aid victims of domestic abuse by providing an immediate and effective remedy.'" *Barton v. Hirshberg*, 137 Md. App. 1, 22 (2001) (cleaned up) (quoting *Coburn v. Coburn*, 342 Md. 244, 252 (1996)). It was not designed "as punishment for past conduct; it was instead intended to prevent further harm to the victim." *Coburn*, 342 Md. at 252. Its primary goals "are preventative, protective, and remedial, not punitive." *Id.* In other words, the statute was "designed to prevent violence from occurring in the future by giving trial courts a wide array of options to address individualized circumstances, provided that the complaining witness provides proof of violence or the potential for violence by a preponderance of the evidence." *Morgan v. State*, 252 Md. App. 439, 454 (2021). "'Preponderance of the evidence means more likely than not.'" *C.M.*, 258 Md. App. at 56-57 (cleaned up) (quoting *State v. Sample*, 468 Md. 560, 598 (2020)).

Against that backdrop, we hold that the trial court did not err or abuse its discretion in its finding Mother had committed "abuse." Assuming, without deciding, that the circumstances surrounding E.B.'s near drowning did not, on their own, constitute statutory abuse, the record indicates that the court did not rely solely on that incident in granting the protective order. In both its oral ruling and its written order, the court expressly recognized that its finding of abuse was based on both the pool incident, which was particularly concerning because it was "not the first time that this occurred," *and* the bruising found on the minor children. Thus, Mother's contention that the court's protective order was based entirely on the one pool incident is not supported by the record.

Moreover, when we consider the evidence concerning the bruising, we are persuaded that the court had an independent basis, irrespective of the one pool incident, to conclude that the children had been abused by Mother.[2] As noted, Father provided the court with numerous photographs of the children that were taken on various dates over the previous year immediately after being returned to Father by Mother. The photographs showed, among other things, significant bruising on the children's buttocks, back, stomach, arms, legs, and face. Mother provided few clear explanations for the bruising, and Father testified that, when he asked Mother about the bruising, she admitted hitting and paddling the children and, in one instance, admitting that "she's gone overboard" and "has abused the children." Ms. Argyle, the CPS investigator, reported that, when she interacted with

[2] Because we hold that the court's finding of abuse was proper regardless of its conclusions regarding the pool incident, we need not address Mother's various claims regarding the validity of the court's findings related to the pool incident and whether that incident standing alone could constitute "abuse" within the meaning of the statute.

M.B. and E.B. following the pool incident, she observed two bruises on M.B. and a bruise on E.B.'s chin. M.B. told Ms. Argyle that he got the bruises after Mother had "hit" him "with a hand." When Ms. Argyle asked Mother about the bruise on E.B., although Mother intimated that E.B. had fallen off a stool, Ms. Argyle testified that Mother "wasn't certain that that's what happened."

Given that evidence, the court could reasonably conclude that it was more likely than not that both children had suffered a physical injury under circumstances that indicated that the children's health or welfare had been harmed or was at substantial risk of being harmed by Mother. As such, the court did not err or abuse its discretion in providing the immediate and effective remedy of a protective order to prevent further harm to the children.

II.

Mother's second claim of error concerns the court's evaluation of Mr. Canonico's testimony. During his direct examination, Mr. Canonico testified that, on the day of the pool incident, he remembered standing "in the water in the shallow end" and "facing towards the deck[,]" when "one of the older boys made some commotion and brought our attention to the deeper end[.]" He turned and looked, and "one of the boys had – was holding [E.B.] and saying that she had almost drowned." According to Mr. Canonico, Mother "was quickly over there and pulled [E.B.] completely out of the pool."

After Mr. Canonico testified that E.B. appeared fine and that he "didn't see any cause for alarm[,]" Mother's counsel asked him how long E.B. was in the water:

Q. Okay. Fair enough. How long was [E.B.] in the water, do you estimate?

A. By my estimation, it was –

[FATHER'S COUNSEL]: Objection.

THE COURT: Sustained.

[MOTHER'S COUNSEL]: Basis, Your Honor?

THE COURT: He testified that the boys made a noise that brought his attention to [E.B.] being in the water. He said his back was – he was looking at the deck.

[MOTHER'S COUNSEL]: Okay.

On cross-examination, Father's counsel asked Mr. Canonico about Mother's location when E.B. fell into the pool, and Mr. Canonico testified that Mother "was previously on the deck[,]" had "walked down to the side of the pool[,]" and was "very close to the pool." On redirect, Mr. Canonico clarified that Mother was "[o]n the pavers next to the pool."

During its oral ruling, the court found that Mr. Canonico had given "three different descriptions of where [Mother] was when this incident occurred[.]" Based on that, it "question[ed] the v[e]racity of [Mr. Canonico's] testimony of what occurred."

Parties' Contentions

Mother contends that the trial court abused its discretion in its consideration and evaluation of Mr. Canonico's testimony. She argues that the court improperly precluded Mr. Canonico from testifying about how long E.B. was "in the water" during the pool incident. Mother asserts that that testimony "would have directly corroborated [her]

account that her attention was diverted only briefly." She further contends that the court's "credibility determination rested on a misreading of the record and mischaracteriz[ing] Mr. Canonico's testimony." As she sees it, the court made a "factual misstatement" in finding Mr. Canonico's testimony inconsistent regarding her location at the time of the pool incident, and therefore, its credibility finding "cannot stand."

Father contends restricting Mr. Canonico's testimony was a proper exercise of the court's discretion. He argues that the court drew reasonable inferences from Mr. Canonico's testimony when it concluded that Mr. Canonico's testimony was unreliable.

Analysis

Mother's appellate argument regarding the court's restriction of Mr. Canonico's testimony appears to be unpreserved for appellate review. Maryland Rule 5-103 provides that a ruling excluding evidence is not eligible for our review unless "the substance of the evidence was made known to the court by offer on the record or was apparent from the context within which the evidence was offered." Md. Rule 5-103(a)(2). Here, there was no proffer of Mr. Canonico's excluded testimony.

But assuming, without deciding, that the issue was preserved, we perceive neither error nor an abuse of discretion. Maryland Rule 5-602 states that "a witness may not testify to a matter unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter." As the court explained in sustaining Father's objection, Mr. Canonico did not have personal knowledge of how long E.B. was in the water because, according to his own testimony, he was not looking in her direction when she first entered

the pool. Thus, there was no evidence that Mr. Canonico had personal knowledge of how long E.B. was in the pool.

We reach the same result in the court's credibility finding in regard to Mr. Canonico's testimony. "In assessing the credibility of the witnesses who testify at a final protective order hearing, the circuit court is 'entitled to accept – or reject – *all*, *part*, or *none* of' their testimony, 'whether that testimony was or was not contradicted or corroborated by any other evidence.'" *Hripunovs*, 263 Md. App. at 263-64 (emphasis in original) (quoting *Omayaka v. Omayaka*, 417 Md. 643, 659 (2011)). It is not our role "'to second-guess the trial judge's assessment of a witness's credibility.'" *Id.* at 264 (quoting *Gizzo v. Gerstman*, 245 Md. App. 168, 203 (2020)). "Determining the credibility of witnesses is a task for the finder of fact, and in the absence of clear error, we will not disturb this factual finding on appeal." *Green v. Taylor*, 142 Md. App. 44, 56 (2001).

Mr. Canonico testified on direct that, just before E.B. was found in the water, Mother, "on the edge of the pool[,]" was "looking at [M.B.] up on … the deck." On cross-examination, Mr. Canonico testified that Mother "was previously on the deck[,]" had "walked down to the side of the pool[,]" and was "very close to the pool." On redirect, he testified that Mother was "[o]n the pavers next to the pool." Perhaps that testimony was not wholly inconsistent, but it did not establish clearly Mother's location in reference to E.B. and where she was in the pool. As such, it was not clear error for the court to question Mr. Canonico's credibility. Again, we perceive neither clear error nor an abuse of discretion.

III.

Mother's third claim of error concerns the CPS report prepared by its investigator, Ms. Argyle, who testified at the final protective order hearing after both parties received and reviewed a copy of the report at the beginning of the hearing. At the start of her testimony, Father's counsel posed the following question: "Now, I see you did the report and who was, to your understanding, outside watching the kids?" Mother's counsel objected, arguing that, because Ms. Argyle "wasn't there," she would "have to tell us how she knows, and that would be a hearsay as well." When Father's counsel responded that the report had been ordered by the court, the court agreed and stated that it would "receive" the report. Mother's counsel lodged no further objection at that time.

Father's counsel then asked Ms. Argyle if Mr. Canonico had told her that Mother "was at the shallow end of the pool" when E.B. fell in. Mother's counsel objected, stating that he did not understand the purpose of the questions because "if it's in the report, it's coming into evidence," and that the questions were not "useful" because Mother and Mr. Canonico were going to testify. The court overruled the objection.

Father's counsel then asked Ms. Argyle questions about statements contained in the report that were made to Ms. Argyle regarding the pool incident. Mother's counsel objected only to the question concerning whether M.B. had reported that "the water was foggy[.]" The court overruled that objection.

During its oral ruling, the court referenced statements by the children contained in the report. More specifically, the court noted: that "the children" reported that "the water was murky"; that "they didn't see [E.B.]"; and that they "didn't know where mommy was."

Parties' Contentions

Mother contends the court erred in relying on statements in the CPS report. She argues that the report was never admitted into evidence and that the reported statements were inadmissible hearsay. But even if the report was admitted, she contends that the court still committed reversible error because the statements were not "factual findings and the children did not testify." According to Mother, the court's error was prejudicial because the statements undermined her credibility indicating that the pool was dangerous and implying she had failed to properly supervise the children.

Father contends that Mother's claim is unpreserved because she did not object to the report when the court stated that the report would be "receive[d]." He further contends that the court properly considered the statements under the public record exception to the hearsay rules, and that any error the court may have made in considering the statements was harmless because the statements were corroborated by other evidence.

Analysis

Again, Mother's arguments are unpreserved. According to the record, the CPS report was given to both parties at the beginning of the final protective order hearing and counsel for both parties reviewed the report upon receiving it and before Ms. Argyle was called to testify. When Father's counsel asked her "who was … outside watching the kids" at the time of the pool incident, Mother's counsel objected. In response, Father's counsel stated that that information was in the report, and the court informed the parties that the report would be "receive[d]." At no point did Mother object or otherwise indicate that the report should not be considered. In fact, shortly after the court's statement, Mother's

counsel agreed that the report would be "coming into evidence[.]" From that point forward, both Father's counsel and Mother's counsel repeatedly referenced the report when questioning the witnesses with no further complaints about the report by Mother. Md. Rule 8-131(a).

Moreover, Mother objected only to three of the many statements in the report. Mother cannot now claim error in admitting those statements. Md. Rule 5-103(a). In addition, only two of Mother's three objections were on hearsay grounds. The first of those objections came after Father's counsel asked Ms. Argyle "who was … outside watching the kids" at the time of the pool incident. The second came after Father's counsel asked if M.B. told Ms. Argyle that "the water was foggy[.]" Despite those objections, the record indicates that Mother did not object when Father's counsel and the court posed nearly identical questions to Ms. Argyle during her following testimony. Absent a continuing objection, Mother was required to object each time the evidence was offered to preserve her appellate claim. *Schreiber v. Cherry Hill Constr. Co., Inc.*, 105 Md. App. 462, 481-82 (1995).

Assuming, without deciding, that Mother's claims were preserved, we perceive no error or abuse of discretion in the court's reception and consideration of the statements in the CPS report. When a court finds reasonable grounds to believe a child has been abused, it grants a temporary protective order. When it does, it "shall forward to the local department a copy of the petition and temporary protective order." Fam. Law § 4-505(e)(1). Upon receipt, the local department must investigate the abuse and, "by the date of the final protective order hearing, send to the court a copy of the report of the investigation." Fam.

Law § 4-505(e)(2). That report is generally admissible under the public records exception to the rule against hearsay. Md. Rule 5-803(b)(8)(A)(iv). Under the Rule, a court may admit the report "made by a public agency setting forth … in a final protective order hearing conducted pursuant to [Fam. Law] § 4-506, factual findings reported to a court pursuant to [Fam. Law] § 4-505, provided that the parties have had a fair opportunity to review the report." *Id.*

Here, the record shows that the report at issue was provided to the court by CPS, a local public agency, following an investigation pursuant to Fam. Law § 4-505. The record also reflects that the parties had a fair opportunity to review the report prior to the court's reception of the report and consideration of its contents. Thus, the statements therein at issue were not precluded by the rule against hearsay.[3]

Mother argues that the statements at issue were not covered by the public records exception because they were not "factual findings." We do not agree. The "factual findings" limitation in the public records exception prevents the admission of evaluations, conclusions, and opinions contained in the report. *Ellsworth v. Sherne Lingerie, Inc.*, 303 Md. 581, 603-13 (1985). The statements at issue here were a recitation of "facts" as

[3] Mother relies on an unpublished opinion, *Coppel v. Coppel*, No. 1812, Sept. Term, 2022, 2023 WL 8108680 (Nov. 22, 2023), as persuasive authority, but that case is inapposite. In that case, the father testified to hearsay statements at a protective order hearing. *Id.* On appeal, Father conceded that the statements were erroneously admitted but claimed that the error was harmless because similar evidence had been "properly introduced" by way of the local department's report. *Id.* at *4-5. We rejected that argument on the grounds that the report was never actually introduced into evidence. *Id.* at *5.

perceived by a person and reported to Ms. Argyle, such as the clarity of the water. They were not conclusions or opinions.

IV.

Mother's fourth claim of error concerns photographs that were admitted at trial. As previously noted, the court admitted into evidence approximately fifty photographs that Father had taken of the children on twelve different dates between January 22, 2024, and December 9, 2024. The photographs were taken soon after the children had been returned to him by Mother and showed, among other things, what appear to be significant bruising on the children's buttocks, back, stomach, arms, legs, and face.

During her direct examination, Mother was asked about some of the pictures:

> Q. Did you cause these bruises to [E.B.'s] bottom by striking her?
>
> A. No.
>
> [FATHER'S COUNSEL]: Objection.
>
> THE COURT: Sustained.
>
> Q. Do you know how those bruises got there or those –
>
> A. I don't even think it's bruises. Yeah, it looks like it was a rash that she would get sometimes, this was in the winter time, and sometimes she would not get lotion[.]
>
> * * *
>
> Q. Did she have that when she came to you?
>
> A. Yes.
>
> Q. Okay. All right. This is No. 2. Let's look at No. –
>
> A. Dry skin is what I was trying to say. Sorry.

Q. Okay. No. 3, this is a picture of [E.B.'s] eye. Did you cause those red marks around her eye?

[FATHER'S COUNSEL]: Objection.

THE COURT: Sustained.

Q. Do you know how she got those red marks around her eye? This is from November 6th of 2024.

A. I don't recall[.]

* * *

Q. Okay. And from June of last year, there's a bruise on –

[FATHER'S COUNSEL]: Can we have a number, please?

[MOTHER'S COUNSEL]: Yes, I'm sorry, 7.

[FATHER'S COUNSEL]: Thank you.

Q. There's a bruise on, it looks like, [M.B.'s] thigh, do you know how he got that?

A. From June of last year, I, I can't recall. He, he played rough sometimes and he got hurt sometimes.

Q. Okay. Do you recall causing that bruise to him?

[FATHER'S COUNSEL]: Objection.

THE COURT: Sustained.

During its oral ruling, the court referenced the pictures, noting that the pictures showed "unexplained bruises" and found there were "too many unanswered bruises with these children being returned to the father." The court highlighted the "bruising found on the minor children" in its finding that Mother had abused the children.

Parties' Contentions

Regarding the photographs, Mother contends that the trial court made multiple errors. First, she contends that it was error to admit them into evidence because they were irrelevant and prejudicial. She argues that there was no proof of causation and, without such proof, "the photographs proved nothing beyond the unremarkable fact that young children sometimes have marks on their bodies." She further contends that the trial court impermissibly inferred that, "because the children had unexplained marks, [she] must have caused them." According to Mother, Maryland law requires that causation be proven by a "fair probability," and here, there was no evidentiary support that the marks were even injuries at all. In addition, Mother contends that precluding her from directly denying that she caused the alleged injuries and then using that silence against her in finding that she had abused the children was an abuse of discretion.

Father contends that the photographs were properly admitted and that Mother failed to preserve her claims regarding the admission of the pictures because she did not properly object when the photographs were introduced. He argues that the marks depicted in the photographs and other evidence supported a reasonable inference by the court that the marks were caused by Mother. According to Father, the court in sustaining counsel's objections did not prevent Mother from denying the abuse. It merely prevented counsel from asking leading questions.

Analysis

We are not persuaded that Mother's arguments regarding the court's admission of and reliance on the photographs are preserved. The court admitted the photographs,

approximately fifty in total, as a series of exhibits, arranged by date, with each exhibit containing a number of photographs based on the date on which the photographs were taken. According to the record, Mother only objected to the admission of Father's exhibit 2, which consisted of three photographs taken in December 2024. Because Mother did not object to the admission of the remaining photographs, she cannot now claim that the court erred in admitting all fifty photographs. Md. Rule 5-103(a); Md. Rule 8-131(a).

That said, we find no merit to Mother's claims. The evidence indicates that photographs were taken upon the children returning to Father from Mother's care. They clearly show bruising on the children's buttocks, back, stomach, arms, legs, and face.[4] The presence of such bruising made it more likely than not that the children had suffered a physical injury, which was one of the primary issues the court needed to resolve. The photographs were therefore relevant to establishing that particular issue. *See* Md. Rule 5-401 (stating that evidence is relevant if it has "any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence").

Furthermore, there was additional evidence to support a reasonable inference that Mother had caused bruises. Aside from Father's testimony that the bruises were discovered upon the children's return from Mother, he testified that he asked Mother about the bruising. When he did, she admitted to "hitting" the children, and to having "gone

[4] Mother suggests that the photographs themselves were insufficient to show that the children had been injured. We do not agree. The photographs obviously show bruising on the children's bodies, and it is common knowledge that bruising can indicate some form of physical injury.

overboard," and abusing the children. Ms. Argyle testified that she observed two bruises on M.B. and one bruise on E.B.'s chin when she interviewed the children following the pool incident. When she asked M.B. about the bruise, he reported that Mother had "hit" him. From that, it was reasonable for the court to infer that Mother had caused at least some of the bruising depicted in the photographs.[5] We hold that the court did not err or abuse its discretion in admitting the photographs and the inferences it drew from those photographs.

We likewise perceive no error or abuse of discretion in the court's handling of Mother's testimony. The court did sustain three of Father's counsel's objections to questions to Mother whether she caused certain injuries to the children. It appears, however, that the objections were lodged in response to the form of the questions, not Mother's responses. And, when the questions were given in a different form, Mother was permitted to answer. To the first question, which concerned the bruises on E.B.'s buttocks, Mother insisted that the marks were a rash already on E.B. when she came to her from Father. For the other two questions, which concerned a mark on E.B.'s eye and a bruise on M.B.'s leg, Mother stated that she did not recall how they had occurred. Moreover, the court did not use Mother's silence against her. She testified repeatedly that she did not recall how the bruises were caused. It was the lack of an explanation, not her failure to deny a role in their occurrence, that informed the court's finding of abuse.

[5] In claiming that causation needed to be established by a "fair likelihood" or some other heightened evidentiary standard, Mother cites three cases: *Am. Radiology Servs., LLC v. Reiss*, 470 Md. 555 (2020); *Rowhouses, Inc. v. Smith*, 446 Md. 611 (2016); and *Mason v. Lynch*, 388 Md. 37 (2005). Those cases involve the standard for proving a compensable injury in a tort action, not a protective order procedure.

V.

In the argument section of her brief, Mother raises a fifth claim related to her religious beliefs that is not reflected in her questions presented. She contends that the court abused its discretion in permitting Father to "launch a series of religiously charged character attacks" that were irrelevant and prejudicial. According to Mother, those attacks included: claims that she had said to E.B., "sorry you couldn't meet Jesus today"; claims that she would kill her children if "God commanded it"; claims that she said "so be it" if it were "God's will" for E.B. to die; and claims that her church was a cult known for abuse. In particular, Mother also takes issue with the court's finding that her comment to E.B. in the hospital that "Jesus would have to wait" to be curious and "didn't make sense." She argues that the court's negative interpretation of her "whispered prayer" when it granted the final protective order violated Maryland Rule 5-610, which prohibits the use of a witness's religious beliefs for certain purposes, and "improperly invited moral judgment or emotional bias[.]"

To begin with, the issue is not preserved because Mother did not lodge an objection or complaint when Father advanced the alleged religiously-charged character attacks.

In addition, the court's comments do not appear to have been directed at Mother's religious beliefs but rather at her parenting actions and the environment in which the children were being raised. Those issues and concerns related to harm to the children and were relevant to the court's determination to whether Mother had abused the children. Thus, even if Mother's arguments were preserved, we are not persuaded that the court abused its discretion in permitting Father's unobjected to testimony.

As for the court's finding regarding Mother's statement to E.B. that "Jesus would have to wait," we do not agree that the court violated Rule 5-610 or otherwise invited "moral judgment." Rule 5-610 states that "[e]vidence of the beliefs or opinions of a witness on matters of religion is not admissible for the purpose of showing that by reason of their nature the witness's credibility is impaired or enhanced, except that such evidence may be admissible to show interest or bias." In no way did the court state that Mother's credibility was impaired because of her religious beliefs. It appears that the court was merely expressing difficulty in understanding why Mother would tell E.B., a three-year old child, that "Jesus would have to wait," hours after she had nearly drowned in a pool. That comment clearly related to Mother's actions during and after the pool incident, and not of her religious beliefs. We discern nothing improper about the court's comment.

JUDGMENT OF THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY AFFIRMED; COSTS TO BE PAID BY APPELLANT.