Circuit Court for Montgomery County
Case No.:C-15-FM-23-004873

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 1438

September Term, 2024

BETELIHEM MULUGETA

v.

ABEL WONDOWSEN

Berger,
Nazarian,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

Opinion by Sharer, J.

Filed: May 19, 2025

*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).

Betelihem Mulugeta ("Mother" and appellant) filed a complaint for an absolute divorce in the Circuit Court for Montgomery County, seeking, among other things, custody of the minor child ("child") she shares with Abel Wondowsen ("Father" and appellee). Following a two-day, contested custody trial, the court granted Father primary physical custody of child with specified visitation with Mother, and joint legal custody of child to the parties with Father to have tie-breaking authority. Mother filed a motion to alter or amend the custody decision, which the court denied.[1] Mother appeals, presenting the following questions for our review, which we have condensed and rephrased for clarity[2]:

1. Whether the circuit court erred in its custody decision by incorrectly applying Maryland law when a parent unilaterally relocates with a child?

2. Whether the circuit court erred in its factual determinations, analysis, and ultimate custody decision?

For the reasons that follow, we shall affirm the circuit court's judgment.

[1] The circuit court subsequently entered a judgment of absolute divorce and addressed a monetary award, alimony, and child support. Because the only questions raised on appeal relate to custody, we shall focus on that issue.

[2] The issues Mother presents in her appellate brief are as follows:

I. Whether the Trial Court erred in its interpretation and application of *Shunk v. Walker*, 87 Md. App. 389 (1991) as a matter of law?

II. Whether the Trial Court made clearly erroneous factual determinations related to actual testimony in rendering its decision?

III. Whether the Trial Court erred in its determination of child custody?

FACTUAL AND PROCEDURAL BACKGROUND

In February 2016, the parties were married in Los Angeles, California. Four years later, in 2020, they moved to Maryland, and in December 2021, a son was born to them. At the time of child's birth, the parties lived in Silver Spring. The marriage quickly soured, and on July 3, 2023, when child was about eighteen months old, the parties separated when Mother unilaterally moved to Texas with child where she lives with her mother and near her brother's family.

On August 3, 2023, Mother filed a complaint for absolute divorce in the Circuit Court for Montgomery County. Less than three weeks later, Father filed an *ex parte* emergency motion in the circuit court for temporary custody, alleging that before Mother and child left for Texas on August 3, the parties agreed that Mother was leaving only for a month, not permanently moving to Texas. Mother opposed the emergency motion, countering that she had told Father when she left that she would likely seek a divorce and not return to Maryland. Following a hearing, the court granted Mother temporary physical custody of child, and granted Father visitation with child in Texas, no less than two weekends per month. The court ordered the parties to contribute 50/50 to Father's travel expenses during his parenting time in Texas, and for Father to have daily video access to child. Father subsequently counterclaimed to Mother's complaint for absolute divorce, seeking primary physical and sole legal custody of child.

On November 3, 2023, the parties entered into a pendente lite consent order in which Mother retained primary physical custody of child while litigation was pending. In addition to the visitation specified earlier, Father was granted visitation in Maryland with child over

Thanksgiving, from November 20-26, 2023. The custody hearing scheduled for February 2024 was postponed, and the parties entered into an amended pendente lite consent order with the court granting Father additional weekend visitations with child in Texas, specifically, March 29-31 and May 10-12, 2024.

A contested custody hearing was held on May 28-29, 2024. Both parties, who were represented by counsel, testified at the hearing. Additionally, a court-appointed custody evaluator ("CE") and a brother of each of the parties testified.

On August 23, 2024, the circuit court entered a custody order and an accompanying twelve-page written memorandum opinion. After addressing the custody factors set forth in *Taylor v. Taylor*, 306 Md. 290, 304-11 (1986) and *Montgomery County Department of Social Services v. Sanders*, 38 Md. App. 406, 420 (1978), the court found Mother's testimony not credible that she had advised Father before she left that she was permanently moving to Texas with child. The court also found that Mother "demonstrated a desire to replace [Father] in [child's] life with her family." Given the above, the circuit court granted Father primary physical custody, effective September 1, 2024, and ordered the parties to have joint legal custody with Father having tie-breaking authority. Mother was granted visitation of no less than one weekend per month in Maryland; one week per month in Texas; four weeks each summer with child in two-week increments; and specified holidays.

Mother filed a motion to alter/amend the judgment and a motion to stay custody, which Father opposed. The court denied both motions. Mother has timely appealed the custody order.

DISCUSSION

Standard of Review

We apply a three-part standard when reviewing child custody cases. *In re Adoption of Cadence B.*, 417 Md. 146, 155 (2010).

> "When the appellate court scrutinizes factual findings, the clearly erroneous standard . . . applies. [Secondly,] if it appears that the [circuit court] erred as to matters of law, further proceedings in the trial court will ordinarily be required unless the error is determined to be harmless. Finally, when the appellate court views the ultimate conclusion of the [circuit court] founded upon sound legal principles and based upon factual findings that are not clearly erroneous, the [circuit court's] decision should be disturbed only if there has been a clear abuse of discretion."

Id. (quoting *In re Yve S.*, 373 Md. 551, 586 (2003)). An abuse of discretion occurs when a "ruling is clearly untenable, unfairly depriving a litigant of a substantial right and denying a just result, when the ruling is violative of fact and logic, or when it constitutes an untenable judicial act that defies reason and works an injustice." *Alexis v. State*, 437 Md. 457, 478 (2014) (quotation marks and citation omitted). "[A]n abuse of discretion should only be found in the extraordinary, exceptional, or most egregious case." *Wilson v. John Crane, Inc.*, 385 Md. 185, 199 (2005). *Cf. Fontaine v. State*, 134 Md. App. 275, 288 ("[W]here a trial court's ruling is reasonable, even if we believe it might have gone the other way, we will not disturb it on appeal."), *cert. denied*, 362 Md. 188 (2000).

In child custody cases, the best interest of the child "guides the trial court in its determination," and in our review, "is always determinative[.]" *Santo v. Santo*, 448 Md. 620, 626 (2016) (quotation marks and citation omitted). Given the "unique character of each case" and "the subjective nature of the evaluations and decisions that must be made,"

id. at 629, Maryland courts have identified the *Taylor* and *Sanders* factors as the primary, yet non-exclusive factors a court should consider in weighing the advantages and disadvantages of alternative environments, without focusing on any single factor.[3] *Sanders*, 38 Md. App. at 420-21. *See Petrini v. Petrini*, 336 Md. 453, 471-72 (1994) (noting that, on review, we look to the circuit court's decision "in its entirety").

I.

Mother argues that the circuit court erroneously applied the holding in *Shunk v. Walker*, 87 Md. App. 389, 401 (1991), a case addressing a change of custody when a parent unilaterally relocates. Father responds that the court properly applied the holding in *Shunk*. Additionally, because Maryland case law on parent relocation has only been addressed in the context of post-divorce and permanent custody determination, whereas here the relocation occurred pre-divorce and permanent custody determination, Father urges us to

[3] In *Sanders,* we set out the following non-exclusive factors for a circuit court to consider in child custody determinations: 1) fitness of the parents; 2) character and reputation of the parties; 3) desire of the natural parents and agreements between the parties; 4) the ability to maintain natural family relations; 5) preference of the child; 6) material opportunities affecting the future life of the child; 7) age, health, and sex of the child; 8) residences of parents and opportunity for visitation; 9) length of separation from the natural parents; and 10) prior voluntary abandonment or surrender. *Sanders*, 38 Md. App. at 420.

In *Taylor,* the Maryland Supreme Court considered the following factors as relevant in making joint custody determinations: 1) capacity of the parents to communicate and to reach shared decisions affecting the child's welfare; 2) willingness of parents to share custody; 3) fitness of parents; 4) relationship established between the child and each parent; 5) preference of the child; 6) potential disruption of child's social and school life; 7) geographic proximity of parental homes; 8) demands of parental employment; 9) age and number of children; 10) sincerity of parents' request; 11) financial status of the parents; 12) impact on state or federal assistance; 13) benefit to parents; and 14) other factors. *Taylor*, 306 Md. at 304-11.

"adopt a presumption that a unilateral, long-distance relocation prior to the entry of a final divorce decree is contrary to the best interests of the child" as a matter of law.

Maryland law on custody when a parent relocates

Three central Maryland cases address custody determinations when a parent relocates.

In *Shunk*, 87 Md. App. at 393, father was granted custody of minor child with mother to have visitation rights upon the parties' divorce. Father moved out of state with child and disregarded mother's visitation dates, resulting in mother filing numerous motions, including a motion to modify custody. *Id*. Father absented himself from those proceedings and fled with child to Canada. *Id*. at 394-95. A chancellor found that father's conduct created a significant change in circumstances and awarded temporary custody to mother, pending further hearings on custody and visitation. *Id*. at 395. On appeal, we stated that a relocation "could be deemed to be directly contrary to the best interests of the child" and that in that case, father's "relocation . . . effectively terminated" mother's visitation rights, as the child's whereabouts were unknown. *Id*. at 399, 401. We affirmed the judgment, holding that father's actions clearly supported the conclusion that he was not the proper parent to have custody because his relocations and effective attempts to stifle any relationship between mother and child nullified any presumed advantages of continuity and stability. *Id.* at 399-401.

In *Domingues v. Johnson*, 323 Md. 486 (1991), a circuit court master, after an extensive five-day hearing producing 1300 pages of transcript, found that mother's decision to relocate to Texas from Maryland to follow her husband's military career,

combined with other factors such as mother not supporting the father-child relationship with their two children and that moving out of state would isolate the children further from the rest of their family on both sides, was a change of circumstances that justified changing where the children should primarily reside, recommending that primary custody be given to father. The chancellor subsequently entered an order affirming the master's recommendations. *Id.* at 489. We reversed on appeal, and the Maryland Supreme Court reversed our decision.

The Court held that "changes brought about by the relocation of a parent *may*, in a given case, be sufficient to justify a change in custody[;] [t]he result depends upon the circumstances of each case." *Id*. at 500 (emphasis added). The Court noted that "the relationship that exists between the parents and the child before relocation is of critical importance." *Id*. at 501. The Court found this particularly true in the circumstances before it where father had a "very close relationship and strong bonds with the children"; father "regularly exercised[] extensive rights of visitation"; and the close, paternal and maternal, relatives of the child resided in the area of father's residence. *Id*. at 502. Because the Court found that the chancellor failed to exercise its independent judgment in drawing conclusions from the facts elicited but had instead ruled as a matter of law, the Court reversed and remanded to the chancellor for further consideration. *Id*. at 490, 498-99.

In *Braun v. Headley*, 131 Md. App. 588, 593, *cert. denied*, 359 Md. 669 (2000), *cert. denied*, 531 U.S. 1191 (2001), mother filed a post-divorce motion to modify father's visitation on the same day she relocated with child to Arizona from Maryland, asserting that mother's chronic pain would be alleviated in a drier climate. The circuit court found

that the move caused a change in circumstances, and when considered in light of the child's best interest, warranted a change of custody to father. *Id*. at 610. The court found that mother had primarily moved to create distance between father and child; mother's stated health reasons for the move was not supported by the evidence; mother left Maryland without giving father notice; mother discouraged child from calling father "dad" and referred to father in "derogatory" terms in front of child; and mother gave no consideration of the impact of her conduct on child. *Id*. at 611-12. Acknowledging the holding of *Domingues*, that change "brought about by the relocation of a parent may, in a given case, be sufficient to justify a change in custody," we affirmed the circuit court's judgment. *Id*. at 611, 613 (quotation marks and citation omitted).

Applying relocation law to the facts of our case

Quoting *Shunk*, 87 Md. App. at 401, the circuit court in its memorandum opinion stated that "a parent's decision to relocate without telling the other parent and thus denying the parent in the original state the right to visit with their child 'could be deemed to be directly contrary to the best interests of the child.'" Mother argues that this was a mischaracterization of the holding in *Shunk*. She argues that, under Maryland custody law, only a relocation that makes visitation impossible, not more difficult, is against a child's best interest. She then argues that because there was no evidence that Father's visitation with child was impossible after their relocation, the court wrongly found that, as a matter of law, her decision to relocate to Texas without telling Father was contrary to the best interest of the child.

Contrary to Mother's argument, the circuit court correctly cited our holding in *Shunk*, and, as expounded upon by the later cases cited above, it is still the current law in Maryland. Additionally, the circuit court correctly applied Maryland law – that a relocation *may* be sufficient to justify a change in custody, depending on the circumstances of each case. *See Shunk*, *Domingues*, and *Braun*, *supra*. Contrary to Mother's argument, the court did not rule as a matter of law that the relocation was against the child's best interest, rather, the court considered the relocation and many other factors in its ultimate custody determination.

Here, the circuit reached its custody decision by first addressing and applying the relevant *Taylor/Sanders* factors. *See infra*. The court then reviewed the CE's report and testimony. The court also addressed Mother's unilateral move and found not credible Mother's assertion that Father knew of her plans to relocate to Texas with child. The court supported its credibility determination with: 1) text exchanges between the parties roughly two months before Mother relocated, where the parties discussed hiring their long-time babysitter, and 2) an email sent by Father to Mother the day before she left, asking her to confirm their prior agreed upon return date, to which Mother did not respond. The court found it "illogical" to have engaged in the above communications if Mother had told Father of her plans to permanently relocate. The court stated that Mother's "unilateral relocation upset the very desirable environment of [child] having full and unfettered access to both of his parents." The court also found that Mother had demonstrated a desire to replace Father with her family in child's life. Only after this thorough analysis of many factors did the court make a ruling on custody. For the above reasons, we find no error in the court's

findings, reasonings, or conclusions regarding Mother's unilateral relocation with child to Texas. *See* Jay M. Zitter, Annotation, *Custodial parent's relocation as grounds for change of custody*, 70 A.L.R.5th 377 (1999, Cum. Supp.).

We decline Father's invitation to adopt a presumption that relocation by a parent pre-divorce creates a rebuttable presumption that the relocation was not in the child's best interest as a matter of law. Such a presumption would be contrary to Maryland relocation law and does not conform to the best interest of the child standard. We are persuaded that current Maryland relocation law is nuanced and sufficiently robust to address pre-divorce cases, as both pre- and post-divorce cases focus on the best interest of the child and the many *Taylor/Sanders* and other factors.[4]

II.

Mother argues that the circuit court mischaracterized and misstated the testimony elicited at the custody hearing resulting in several factual errors. Specifically, Mother directs our attention to the court's characterization of her testimony, the testimony of the CE and Father's brother, and the court's factual findings in its *Taylor/Sanders* analysis. She then argues that the errors were not harmless and urges us to remand the case for a new

[4] In 1997, the American Academy of Matrimonial Lawyers proposed a Model Relocation Act enumerating factors for courts to consider in determining relocation disputes, including: the nature and quality of a child's relationship with both parents as well as age, preference, emotional and educational needs; the likelihood that the non-relocating parent will have viable visitation rights; reasons for a parent opposing or seeking the relocation, and the relocating parent's willingness to promote visitation; the enhanced quality of life for the child in relocating, and "any other factor affecting the best interest of the child." Samara Nazir, *The Changing Path to Relocation: An Update on Post-Divorce Relocation Issues*, 22 J. Am. Acad. Matrim. Law. 483, 484 (2009). Common sense and existing Maryland case law covers these factors.

analysis and determination by the circuit court. Father argues that the court's factual findings were not clearly erroneous or insignificant when the court's opinion is viewed as a whole.

A. The circuit court

The following is a summary of the *Taylor/Sanders* factors the circuit court addressed in its memorandum opinion:

> **1. Fitness of parents** – each parent was fit and has a loving, bonded relationship with child; **2. Character and reputation of parties** – no concerns noted; **3. Desire of the natural parents and agreements between the parties** – each parent sought primary physical and joint legal custody with tie-breaking authority; **4. Potentiality of maintaining natural family relationships** – Mother lives with her mother and has a brother in Texas. Father's father lives in Silver Spring, and Father's aunt, uncle, grandmother, and family members on his mother's side reside in the Washington metropolitan area; **5. Preference of the child** – not applicable as child was too young; **6. Material opportunities affecting the future of child** – both parents are able to provide material opportunities; **7. Age, health, and sex of child** – the child was a two-year-old male, with minor health concerns; **8. Residents of parents and opportunities for visitation** – both parents have opportunities for visitation with Mother living in a two-bedroom apartment and Father living in the marital home with three bedrooms and a backyard; **9. Length of separation from natural parents** – Father has been physically separated from child, other than visits, due to Mother's move to Texas in 2023; **10. Prior voluntary abandonment or surrender** – neither party had abandoned or surrendered child; **11. Capacity of parents to communicate and to reach shared decisions** – the parents are able to effectively communicate about child; **12. Psychological and physical fitness of each parent** – both parents were psychologically and physically fit; **13. Relationship between parent and child** – both parents have a loving relationship with child; **14. Potential disruption of child's social and school life** – returning child to Father's custody would not be disruptive to child because the child was in daycare, not school, noting that the CE testified child would not be affected by a move back to Maryland because he is familiar with marital home; **15. Demands of parental employment** – both parents work primarily from home with Mother testifying that she has arranged daycare during the workday, her job is very flexible and she can be present for child, and Father testifying that he also has arranged for daycare;

> **16. Age and number of children** – neither party has other children; **17. Sincerity of parent's requests** – both parents request for custody are sincere; **18. Financial status of parents** – both parents have the financial ability to provide for child; **19. Impact on state/federal assistance** – not applicable; and **20. Benefit to parents** – both parents say they will benefit from custody.

After addressing the above factors, the court made additional findings, specifically: 1) the CE testified that the child "would not be affected by a move back to Maryland"; 2) Mother's testimony was not credible that she had advised Father she was permanently moving to Texas with child, as supported by text exchanges and an email between the parties, *supra*; and 3) Mother "demonstrated a desire to replace [Father] in [child's] life with her family."

B. Testimony of Mother, the CE, and Father's brother

Mother takes issue with the court's recitation in its written opinion of the testimony of three witnesses: herself, the CE, and Father's brother's testimony. We shall address each argument in turn.

Initially, we note that a circuit court's "findings of fact are to be given great weight since" the court has the parties before it and has "the best opportunity to observe their temper, temperament, and demeanor, and so decide what would be for the child's best interest[.]" *Sanders*, 38 Md. App. at 418-19 (quotation marks and citation omitted). Moreover, the "court should examine the totality of the situation in the alternative environments and avoid focusing on any single factor[.]" *Id*. at 420-21. That we might have viewed the evidence differently does not lead to the conclusion that the court's findings were clearly erroneous or that it abused its discretion.

1. Mother's testimony. The circuit court wrote in its memorandum opinion that "[Mother's] testimony demonstrated a desire to replace [Father] in [child's] life with her family." Mother argues that this finding was erroneous because she in fact did everything to ensure a relationship between Father and child, but Father did not take her up on these opportunities, including daily Facetime calls and access to child's daycare and healthcare records. Based on the evidence presented to the court, we find no error in the circuit court's finding.

> The following was elicited during Mother's cross-examination:
>
> [FATHER'S ATTORNEY]: What kind of assistance does your mother give you in taking care of [child]?
>
> [MOTHER]: She's his grandmother, so she plays with him, she walks with us when we take on our walk, and she helps me cook for him and clean for him.
>
> [FATHER'S ATTORNEY]: So does he – or does she kind of serve the role as a second parent?
>
> [MOTHER]: I don't know what a second parent – how a second parent will – would be. It would be an assumption, but my guess would be somewhat similar to what she's doing.

Additionally, Mother does not dispute that she did not include Father in the planning of, or directly invite Father's family members to, child's second birthday. Given the totality of the evidence before the court, including that Mother had unilaterally relocated to Texas with child to be closer to her family, we find no clear error or abuse of discretion in the circuit court's conclusion that Mother was attempting to replace Father in child's life with her family.

2. CE's testimony. Mother directs us to three instances of alleged error by the circuit court regarding the CE's testimony.

The circuit court wrote in its opinion that the CE, in its evaluation: "observed the parties with [child], interviewed the parties, interviewed collateral witnesses, observed [Mother's] home via Zoom, visited [Father's] home in person, reviewed [child's] daycare reports, screened for domestic violence, and conducted a Maryland Judiciary case search." (Emphasis added.) Mother argues that the circuit court erroneously quoted the CE's testimony because the CE testified that she had not physically visited Father's home.

The CE's testimony is slightly confusing on this point. She initially testified:

> I interviewed both parties at the court, I observed the parties with the child. [Mother] was observed virtually with the child, as she resides in Texas. A day care report was also obtained for the child, text messages were reviewed, I spoke to various collaterals, and I conducted a Maryland Judiciary case search. We also screened for intimate partner violence when we do custody evaluations per the Maryland rules, and the court file was reviewed.

The CE was then asked directly whether she visited Father's home in Silver Spring, and she responded, "Yes." A short time later, she stated: "Excuse me, sorry. I actually observed [Father] with the child here due to the coordination, but I was able to also see his residence as well. He provided pictures." Here, the CE clearly considered Father's living situation in its evaluation, and, at the very least, reviewed pictures of the home. Regardless of any alleged error by the court in its written opinion, we fail to see any harm by the court's possible misstatement, and Mother directs us to none.

Secondly, Mother argues that the circuit court failed to acknowledge that, although the CE testified that she had reviewed the court file and "looked through" the pleadings,

she seemed unaware of a specific allegation Mother had made in her opposition to Father's request for emergency custody that, prior to her moving to Texas, Father had left child alone in the home. Our review of the transcript shows that the CE testified that she had reviewed the "numerous" pleadings but that the specific allegation "wasn't something that was brought to my attention[,]" but she went on to explain that she did not have concerns about the parents providing care to child because, during her interviews, both parents advised her that each parent was managing the child's care effectively, and Father had spent extended visits with child with no concerns noted. Accordingly, we find no error by the circuit court, as alleged by Mother. It is well-established that a court need not articulate every step in its thought process. A court is presumed to know the law and apply it correctly, and this presumption "is not rebutted by mere silence." *Wasyluszko v. Wasyluszko*, 250 Md. App. 263, 282-83 (2021) (quotation marks and citations omitted).

Third and lastly, Mother argues that the circuit court erred when it wrote that the "[CE] testified that she believed that [child] would not be affected by a move back to Maryland because [the CE] believed he is likely familiar with the marital home." Mother argues that the CE opined on cross-examination that, given the child's young age and his attachment to both parents, "I feel that the move to Texas was a bigger transition than a move back to Maryland where he was born and – and has support . . . as well." Mother argues that the CE's testimony actually "presuppose[d] that a move back to Maryland would also be a transition[,] which would most certainly have an effect on" child.[5]

[5] The CE's report, which was admitted into evidence, recommended that the parties have shared physical and legal custody.

We agree with Father that Mother's argument is an overstatement of the CE's testimony and the court's reasoning in an attempt to show an abuse of discretion where none exists. Given the CE's testimony, the court could have found that any potential disruption in moving back to Maryland would be largely mitigated by child's young age and his existing connections to, and familiarity of, his environment.[6] The court's findings were not clearly erroneous.

3. Father's brother's testimony. The court found Mother's testimony not credible that, before she left with child, she advised Father that she was moving permanently to Texas. As we stated above, the court supported its credibility determination with text exchanges between Mother and Father and an email from Father to Mother. The court noted in its memorandum that, although Mother's counsel suggested that Father's brother knew Mother was leaving permanently when he drove Mother and child to the airport (because he told her during the drive that it would be difficult to raise a child in two different states), the brother specifically testified "that he did not know that the visit would be permanent when he drove [Mother]" to the airport. From this, Mother directs our attention to additional testimony by the brother where he stated: "[T]he day after [Mother left], I was

[6] As Judge McAuliffe recognized in *Domingues*, 323 Md. at 499:

> A determination of custody requires an element of prediction. Whether it is the parties attempting to reach an agreement, or a chancellor resolving a custody dispute, the aim is necessarily to structure custody and visitation to accommodate the future best interest of the child. Indeed, it has been suggested that a weakness of the "best interest of the child" standard is the need for prediction.

Nonetheless, it is the standard to be applied in Maryland custody cases.

curious why there's so" much luggage and "I was discussing with my brother, and that's how I come to find out [she had moved.]" According to Mother, the brother's testimony contradicts Father's testimony that Father was unaware that Mother had moved until she filed for divorce, which occurred a month after she left.

Mother overstates and conflates the testimony to show an abuse of discretion where none exists. We see no contradiction between the testimony of Father and his brother, i.e., they did not know Mother was moving permanently to Texas until after she left. The court did not make a finding as to exactly when Father learned Mother had left Maryland permanently, and so any contradiction between the brother's and Father's testimony on this point is simply not germane. Accordingly, we find no error in the circuit court's finding that Mother was not credible in her assertion that she advised Father before she left that she was leaving permanently.

In sum, Mother argues that the circuit court's alleged misrepresentations of her, the CE's, and Father's brother's testimony was clear error that directly affected the court's custody decision. Whether viewed individually or collectively, we find neither clear error nor an abuse of discretion in the court's findings or ultimate conclusions. *See Wasyluszko*, *supra*.

C. The circuit court's analysis of the *Taylor/Sanders* factors

Mother also argues that the circuit court erred in its analysis of the *Taylor/Sanders* factors, specifically factors 8, 9, 11, 14, and 15.[7] She argues that because of the factual errors, we should reverse the judgment and remand for a reassessment of the *Taylor/Sanders* factors. We note that, of the twenty factors considered, Mother takes issue with five. We shall discuss each of the five in turn.

Factor 8, opportunities for parents to visit, and factor 9, length of separation. The court found that both parties have the ability and opportunity to visit child, factor 8, and that child has been physically separated from Father due to Mother's unilateral move to Texas with child, factor 9. Mother argues that, in these findings, the court failed to acknowledge that Father did not avail himself of the visitation opportunities given to him, specifically that Father only availed himself of eleven out of the forty-four Texas visitation days granted to him under the temporary custody order. Therefore, according to Mother, the court should not have weighed factors 8 or 9 in Father's favor.

The court found that Father visited child in Texas three times with each visit lasting about a week, and Father visited with child in Maryland for multiple weeks on three

[7] Although Mother takes issue with the circuit court's finding as to factor 1, that "both parents have a loving and bonded relationship with [child,]" Mother presents no facts or argument as to factor 1. Accordingly, there is nothing for us to review as to this factor. *See* Md. Rule 8-504(a) (stating that appellate briefs are required to provide, among other things, a "clear concise statement of the facts material to a determination of the question[] presented, . . . [and r]eference shall be made to the pages of the record extract or appendix supporting the assertions[,]" and "[a]rgument in support of the party's position"). *See also Diallo v. State*, 413 Md. 678, 692-93 (2010) (noting that arguments that are "not presented with particularity will not be considered on appeal" (quotation marks and citations omitted)).

separate occasions. The short answer to Mother's argument is that, although Father had the ability, and did visit child in Texas, this does not change the fact that Father and child were living apart and physically separated. Accordingly, we find no abuse of discretion by the court in concluding that both parties have the opportunity to visit child, and that Father has been physically separated from child since July 2023, as a result of Mother's actions.[8]

Factor 11, parents' capacity to communicate and to reach shared decisions regarding child's welfare. The circuit court found that the parties were able to communicate well and to make shared decisions regarding child's welfare. Mother argues this was wrong for three reasons.

First, she argues that the only evidence that the parties communicate well was testimony offered by the CE that the parties "seemed to communicate well because [Father's] visits with [child] went well." Mother argues that this conclusion was in error because there is no "logical nexus between the quality of visits and the parties' ability to communicate." This argument is again an overstatement and fails to provide the full breadth of the CE's testimony and Mother's own testimony. The CE testified that: "the parties were communicating fairly well regarding matters that affected the child. Both parties seemed to respect the child's relationship with both parents. They didn't criticize

[8] Mother fails to cite any page in the two-day custody hearing where the "11/44" fact was elicited, and we are not inclined to comb through the record to find it. *See Pulte Home Corp. v. Parex, Inc.*, 174 Md. App. 681, 760-61 (2007) ("We decline to comb through the . . . record extract to ascertain information that . . . should have [been] provided—a clear reference to a page or pages of the record extract that show the matter was presented to the trial court.").

the caretaking." Mother testified that the parties have no significant disagreements as to the child's medical care, education, or religious upbringing.

Second, Mother argues that her exhibits show that child had an injury to his hand when he was in Father's care in Maryland, and Father refused, despite her pleas, to tell her what had happened. She then directs us to the CE's testimony that if one party failed to inform the other of an injury to a child while in their care, she would have concerns about their ability to communicate with each other. Clearly, the court had evidence before it that the parties had prior communication issues, whether it was insufficient notice of an injury to child's hand or Mother's unilateral decision to move to Texas permanently without informing Father. Nonetheless, looking at the parties' recent interactions and communications, the court found, as the CE testified, that the parties were able to communicate effectively enough to make shared decisions for child's welfare.

Third, Mother argues that exhibits between the parties prior to the separation should have been discounted while her exhibits of text communications between them after their separation should have weighed more heavily. She fails, however, to explain or make any argument as to how the cited exhibit numbers demonstrate a lack of communication between the parties, and we decline to make arguments for her. *See* Md. Rule 8-504(a)(6) (stating that appellant's brief "shall" include "[a]rgument in support of the party's position on each issue" raised).

In sum, in the circumstances presented and notwithstanding Mother's argument to the contrary, the circuit court's finding that the parties can effectively communicate with each other and make shared decisions regarding child's welfare was not clearly erroneous.

Factor 14, potential disruption of child's social and school life. The circuit court wrote that the move back to Maryland would have "no potential disruption of the child's social and school lives" and the CE "testified that she believed that [child] would not be affected by a move back to Maryland because she believed he is likely familiar with the marital home." Mother asserts that this finding was in error because child had been enrolled in daycare for over a year (nearly half of child's life) in Texas, and so moving him to Maryland will have a disruptive effect on him, as he had developed friendships and a routine. Moreover, Mother argues that the court mischaracterized the CE's testimony because the CE in fact testified that the move to Texas was a bigger transition than a move back to Maryland, which, according to Mother, suggests that a move back to Maryland would have some effect on the child. Additionally, because the CE did not visit Father's home, Mother argues that the court cannot effectively opine about whether the child is comfortable in the home, noting that child spent a substantial period of time away from the marital home before the separation.

The short answer to Mother's argument is that, although the court could have inferred from the CE's testimony that a move back to Maryland "may" have some impact on child, the court could also infer from the CE's testimony that a move back would potentially not have an impact. Under the circumstances and the facts elicited, we do not find the circuit court's findings clearly erroneous.

Factor 15, demands of parental employment. The circuit court found that both parties primarily work from home, their jobs were flexible, and they have secured daycare for their respective workdays. Mother argues that the circuit court erred in not finding that

Father "abandon[ed]" child while she and child lived in the marital home because of Father's focus on his employment. Mother argues that the court additionally failed to mention that she elicited during trial an incident where Father was so absorbed at work that he left child alone.

Mother fails to cite where in the record extract she elicited evidence that Father, while working, left child alone in the home. The citations she does provide are a courtroom hearing sheet and a picture of the front door of a house with birthday balloons. Father's response refers us to text messages between the parties where Mother texts that she left the marital home and returned to find child alone, and Father responds by text that he did not hear Mother say she was leaving. Mother has provided no factual support for her argument, and therefore, we find no error in the circuit court's findings. *See Li v. Lee*, 210 Md. App. 73, 94 (2013) (stating that husband's failure on appeal to provide factual support for his argument was to his detriment, as he bore the burden of proof on appeal), *aff'd*, 437 Md. 47 (2014).

D. Custody analysis and determination

Given the above alleged errors, Mother argues that the court abused its discretion in granting Father primary physical custody and tie-breaking authority, and she asks us to reverse so that the circuit court can re-weigh the evidence. We decline to do so for the reasons stated above. The circuit court made findings and inferences based on the evidence presented, and even if we may have drawn different findings or conclusions, we hold that the trial court committed neither abuse of discretion nor reversible error. *Cf. Gizzo v. Gerstman*, 245 Md. App. 168, 206 (2020) (holding that father's "arguments fail to show

that any of the trial court's findings were unsupported by sufficient evidence or that the court's reasoning was irrational"). Accordingly, we shall affirm the judgment.

JUDGMENT OF THE CIRCUIT COURT FOR MONTGOMERY COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.