

Circuit Court for Baltimore County
Case No. C-03-FM-22-002855

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1396

September Term, 2025

JALEEL WITHERSPOON

v.

MARKEYIEA LEE

Nazarian,
Shaw,
Eyler, Deborah S.,
(Senior Judge, Specially Assigned),

JJ.

Opinion by Nazarian, J.

Filed: April 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 persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

Jaleel Witherspoon (“Father”) appeals from a final custody order of the Circuit Court for Baltimore County. He raises two main challenges: he contends that the circuit court erred when setting custody and in denying his motion to transfer the custody case to Pennsylvania under the Maryland Uniform Child Custody Jurisdiction and Enforcement Act (“UCCJEA”). We find no error or abuse of discretion and affirm.

I. BACKGROUND

Father and Markeyiea Lee (“Mother”) are the parents of two minor children, C and D.¹ In May 2022, Mother filed a Complaint for Custody, and in August, Father responded with an Answer and Counterclaim for Custody. Father amended his Counterclaim and Mother filed an Answer. Both parties had counsel through most of the litigation in the circuit court. The court also appointed a Best Interests attorney for the children.

Under a Family Services Order entered in April 2023, the Court Family Support Services Division conducted a Child Access Evaluation in July. The Court referred both Mother and Father for screening for substance abuse as well and the results for both were “negative,” although the Division reported both as “Positive—Fail to Appear” on two occasions.

After various interim motions, the parties had a two-day initial hearing on custody before a magistrate on December 11, 2023, then continued to February 28, 2024. At some point before the hearing, Father had won a Final Protection Order against Mother due to domestic violence she committed against him. Mother had also filed a petition for

¹ We will refer to the children by randomly selected initials for the sake of their privacy.

contempt, alleging Father had violated the Family Services Order. The magistrate heard testimony and admitted evidence, including the child access and substance abuse reports generated under the Family Services Order. On March 12, 2024, the magistrate produced a Report and Recommendation based on the hearing. As discussed below, the parties stipulated eventually to the findings of fact contained in the report.

Among the findings, the magistrate found “[t]hat the parties have had a volatile and violent relationship.” The magistrate’s report described incidents involving Father and Mother and others in March 2021, March 2022, May 2022, and November 2022. Some of those incidents involved violence, including between family members of Mother and Father, and at least one incident occurred in the presence of the children, and the magistrate found that the children had “been exposed to much violence in and near the home by both parents.” The magistrate noted as well that according to a Child Evaluator appointed in this case, Baltimore City Child Protective Services had found that Father “Neglect[ed]” at least one of the children by exposing them to “Domestic Violence[.]”

The magistrate recommended that the court award Father both sole legal custody and primary physical custody of the children. For Mother, the magistrate recommended that she continue supervised visitation through April 30, 2024; continue to receive mental health services and, on request, provide letters to Father confirming her attendance and participation; and begin unsupervised visitation on May 3, 2024. The magistrate recommended keeping Father’s Final Protective Order against Mother in place and denying Mother’s petition for contempt.

In response to the magistrate’s report, Mother filed exceptions and the circuit court held a hearing. After the hearing, in June 2024, the court issued an interim custody schedule order and ordered the parties to “participate in evaluations to be conducted by the Office of the Court Psychiatrist” and participate in “an intake assessment” with the “Office of Family Support Services.” Afterwards, Mother began participating in therapy, as the court had ordered.

At some point during the circuit court proceedings, Father moved with the children to York County, Pennsylvania. Mother first became aware of the move in August 2024. On January 10, 2025, shortly before an already-set status hearing in the circuit court, Father obtained a Final Protection from Abuse Order against Mother in the Court of Common Pleas of York County, Pennsylvania (the “PA Order”). The parties brought the PA Order to the circuit court’s attention at the status hearing, and the parties agreed to confer about how to accommodate conflicts between the provisions of the PA Order and the initial custody order. After the parties conferred and notified the circuit court, the court modified its initial custody order to accommodate the PA Order.

In December 2024, Father moved the circuit court to modify custody on an emergency basis. The circuit court held a hearing on the motion on April 16, 2025, but Father withdrew the motion verbally early in that hearing. Father, Mother, and the Best Interests attorney discussed the procedural posture with the court and all agreed to a “*de novo* hearing on custody and child support,” which the court scheduled for July 2 and 3, 2025. Before ending the April hearing, the parties stipulated to all findings of fact contained

in the magistrate’s Report.

In May 2025, and before the *de novo* hearing, Father filed a motion to transfer jurisdiction to York County, Pennsylvania. He argued that under the UCCJEA, jurisdiction was proper in Pennsylvania because C and D had resided in that state for more than six months before he filed the motion and that the PA Order and accommodation of that order by the circuit court “reflect[ed] that Pennsylvania [had] assumed an active role in addressing matters concerning [C and D]’s care and visitation.” After a Response in Opposition from Mother and a Reply from Father, the circuit court denied the motion. The court’s order gave no explanation for the denial beyond saying that “[t]he motion [did] not present a sufficient legal or factual basis for the relief requested.”

As scheduled, on July 2 and 3, the circuit court held the *de novo* custody hearing. Father has not ordered the transcripts for that hearing, so we are unable to determine precisely what evidence was received, what testimony was taken, and what the court may have said or ruled during that hearing.² We do know from the transcript of the ruling that

² Father did file an application for court-funded transcripts. This Court denied that application. On January 28, 2026, the Clerk of this Court requested by letter that Father take all necessary steps to obtain the transcripts to ensure that their inclusion in the record for consideration on appeal. Father did obtain the transcript for the August 4, 2025 hearing that contained the trial court’s reasoning and rulings, and that transcript is part of the record.

On February 13, 2026, Father filed a “Motion to Correct and Supplement the Record with Limited Transcript and Statement of Notable Judicial Errors.” His motion asked us to accept the transcript of the August 4, 2025 hearing and advised us that he cannot afford to order the transcripts for the hearings on July 2 and 3, 2025. Our rules require these transcripts for this appeal, *see* Maryland Rule 8-411(a), and Father’s failure to

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the court reviewed *in camera*, with the consent of the parties, records from Mother’s court-ordered therapy.

After taking the motion under advisement, the court called Father, Mother, and the Best Interests attorney to a ruling hearing on August 4, 2025. The court ruled from the bench that day, made factual findings, explained its legal analysis, and issued and entered a written custody order four days later. Among other things, the court ordered that Mother and Father would share joint physical and legal custody of the children and that Father would have tie-breaking authority solely on the question of where the children would attend school. The court ordered that the party with physical custody would make day-to-day decisions, and the court established also a detailed “unsupervised parenting time, visitation, and access” schedule organized primarily around the school year, given that the children had moved to Pennsylvania with Father. During the on-the-record session, the court found that the domestic violence exposures noted by the magistrate pre-dated the June 2024 interim custody order, that the children and Father weren’t present at an incident in November 2024 (and therefore neither parent exposed the children to violence at that time),

order them after receiving notice would lead us normally to issue an order directing Father to show cause why the appeal shouldn’t be dismissed. Because, however, Mother has not moved to dismiss (or otherwise participated in the appeal), because the custody of children is involved, and, importantly, because the parties stipulated ahead of the July hearing to all the factual findings contained in the magistrate’s report, we have determined that we can proceed without the transcripts and will do so here. We caution Father against relying on this strategy in the future—Maryland Rule 8-411(a) requires transcripts of the relevant proceedings and we will not make a habit of proceeding without them. We consider his motion granted insofar as the August 4 transcript is part of the record and otherwise deny it.

and that a different incident involving Mother spitting on an aunt’s car “did not amount to domestic violence.” And the court stated expressly that “[t]he Court doesn’t find there’s been any abuse by either parent.”

Father noted a timely appeal

II. DISCUSSION

Father’s brief lists ten questions on appeal, which we have condensed and rephrased to two:

1. Did the circuit court err or abuse its discretion when it established legal and physical custody?
2. Did the circuit court err or abuse its discretion when it denied Father’s motion to transfer?³

³ Father phrased the issues in his informal brief—which significantly exceeded the page limits for informal briefs, a violation of the Guidelines for Informal Briefs that we will not overlook in the future—as:

1. Did the Circuit Court for Baltimore County error or abuse its discretion by exercising jurisdiction and denying Myself Mr. Witherspoon’s Motion to Transfer Jurisdiction to Pennsylvania—where the children had been residing, attending school, and where an active Pennsylvania Protection From Abuse (PFA) order was in effect—by issuing a one-sentence order on June 13, 2025, stating only that the motion “does not present sufficient legal or factual basis for the relief requested,” without analyzing the UCCJEA factors or making findings on the record?
2. Did the circuit court commit reversible error by relying on extrajudicial information, including independently reviewing social-media content, in violation of judicial conduct rules and the right to a fair trial?
3. Did the circuit court abuse its discretion by failing to consider or properly weigh the existence of a Pennsylvania protective order and the documented history of domestic violence, contrary to Maryland Family Law § 9-101 and related case law?

Continued . . .

First, we hold that the circuit court did not abuse its discretion or err legally while setting custody. The ruling transcript reveals the circuit court reviewed the evidence before it thoughtfully and properly and performed all required analyses substantially. *Second*, we hold that the circuit court did not err legally when it denied the motion to transfer, as the circuit court retained properly its ongoing jurisdiction under the UCCJEA.

4. Did the circuit court fail to make the required factual findings under *Taylor v. Taylor*, 306 Md. 290 (1986), before awarding joint legal custody and granting the mother substantial physical custody time?
5. Did the Circuit Court for Baltimore County commit reversible error by awarding joint legal custody and granting the mother substantial physical custody time without making the specific factual findings required under *Taylor v. Taylor*, 306 Md. 290 (1986), and without articulating factor-by-factor reasoning sufficient for appellate review?
6. Did the circuit court base its custody findings on evidence not admitted at trial—including therapist reports, mental-health documentation, and other materials reviewed outside the record—in violation of evidentiary rules and the constitutional right to confrontation and cross-examination?
7. Did the circuit court fail to make adequate findings on the record by summarizing its decision rather than articulating factor-specific findings sufficient for appellate review, thereby violating the requirements established in *Taylor v. Taylor*, 306 Md. 290 (1986)?
8. Did the circuit court improperly consider hearsay and unsworn therapist statements that were never admitted into evidence, contrary to Maryland evidentiary rules and the Due Process Clause of the Fourteenth Amendment?
9. Did the circuit court violate due process and the Maryland Rules of Evidence by reviewing and relying upon undisclosed documentation, including mental-health records and psychological materials, without providing the Father an opportunity to inspect, object, or challenge such evidence?
10. Did the Circuit Court abuse its discretion by imposing all transportation and custody-exchange obligations upon the Father, despite the Father’s residence in Pennsylvania and the long-distance nature of the exchanges, without making findings concerning the financial, logistical, and practical burdens of interstate travel, and without requiring the Mother to share or participate in transportation?

The standard of review for custody decisions is for an abuse of discretion, but we review *de novo* any “interpretation and application of statutory or case law.” *B.O. v. S.O.*, 252 Md. App. 486, 501 (2021) (quoting *Kpetigo v. Kpetigo*, 238 Md. App. 561, 568 (2018)). We defer to findings of fact unless clearly erroneous. *Id.* (citing Md. Rule 8-131(c)). “An abuse of discretion occurs ‘where no reasonable person would take the view adopted by the trial court.’” *Id.* at 502 (quoting *Floyd v. Balt. City Council*, 241 Md. App. 199, 208 (2019)). As a statute, the interpretation and application of the UCCJEA within a custody action is also subject to *de novo* review. *See B.O.*, 252 Md. App. at 501; *Cf. also Beckwitt v. State*, 477 Md. 398, 420 (2022) (matters of jurisdiction are reviewed *de novo*), *cert. denied*, 143 S. Ct. 216 (2022).

A. The Circuit Court Did Not Abuse Its Discretion In Awarding Joint Legal Custody And Shared Physical Custody.

Although he states it in a variety of overlapping ways, Father’s main argument on appeal is that the circuit court failed to consider and apply the appropriate factors in reaching its decision to award joint legal and shared physical custody. Most of his contentions take the form of challenging the relative weight or significance afforded to particular arguments or pieces of evidence. As we began to evaluate his claims, Father’s failure to obtain the transcripts for the *de novo* merits hearing challenged our ability to see what happened in real time. Rather than dismissing his appeal on that basis, though, we are comfortable from the combination of the facts found in the magistrate’s report (to which the parties stipulated), the transcript of the circuit court’s on-the-record ruling, and the court’s written order that the court relied appropriately on the materials before it and

considered the appropriate factors in reaching its conclusions.

Father’s second, fourth, fifth, seventh, and eighth claims of error assert that the circuit court relied on improper evidence and failed to consider the factors in *Taylor v. Taylor*, 306 Md. 290 (1986) when it awarded joint legal custody and allocated parenting time. *See id.*, at 304–11 (compiling factors to consider when exercising discretion to determine best interests of the child regarding custody).

We disagree. Taking the latter of these *first*, the circuit court devoted thirty transcript pages (out of sixty-five) from its on-the-record ruling to the *Taylor* factors. The court walked carefully through the factors, identified the evidence and testimony on which it relied in considering them, weighed the evidence, and connected its findings to its ultimate conclusions to award joint legal custody and to divide physical custody and parenting time as it did. The court acknowledged, for example, that the parents have difficulty communicating, but made a point of finding that they have the capacity to communicate and share decisions so long as they honor the court’s Order and of stating that it “believe[d] that they can and will grow into the Order and that they have the capacity to basically grow into this relationship.”

We reiterate that courts aren’t required to write a rote checklist of the factors in every case or to address each factor individually on the record—what matters is that we can discern that the court considered them, and we can see from the court’s ruling, especially the transcript of the on-the-record ruling, that the court did so here. *See Gizzo v. Gerstman*, 245 Md. App. 168, 195–96 (2020) (“... [T]he court need not articulate every

step of the judicial thought process in order to show that it has conducted the appropriate analysis.”).

Next, Father objects as well to the court’s review of his social media, characterizing it as extrajudicial. But as the court explained during the on-the-record ruling, the court checked Father’s publicly available social media presence solely to determine whether Father had complied with his earlier representation that he had taken down comments about the case, comments about a specific magistrate, and comments about the court, and the court saw that Father had not taken the posts down. Not only that, the court saw that Father posted a new and *additional* photograph, this time a photo of the courtroom from the hallway the morning of closing arguments. Even so, the court went on to consider these social media findings neutrally in evaluating Father’s character and reputation, and we see no abuse of discretion in its decision to view a public source bearing on Father’s own representations of his conduct, to reveal that viewing on the record, and to evaluate it neutrally. Father wasn’t prejudiced unfairly by the court’s analysis—to the extent the court’s review of Father’s social media affected the analysis at all, which it appears it didn’t, it came from the court verifying that Father hadn’t followed through on his representations to take down the inappropriate postings.

Father’s remaining evidentiary objections, as well as his sixth, eighth, and ninth points of error, relate to his protest that the circuit court reviewed Mother’s sensitive therapy records *in camera* and considered them in its custody decisions. But in the course of its on-the-record ruling, the circuit court noted and relied on the fact that Father

consented to this *in camera* review:

I am going to start with the Court’s review of the . . . mental health therapy records, which were provided to the Court for an in-camera review. In camera meaning they were provided to me for basically a confidential review. So that the parties understand what we are talking about here. *This was done by the agreement of the parents.*

(emphasis added). Father’s attorney, who was present at the hearing, did not respond to the court’s statement or object to it and Father’s consent waived any objection he might have had. Moreover, the magistrate’s report and the interim orders resulting from that report directed Mother to continue receiving mental health services, entitled Father upon request to letters confirming her attendance and treatment status, and contemplated that her participation and progress in therapy could affect her custody and visitation opportunities. None of this should have been a surprise to Father, and the court didn’t abuse its discretion in reviewing these materials *in camera* and considering them in its custody decisions.

Then in his third asserted point of error, Father contends that that the circuit court failed to conduct a full analysis under Md. Code (1999, 2019 Repl. Vol.), § 9-101 of the Family Law Article (“FL”) despite evidence of abuse. The circuit court found as a matter of fact, in its bench ruling, that neither parent had abused the children. Normally, this factual finding means that a FL § 9-101 analysis is unnecessary unless the court has “reasonable grounds to believe that a child has been abused or neglected by a party to the proceeding.” FL § 9-101(a). A finding of neglect can also trigger FL § 9-101. *Id.* But in this case, there was no finding of neglect either and we are comfortable that the circuit court made appropriate findings in the context of the allegations in this case.

Under FL § 9-101, a custody court must find *first* whether any child has been abused or neglected by a party to the proceeding and, if so, *then* it must determine “whether abuse or neglect is likely to occur if custody or visitation rights are granted to the party.” FL § 9-101(a). “Unless the court specifically finds that there is no likelihood of further child abuse or neglect by the party, the court shall deny custody or visitation rights to that party, except that the court may approve a supervised visitation arrangement that assures the safety and the physiological, psychological, and emotional well-being of the child.” FL § 9-101(b).

There were no allegations of direct abuse or neglect in this case. The testimony before the magistrate identified incidents in which the children were or could have been exposed to violence, including domestic violence between the parents. The parties stipulated to every finding of fact in the magistrate’s report going into the *de novo* custody hearing, including the magistrate’s finding that C and D had “been exposed to much violence in and near the home by both parents” against each other and against third parties. It is true that exposure to domestic violence can sometimes rise to the level of neglect, *cf.*, *e.g.*, *In re Adoption/Guardianship of Jasmine D.*, 217 Md. App. 718, 738 (2014); *In the matter of J.R.*, 246 Md. App. 707, 753–54 (2020), and the magistrate’s report stated that the Court Evaluator had noted a finding by Baltimore City Child Protective Services of “Neglect” of at least one of the children by Father as a result of this exposure. But this earlier administrative finding wasn’t binding on the magistrate or the circuit court, and although the magistrate expressed concerns about both parents, the magistrate stopped

short of finding that the children had been abused or neglected. And in its on-the-record ruling, the circuit court found that the domestic violence exposures noted by the magistrate pre-dated the June 2024 interim custody order, that the children and Father weren't present at an incident in November 2024 (and therefore neither parent exposed the children to violence at that time), and that a later incident involving Mother spitting on an aunt's car "did not amount to domestic violence." As such, the court's finding left FL § 9-101 untriggered here, and its express finding that "[t]he Court doesn't find there's been any abuse by either parent" bolstered the point.

B. The Circuit Court Properly Maintained Its Exclusive and Continuing Jurisdiction When It Denied Father's Motion To Transfer.

Finally, Father argues that the circuit court erred in denying his "motion to transfer jurisdiction." He sought to invoke the UCCJEA, FL § 9.5-101 *et seq*, and claimed that because he had moved to Pennsylvania with the children for the six months preceding the motion, Maryland no longer had jurisdiction over custody determinations. He presses the same argument on appeal, and we agree with the circuit court's decision to deny it.

Under the UCCJEA, absent emergency circumstances, a Maryland court has jurisdiction to make an initial child custody determination only if Maryland is "the home state of the child on the date of the commencement of the proceeding." FL § 9.5-201(a)(1). A proceeding commences upon the filing of the first pleading—here, Mother's initial Complaint for Custody. FL § 9.5-101(f). The UCCJEA also defines "home state" as "the state in which a child lived with a parent or a person acting as a parent for at least 6

consecutive months . . . immediately before the commencement of a child custody proceeding” FL § 9.5-101(h)(1). At the time of commencement, Father, Mother, and the children all still lived in Maryland and had for the preceding six months. Initial jurisdiction under the statute was proper. *See* FL § 9.5-201(a)(1). And the court made an initial custody determination by at least June 14, 2024, in its interim custody order docketed as “Order re: Exceptions.”

Once a court makes an initial custody determination, it retains exclusive, continuing jurisdiction over the determination until certain triggering events terminate it. FL § 9.5-202(a). Those triggers are:

- (1) a court of this State determines that neither the child, the child and one parent, nor the child and a person acting as a parent have a significant connection with this State and that substantial evidence is no longer available in this State concerning the child's care, protection, training, and personal relationships; or
- (2) a court of this State or a court of another state determines that the child, the child's parents, and any person acting as a parent do not presently reside in this State.

FL § 9.5-202(a)(1)–(2). We read the circuit court here as having determined either that the children or the children plus Mother still had a significant connection to Maryland or that substantial evidence concerning the children’s care, protection, training, and personal relationships was still available in Maryland. *See* FL § 9.5-202(a)(1). And the second termination trigger doesn’t apply because Mother resided and still resides in Maryland. *Id.* § 9.5-202(a)(2).

We see no clear error in the circuit court’s implicit factual determinations. Although

it's true that Father and the children had moved to Pennsylvania more than six months before the motion, the children were still having supervised visits with Mother in Maryland under the then-existing interim custody order. After moving to Pennsylvania, Father maintained employment in Maryland with the federal Transportation Security Administration. The parents' and the children's connections to Maryland had not yet grown so attenuated that they could be deemed insignificant. *See* FL § 9.5-202(a)(1). And as the multiple hearings that followed the motion demonstrated, evidence was marshaled for presentation to the Maryland court easily and substantial evidence remained in Maryland. The circuit court retained exclusive and continuing jurisdiction and denied the motion to transfer the case to Pennsylvania at that time properly.

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