

Circuit Court for Queen Anne's County  
Case No. C-17-FM-19-000330

UNREPORTED\*

IN THE APPELLATE COURT

OF MARYLAND

No. 1532

September Term, 2025

---

THERESA A. LORD

v.

ANDREW S. LORD

---

Nazarian,  
Reed,  
Hotten, Michele D.,  
(Senior Judge, Specially Assigned),

JJ.

---

Opinion by Nazarian, J.

---

Filed: April 28, 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).

Theresa Randolph, known formerly as Theresa Lord (“Mother”), and Andrew Lord (“Father”) are the parents of two minor children, A.L. and D.L., and one adult child, G.L. (the “children”). Mother, who now lives in Hawaii but lived in Washington State during the events that precipitated this appeal, has primary physical custody of the minor children and Father, who lives in Maryland, has custody of the minor children during their summer and Christmas recesses from school.

By order of the Circuit Court for Queen Anne’s County, Mother is required to reimburse Father for the full cost of the minor children’s round trip air travel for the summer and Christmas recesses. In February 2025, Father filed a contempt petition alleging that Mother hadn’t reimbursed him for the children’s 2024 summer and Christmas air tickets and asking the circuit court to order her to do so. The same day, he filed a motion for alternative service on the ground that Mother had evaded his earlier attempts to serve her personally. The circuit court granted Father’s motion and issued a show cause order in response to his petition. After a show cause hearing, and based on the magistrate’s recommendations, the circuit court ordered Mother to reimburse Father for the children’s air tickets without finding her in contempt. On appeal, Mother argues that the court granted Father’s motion for alternative service improperly and abused its discretion by overruling her exceptions to the magistrate’s recommendations. We affirm.

## **I. BACKGROUND**

Mother and Father married in September 2004. Fifteen years later, in October 2019, Father filed for absolute divorce. He asked the circuit court to grant him legal and primary

physical custody of the children (none of whom had yet reached the age of majority) and child support, both *pendente lite* and permanently. A month later, Mother filed a counter-complaint for absolute divorce, or, in the alternative, limited divorce. In her counter-complaint, Mother sought sole legal and physical custody of the children *pendente lite* and permanently and asked the court to grant her *pendente lite* and permanent child support.

The parties appeared before a magistrate for a *pendente lite* hearing on February 20, 2020. On March 23, 2020, the circuit court entered an order adopting the magistrate’s recommendations to grant the parties joint legal and shared physical custody on a *pendente lite* basis and to reserve issues related to child support for the pending trial on the merits. After a two-day trial, on September 29, 2020, the circuit court entered a Judgment of Limited Divorce (“JLD”) granting the parties joint legal custody and Mother primary physical custody. The court granted Father visitation every other weekend and ordered him to pay Mother \$2,132 in monthly child support starting on October 1, 2021. On October 18, 2021, the court entered a Judgment of Absolute Divorce (“JAD”) that didn’t disturb the JLD as it related to custody and child support.

On March 18, 2022, Mother married an active-duty member of the United States Army. Three days later, she filed a Motion to Modify Custody and Child Support, alleging that a material change in circumstances warranted a modification of custody and child support in the best interest of the children. In her motion, Mother explained that shortly before the two were married, her new husband received orders to report to Joint Base

Lewis-McChord in Washington State for active-duty service on or before April 16. She stated that the Department of Defense had authorized her, A, D, and G to relocate to Washington State and had scheduled their relocation for April 1, 2022, and she anticipated that her husband would be stationed in Washington State for at least three years. Mother asked the circuit court to modify custody, to award the parties joint legal custody and Mother primary physical custody of the children, to grant Father “reasonable access to the [c]hildren given their relocation to Washington State,” and to modify child support as appropriate. In his answer, Father requested joint legal and primary physical custody of the children also and asked the court to modify the parties’ child support obligations both *pendente lite* and permanently.

After a *pendente lite* hearing on Mother’s Motion to Modify Custody and Child Support, the magistrate recommended that the court deny Mother’s request to relocate the children pending the merits hearing on the motion and, if Mother relocated to Washington State pending the merits hearing, to grant Father primary physical custody on a *pendente lite* basis. The circuit court ratified the magistrate’s findings and adopted the magistrate’s recommendations in a *pendente lite* order entered August 16, 2022. It held a hearing on the merits a week later and entered an order a week after the hearing.

In its August 30 Order Modifying Child Custody and Support (the “August 2022 Modification Order”), the circuit court again granted the parties joint legal custody of the children and Mother primary physical custody. It granted Mother’s request to relocate the children to Washington State but ordered that Father have custody of the children for the

“summer recess” from “one week after school closes for the school year to one week before the school year commences” and the “Christmas recess” from “the day after school closes for the Christmas break until two days before school resumes.” The court ordered also that Mother “reimburse Father 100% of the costs for round trip air travel for the summer recess and Christmas recess.”

Finally, the circuit court’s order increased Father’s monthly child support obligation to \$3,161 starting on September 1, 2022. Father appealed from the modification order on October 19, 2022, challenging only the circuit court’s calculation of child support. This Court vacated the order on June 2, 2023.<sup>1</sup> On remand, in a Memorandum Opinion and Order entered August 18, 2023 (the “August 18 Order”), the circuit court recalculated child support and ordered Father to pay \$2,128 monthly, retroactive to the date of his appeal. The order clarified also that each party should provide the other with any receipt for reimbursement “within [thirty] days of purchase” and that each party should reimburse the other within forty-five days of receiving a receipt.

A series of contempt petitions followed. Father filed his *first* petition on December 7, 2023, asking the circuit court to issue a show cause order and to hold Mother in contempt because she’d failed to reimburse him for airline tickets he purchased for A, D, and G to travel to Maryland for the 2023 summer and Christmas recesses. Father alleged that he had provided Mother with receipts for the tickets but that she hadn’t reimbursed him within forty-five days as mandated by the August 18 Order. The court issued an order six days

---

<sup>1</sup> *Lord v. Lord*, No. 1416, Sept. Term 2022 (Md. App. June 2, 2023).

later requiring Mother to show cause why it should not hold her in contempt, provided that Father served a copy of his contempt petition and the show cause order on her personally by January 5, 2024. The show cause order stated also that the court would dismiss Father’s contempt petition without prejudice if he didn’t file an affidavit of service or request to reissue by January 16, 2024.

On January 16, Father filed a Request to Reissue Show Cause Order and a Motion for Alternative Service (the “January 2024 Motion”). He explained in his motion that Mother was residing “on a military installation that is secured, guarded, and not open to the public.” Accordingly, his attorney sent his contempt petition and show cause order, return receipt requested, to Mother’s last known address on the installation. However, he alleged, Mother had “merely refused to accept service or respond to the postal authorities since December 28, 2023.” He attached to his motion a copy of a United States Postal Service (“USPS”) tracking receipt showing that USPS had attempted to deliver the petition and order on December 28 unsuccessfully and had left a notice of the attempt at Mother’s home, but that as of January 1, she hadn’t contacted USPS to reschedule the delivery. Father concluded that although Mother hadn’t yet been formally served “due to her actions and the limitations of accessing a military installation[,] on information and belief [she] not only [had] actual notice of [the contempt petition],” but also was in possession of it because his attorney had forwarded a copy to Mother and her counsel through MDEC and regular mail that hadn’t been returned. And because Mother was in possession and “well aware of” the contents of the contempt petition and show cause order but was “taking

advantage of her residency within a military installation to avoid formal service,” Father asked the circuit court to authorize service by regular mail.

The court granted the January 2024 Motion on January 17, 2024, finding that Father had demonstrated good faith efforts to serve Mother but that his efforts had been unsuccessful “due to [Mother’s] evasion.” The court ordered Father to serve Mother by regular mail and either email or any “social media contact for [Mother] which is reasonably anticipated to give actual notice.” Ultimately, though, Father dismissed his first contempt petition voluntarily on March 28, 2023, stating that Mother “had made several payments” towards the cost of the children’s 2023 tickets, such that, “on information and belief, a finding of contempt [was] no longer viable.”

Father filed a *second* petition for contempt on August 21, 2024. He explained in this petition that he’d purchased the children’s air tickets for the 2024 summer recess for \$2,228.60 and forwarded the receipts to Mother. He alleged that Mother had failed again to reimburse him for the tickets within forty-five days, as required, and he asked the circuit court to issue a show cause order, to hold Mother in contempt, and to order Mother to pay his attorney’s fees. After some delay, the court issued a show cause order on January 10, 2025, but on February 19, before the scheduled show cause hearing, the court dismissed the petition without prejudice for lack of service.

A day later, on February 20, 2025, Father re-filed his contempt petition and added the allegation that he’d purchased the children’s tickets for the 2024 Christmas recess at a total cost of \$4,443.84 and sent Mother receipts for those tickets, but Mother had failed

again to reimburse him. Between the summer tickets and the Christmas tickets, he alleged, Mother owed him a total of \$6,662.44. That same day, Father filed a Motion for Alternative Service (the “February 2025 Motion”). He reiterated the difficulty of effecting personal service on Mother given that she resided on a military installation that was inaccessible to the public, and he pointed out that Mother had “previously evaded service” and directed the court’s attention to its January 2024 order permitting alternative service by regular mail and email or social media. Father stated further that his counsel had attempted to serve Mother with his August 2024 contempt petition by certified mail, return receipt requested, after the circuit court issued its January 2025 show cause order, and Mother had refused again to accept it. He attached a USPS receipt showing that USPS had attempted to deliver the August 2024 petition and January 2025 show cause order to Mother on January 28, 2025 and had left a notice at Mother’s home, but that as of February 2, Mother hadn’t contacted USPS to reschedule the delivery. Based on these allegations, Father asked the court to allow service of the February 2025 Motion by regular mail, email, and text.

On February 24, the circuit court granted the February 2025 Motion and issued a show cause order setting an in-person hearing for April 29, 2025. In its Order Regarding Alternative Service, the court found again that Father had demonstrated good faith efforts to serve Mother that were unsuccessful “due to [Mother’s] evasion.” It authorized service by regular mail and via email or any “social media contact for [Mother] which [was] reasonably calculated to give actual notice.” Father filed an Affidavit of Service two days later in which his counsel affirmed that he’d served Mother with Father’s most recent

contempt petition and the court’s most recent show cause order via regular mail to her last known address in Washington State, via email to her last known email address, and via text message. Father attached to the Affidavit of Service screenshots of the text messages, sent on February 21, and a copy of the email sent by his counsel to Mother on February 26 with the contempt petition and show cause order attached. Mother didn’t respond to the contempt petition or the show cause order.

The circuit court held the scheduled show cause hearing on April 29, 2025. Father and his counsel appeared before the magistrate, as did Mother’s counsel and Mother’s husband. Mother didn’t attend the hearing. Her counsel, who had entered a limited appearance on her behalf the evening prior because her counsel of record wasn’t available for the hearing, argued *first* that the circuit court had granted the February 2025 Motion improperly. Counsel for Mother asserted that alternative service wasn’t appropriate because Father hadn’t demonstrated a good faith attempt to serve Mother with the February 20 contempt petition before he filed the February 2025 Motion, as was required under the Maryland Rules. Father’s reliance in the February 2025 Motion on unsuccessful attempts to serve Mother with previous petitions, Mother’s Counsel contended, wasn’t sufficient, and the circuit court erred in allowing alternative service of the pending contempt petition based on those prior attempts.

*Second*, Mother’s counsel argued that Mother had received “no actual notice” of the contempt petition or the show cause hearing. Counsel confirmed that the email address listed in Father’s Affidavit of Service was Mother’s correct email address and that the

physical address to which Father’s counsel stated he’d mailed a copy of the petition and order was correct also. But Mother’s counsel maintained that Mother denied receiving a copy of the documents via regular mail, email, or text message and claimed that she had heard about the show cause hearing only from a friend who worked at the courthouse. Based on these assertions, Mother’s counsel asked the court for a postponement to give her time to prepare a defense.

Father’s counsel opposed the postponement on Father’s behalf. Counsel asserted, as he affirmed in his Affidavit of Service, that he had served Mother properly in February in accordance with the circuit court’s alternative service order by email, by text message via the parenting app that Father used to communicate with Mother, and by regular mail, which hadn’t been returned. The magistrate declined to revisit the alternative service order and noted that Mother had received actual notice of the contempt petition and show cause hearing consistent with the order with ample time to prepare a defense but had “sat on her laurels . . . and waited until the last moment to retain counsel” for the hearing. Thus, the magistrate denied Mother’s request for a postponement.

The hearing proceeded, with Father testifying first. He testified that he purchased air tickets for the children to travel to Maryland for the 2024 summer and Christmas recesses and provided Mother with receipts showing the costs of those tickets. These receipts, which he introduced into evidence, demonstrated that Father paid a total of \$6,232.45 for the children’s 2024 air tickets. He claimed that as of the date of the hearing, Mother hadn’t reimbursed him for the tickets.

On cross-examination, Mother’s counsel questioned Father about his child support obligations. Specifically, Mother’s counsel asked Father if he was behind on his child support payments. Father denied that he was. He testified that he received a “credit” from the court after his successful appeal and after the court issued its August 18 Order indicating that he’d been overpaying child support since October 2022, “for a period of [eleven] to [thirteen] months” and a total of “between [\$]11,000 and [\$]13,000” in excess payments. Father began deducting \$500 from his monthly payments until sometime around summer 2024 when, by his own calculation, he’d exhausted his credit. According to Father, he then resumed paying the full \$2,128 in monthly child support due under the August 18 Order. Mother’s counsel questioned Father about the specific amounts he’d paid in child support each month between August 2023 and April 2024, but Father wasn’t able to recall or confirm the exact payment amounts.

Counsel for Mother asked Father also about expenses outside of child support for which the court had ordered him to reimburse Mother. Father confirmed that he had made the payments—which related mainly to the children’s participation in sports—as required, but when asked about several specific reimbursement requests, he couldn’t confirm from memory that he’d received the requests or made the requested payments. He testified that he’d disagreed with Mother in the past about whether he was required to reimburse her for certain expenses but that he didn’t recall ever not reimbursing her for a required expense, and he said that to his knowledge, he didn’t owe her money for any unreimbursed expenses.

Mother’s husband testified at the show cause hearing as well. He testified that he

had paid and continued to pay certain of the children’s expenses, including for food and other personal care items, sports, and G’s car insurance. He stated that the children were listed on his health, medical, and dental insurance plans. On cross-examination, he testified that he received a \$200 monthly stipend from the Army because he’d listed the children as his dependents and that he paid the monthly rent and utilities for the family’s on-base housing. Finally, he testified that Mother worked forty hours per week at the military hospital on base, but he couldn’t confirm her salary.

On May 20, 2025, about a month after the show cause hearing, the magistrate issued their Magistrate’s Report, Recommendations and Findings of Fact (the “Magistrate’s Recommendations”). Although the magistrate recommended that the circuit court deny Father’s petition for contempt and request for attorney’s fees, they recommended nevertheless that the court order Mother to reimburse Father \$5,304.50 for the children’s travel expenses as required under the August 2022 Modification Order within forty-five days.<sup>2</sup> The magistrate credited Father’s testimony that he was current on his payments for child support and all other court-ordered expenses, and the magistrate concluded that “[t]aking into consideration [Mother’s husband]’s testimony regarding [Mother’s] full-time employment and her lack of a monthly mortgage or rental payment, [forty-five] days should give [her] sufficient time to reimburse [Father] for the flights.”

---

<sup>2</sup> The magistrate concluded that because G had reached the age of majority by the time Father purchased his Christmas tickets, Mother “was under no legal obligation” to reimburse Father for those tickets. The magistrate subtracted the cost of G’s Christmas tickets from the \$6,232.45 in total costs demonstrated in the receipts Father introduced into evidence at the hearing to arrive at the \$5,304.50 figure.

Mother filed exceptions to the Magistrate’s Recommendations. The circuit court held an exceptions hearing on August 15, 2025. Six days later, the court entered an order overruling Mother’s exceptions. On September 4, 2025, it entered another order approving the Magistrate’s Recommendations.<sup>3</sup> On September 10, Mother filed a Motion to Vacate Enforcement and Strike Illegal Order Requiring 100% Reimbursement for Children’s Transportation Expenses. The court denied the motion in an order entered September 18, 2025. Mother appealed from the circuit court’s August 15 and September 18 orders.

## II. DISCUSSION

Mother presents several questions for our review, which we condense into two:

1. Did the circuit court violate Maryland Rule 2-121 when it granted Father’s February 2025 Motion requesting alternative service?
2. Did the circuit court abuse its discretion when it overruled her exceptions to the Magistrate’s Recommendations?<sup>4</sup>

---

<sup>3</sup> At Father’s request, the circuit court entered a judgment against Mother on December 1, 2025 in the amount of \$5,304.50.

<sup>4</sup> Mother phrases her Questions Presented as follows:

- I. Did the circuit court err in compelling Appellant to trial without notice of the Appellee’s Complaint against her?
  - A. Did the circuit court violate the Maryland Rules and Appellant’s due process rights under the United States Constitution and the Maryland Declaration of Rights?
  - B. Was the circuit court’s denial of Appellant’s Request for a Postponement an abuse of discretion?
- II. Is Unclean Hands a Defense to Appellee’s Contempt Petitions?
  - A. Is “unclean hands” a defense to an equitable claim?
  - B. Must the circuit court consider the best interests of the children?

Continued . . .

*First*, we hold that the circuit court didn't violate the Maryland Rules when it granted Father's February 2025 Motion. *Second*, we hold that the circuit court didn't abuse its discretion when it overruled Mother's exceptions.<sup>5</sup>

**A. The Circuit Court Didn't Violate Maryland Rule 2-121 When It Granted Father's Motion For Alternative Service Because Father Proved Adequately That Mother Acted To Evade Service And That He Made Unsuccessful, Good-Faith Attempts At Service.**

Mother argues *first* that the circuit court violated Maryland Rule 2-121 when it granted Father's February 2025 Motion. "A court's interpretation of the Maryland Rules is [a] matter of law to be reviewed de novo." *Nolan v. Nolan*, 259 Md. App. 488, 494 (2023).

---

**III. Did the Circuit Court Err in Enforcing an Order That is Contrary to Law?**

On February 25, 2026, a week before oral argument in this case, Father filed a Line with this Court representing his intent not to file an Appellee's brief and asking the Court to withdraw his counsel's appearance. Father didn't file a brief and his counsel didn't attend the March 4, 2026 oral argument. It was, of course, Father's right not to participate in the appeal. That said, counsel must withdraw by motion and cannot do so by line. *See* Md. Rule 8-402(f) (requiring an attorney to strike their appearance before this Court by written motion according to Rule 2-132); Md. Rule 2-132(b) ("[An] attorney wishing to withdraw an appearance shall file a motion to withdraw."). Because Father's counsel never filed a proper motion to withdraw, they remain in the case.

<sup>5</sup> In addition, Mother asks us to decide whether the circuit erred "in enforcing an order that violates the law." Specifically, she argues that the provision of the court's August 2022 Modification Order requiring her to "reimburse Father 100% of the costs for round trip air travel for the summer recess and Christmas recess" violated Md. Code (1999, 2019 Repl. Vol.), § 12-204(i) of the Family Law Article ("FL") (2025 Cum. Supp.), which allows the court to divide "any expenses for transportation of [a] child" between the parents' homes "in proportion to their adjusted actual incomes" when awarding child support. *Id.* § 12-204(i)(2). She asks that the provision "be determined to be unenforceable, and that it be stricken from any and all future orders." That question isn't before us. The time to challenge the propriety of the August 2022 Modification Order expired thirty-one days after it issued. *See* Md. Rule 8-202(a) ("[T]he notice of appeal shall be filed within 30 days after entry of the judgment or order from which the appeal is taken."). That time is long past.

“It is fundamental that before a court may impose upon a defendant a personal liability or obligation in favor of the plaintiff or may extinguish a personal right of the defendant it must have first obtained jurisdiction over the person of the defendant.” *Lohman v. Lohman*, 331 Md. 113, 125 (1993). And before the court can obtain jurisdiction over a defendant, the plaintiff must notify the defendant of the proceedings against them through service of process. *Id.* at 130. The Maryland Rules governing service of process in civil actions apply with full force in connection with petitions for constructive civil contempt. *Flanagan v. Dep’t of Hum. Res.*, 412 Md. 616, 624 (2010) (citing *Reamer v. Reamer*, 246 Md. 532, 535 (1967)). Rule 15-206, which outlines the procedures a plaintiff must follow to initiate a constructive civil contempt action, requires specifically that the plaintiff serve a copy of the contempt petition and the court’s show cause order on the defendant “pursuant to Rule 2-121.” Md. Rule 15-206(d).

Maryland Rule 2-121 provides that typically, to initiate an *in personam* action in Maryland, a plaintiff must serve the defendant with process in one of three ways: (1) by delivering a copy of the summons, complaint, and associated filings into the hands of the defendant directly; (2) by leaving a copy of these materials at the defendant’s home “with a resident of suitable age and discretion”; or (3) by mailing a copy of the same by certified mail. Md. Rule 2-121(a). But the rule allows for exceptions when the defendant evades service or when the plaintiff’s attempts at service under Rule 2-121(a) prove otherwise unsuccessful. *See* Md. Rule 2-121(b)–(c). Under Rule 2-121(b), if the plaintiff proves by affidavit that the defendant “has acted to evade service,” the court may permit service by

regular mail. *Id.* And under Rule 2-121(c), if the plaintiff proves by affidavit “that good faith efforts to serve the defendant” according to Rule 2-121(a) “have not succeeded” and that service according to Rule 2-121(b) “is inapplicable or impracticable,” the court may allow service by “any other means . . . that it deems appropriate in the circumstances and reasonably calculated to give actual notice.” *Id.* at 2-121(c).<sup>6</sup>

Mother contends that the circuit court granted Father’s February 2025 Motion improperly because Father failed to establish that he made any attempt to serve her with the February 2025 contempt petition before moving for alternative service. She asserts that Father’s reliance on his unsuccessful attempts to serve her with his earlier contempt petition under Maryland Rule 2-121(a) and on the court’s order permitting alternative service of his December 2023 contempt petition was insufficient to justify allowing alternative service of the February 2025 Motion. Instead, Mother argues, Father needed to establish unsuccessful, good faith attempts to serve her with the specific contempt petition for which he was requesting permission to serve her by alternative means. We hold that the circuit court didn’t violate Rule 2-121 when it granted Father’s February 2025 Motion.

Mother attempts to read into Maryland Rule 2-121 a condition not required by its plain language. Rule 2-121(b) requires a plaintiff to convince the circuit court only “that a defendant has acted to evade service,” not that the defendant has acted to evade service *of the pending complaint*. Md. Rule 2-121(b). Likewise, to justify service by “any other means

---

<sup>6</sup> The phrase “reasonably calculated to give actual notice” also embodies the “due process minimum requirement” for methods of effecting service of process. *Guen v. Guen*, 38 Md. App. 578, 584–85 (1978).

of service that it deems appropriate in the circumstances and reasonably calculated to give actual notice,” Rule 2-121(c) requires a plaintiff to establish only “that good faith efforts to serve the defendant pursuant to [Rule 2-121(a)] have not succeeded and that service according to [Rule 2-121(b)] is inapplicable or impracticable.” *Id.* at 2-121(c). Rule 2-121(c) doesn’t require specifically, as Mother asserts, that a plaintiff make unsuccessful, good faith attempts to serve the defendant *with the pending complaint* under Rule 2-121(a) before the circuit court can order service by alternative means.

Father satisfied the requirements of Maryland Rules 2-121(b) and 2-121(c) in his February 2025 Motion. *First*, he provided proof that Mother attempted to evade service. *See* Md. Rule 2-121(b). His motion stated that his counsel “mailed, certified, return receipt requested, the [January 2025] Show Cause Order and [the associated August 2024] Petition” to Mother’s last known address on Joint Base Lewis-McChord in Washington State, but that Mother had “merely refused to accept service or respond to the postal authorities.” In addition, Father attached to the motion a USPS tracking receipt showing that the postal service attempted to deliver the documents to Mother’s home by certified mail on January 28, 2025 but left a notice because no authorized recipient was able to sign for them. The receipt revealed also that as of February 2, 2025, Mother hadn’t reached out to USPS to schedule redelivery of the documents. Finally, the February 2025 Motion directed the circuit court’s attention to its January 2024 order permitting alternative service of his December 2023 contempt petition, which the court issued based on almost identical allegations of Mother evading service. In summary, Father provided proof that Mother

thwarted his attempt to serve her with a contempt petition less than three weeks before he filed the February 2025 Motion and that the court had allowed him to serve her by alternative means before based on nearly identical allegations. In light of this history, there was no practical reason for the court to require Father to make a futile attempt to serve Mother with the February 2025 petition under Rule 2-121(a) when Rule 2-121(b) didn't require it to do so.

*Second*, the allegations in the February 2025 Motion combined with the attached USPS tracking receipt provided sufficient proof of an unsuccessful, good faith attempt to serve Mother by certified mail. *See* Md. Rule 2-121(a). True, Father didn't allege that he attempted either of the other two methods of service allowed under Maryland Rule 2-121(a). But he did explain that Mother's residence on a military installation not accessible to the public made it impossible to deliver the documents into Mother's hands directly or to leave them at her home "with a resident of suitable age and discretion." *Id.*<sup>7</sup> And although Father didn't prove necessarily that service by regular first-class mail under Rule 2-121(b) was "inapplicable or impractical" because he alleged that he sent Mother his previous contempt petition by regular mail that wasn't returned to him, *see id.* at 2-121(c), that defect was inconsequential because the court ordered him to serve Mother by regular mail *and* email or "other social media contact for [Mother] which [was] reasonably

---

<sup>7</sup> Additionally, Mother indicates in her brief that her counsel had "filed a letter with the court in November stating that she would not accept service for [Mother], and that [Mother] must be served according to the Maryland Rules." Although this letter isn't in the record, nothing in the record contradicts Mother's statement, either.

calculated to give actual notice.” The circuit court didn’t err when it authorized alternative service of the February 2025 Motion.

**B. The Circuit Court Didn’t Abuse Its Discretion When It Overruled Mother’s Exceptions To The Magistrate’s Recommendations.**

Mother argues *second* that the circuit court erred when it overruled her exceptions to the Magistrate’s Recommendations because (1) the magistrate’s determination that Father’s compliance with the court’s February 27, 2025 Order Regarding Alternative Service provided her with adequate notice of the allegations in his February 2025 contempt petition violated her right to due process under the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights; (2) the magistrate abused their discretion when they denied her motion to postpone the show cause hearing; (3) the magistrate failed to consider her “unclean hands” argument adequately; and (4) the magistrate failed to consider the best interest of the children.

“Exceptions to the recommendations of a [magistrate] warrant an independent consideration by the trial court.” *Kierein v. Kierein*, 115 Md. App. 448, 453 (1997). The “ultimate disposition” of the case is committed to the circuit court’s discretion, although the court defers to the magistrate’s findings of fact “where that fact-finding is supported by credible evidence and is not, therefore, clearly erroneous.” *Wenger v. Wenger*, 42 Md. App. 596, 602 (1979). We review a trial court’s decision to overrule a party’s exceptions to a magistrate’s recommendations for abuse of discretion and reverse only if we find such abuse. *See id.* at 597–98, 601 (declining to reverse circuit court’s ruling on parties’ exceptions to magistrate’s recommendations because the ruling was “not . . . an abuse of

discretion”). A court abuses its discretion when it exercises that discretion “in an arbitrary or capricious manner” or “acts beyond the letter or reason of the law,” when “no reasonable person would take the view adopted by the trial court,” or when the court “acts without reference to any guiding rules or principles.” *Touzeau v. Deffinbaugh*, 394 Md. 654, 669 (2006) (cleaned up) (first quoting *Garg v. Garg*, 393 Md. 225, 238 (2006); then quoting *In re Adoption/Guardianship No.3598*, 347 Md. 295, 312 (1997)).

1. *The magistrate didn't violate Mother's due process rights when they determined that she had adequate notice of the allegations in the contempt petition to defend against them at the show cause hearing.*

In its order overruling Mother's exceptions, which it grounded in the magistrate's factual findings and the record developed at the show cause hearing, the circuit court “concluded that [Mother] was served and on notice of the proceedings on the petition for contempt.” Mother challenges this conclusion and argues that the magistrate violated her due process rights under the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights when they determined that she had adequate notice of the allegations in Father's February 20, 2025 contempt petition to defend against them at the April 29, 2025 hearing. Although we review the circuit court's ultimate decision to overrule Mother's exceptions for abuse of discretion, *see Wenger*, 42 Md. App. at 597, 601–02, whether an action of the court deprived a party of their right to due process is a question of law that we review *de novo*. *See Regan v. Bd. of Chiropractic Exam'rs*, 120 Md. App. 494, 509 (1998), *aff'd*, 355 Md. 397 (Md. 1999) (“The question of whether a party is deprived of the right to due process involves an issue of law and not of

fact. As such, the standard of review applied by an appellate court is *de novo*.”).

The Fourteenth Amendment prohibits state actors from depriving “any person of life, liberty, or property, without due process of law.” U.S. Const. amend. XIV, § 1. As interpreted by the Supreme Court of Maryland, Article 24 confers coextensive due process rights. *See Pitsenberger v. Pitsenberger*, 287 Md. 20, 27 (1980) (explaining that “Article 24 of the Maryland Declaration of Rights and the Fourteenth Amendment of the United States Constitution have the same meaning”). “At ‘[t]he core of due process is the right to notice and a meaningful opportunity to be heard.’” *Roberts v. Total Health Care, Inc.*, 349 Md. 499, 509 (1998) (*quoting LaChance v. Erikson*, 522 U.S. 262, 266 (1998)).

Mother asserts that the magistrate deprived her of that right. She contends that despite having “no actual notice” of the contempt proceedings initiated by Father’s February 2025 petition and the circuit court’s subsequently issued show cause order, the magistrate “compelled [her] to defend herself at a hearing that has resulted in a \$5,304.50 judgment against her.” According to Mother, the magistrate “dismissed all of [her] representations regarding the lack of notice” improperly and “proclaimed that she ‘sat on her laurels’ without any evidence to support such a proclamation.” We hold that Father’s compliance with the circuit court’s order allowing alternative service provided Mother with sufficient notice of the contempt proceedings and that the magistrate afforded Mother a meaningful opportunity to be heard at the show cause hearing as required by the Fourteenth Amendment and Article 24. *See Roberts*, 349 Md. at 509.

The fact that Mother’s counsel and husband attended the April 2025 show cause

hearing on her behalf renders hollow her assertion that she had “no actual notice” of the contempt proceedings. In reality, then, she’s arguing that she didn’t receive actual notice of the show cause hearing and the allegations in Father’s contempt petition with adequate time to prepare a defense. But that argument fails as well. On February 27, 2025, Father filed an Affidavit of Service representing that his attorney had served Mother with the order for alternative service, contempt petition, and show cause order via email, text message, and first-class mail. He attached copies of the text messages and the email to the affidavit.

True, at the show cause hearing, Father’s counsel indicated that the texts were sent via the parenting app Father and Mother used to communicate. And, as Mother asserts correctly, a party to an action may not serve another party with process. *See* Md. Rule 2-123(a) (“Service of process may be made . . . by a competent private person, 18 years of age or older, including an attorney of record, but not by a party to the action.”). But Father’s counsel *was* an appropriate person to effect service under the Maryland Rules. *See id.* The Affidavit of Service and attachments demonstrated that Father’s counsel *did* serve Mother via email from his professional email address and via regular mail in February of 2025. Mother’s counsel and Mother’s husband confirmed at the show cause hearing that the email and physical addresses to which Father’s counsel reported having sent the documents to effect service on Mother were correct and belonged to her, and Father’s counsel stated that the documents sent by regular mail hadn’t been returned to him. The magistrate didn’t err in concluding that Father had complied with the circuit court’s order that he serve Mother via regular mail and email. Mother’s due process rights weren’t violated by Father’s

compliance with the alternative service order two months before the show cause hearing, and we agree with the circuit court that Mother received actual notice of the contempt proceedings with ample time to prepare a defense. The court didn't abuse its discretion when it overruled Mother's exceptions with regard to service. *See Wenger*, 42 Md. App. at 597, 601–02.

2. *The circuit court didn't abuse its discretion when it overruled Mother's exceptions to the magistrate's denial of her motion to postpone the show cause hearing.*

Next, Mother contends that the circuit court abused its discretion when it overruled her exceptions to the magistrate's denial of her oral motion to postpone the show cause hearing. The circuit court concluded that the magistrate's denial of her motion to postpone was proper because the purpose of the motion was merely "to delay the proceedings." Mother takes issue with this characterization and with what she describes as the magistrate's "steadfast refusal to allow a reasonable amount of time for [her] to secure and prepare a defense" as required under the rules governing contempt proceedings. *See* Md. Rule 15-206(c)(2) ("The scheduled [show cause] hearing date shall allow a reasonable time for the preparation of a defense."). She argues that the magistrate's refusal to postpone the hearing was an abuse of discretion. *See Touzeau*, 394 Md. at 669 ("Absent an abuse of . . . discretion we historically have not disturbed the decision to deny a motion for continuance [or postponement].") We find no abuse in either the magistrate's denial of Mother's motion, *see id.* at 675–78, or in the circuit court's decision overruling Mother's exceptions to that denial. *See Wenger*, 42 Md. App. at 597, 601–02.

Maryland Rule 2-508 provides that “[o]n motion of any party or on its own initiative, the court may continue or postpone a trial or other proceeding as justice may require.” Md. Rule 2-508(a). As noted above, the decision to continue or postpone a trial or hearing is discretionary. *Touzeau*, 394 Md. at 669. “We have found that it would be an abuse of discretion,” for example, “for a trial judge to deny a continuance when the continuance was mandated by law, or when counsel was taken by surprise by an unforeseen event at trial, when he had acted diligently to prepare for trial . . . .” *Id.* (citations omitted). The instant case presented no such “exceptional situations.” *See id.* at 671 (“[I]n some exceptional situations, refusal to grant a continuance has been held to be reversible error.” (quoting *Plank v. Summers*, 205 Md. 598, 605 (1954)); *see also Neustadter v. Holy Cross Hosp. of Silver Spring, Inc.*, 418 Md. 231, 233–34, 250 (2011) (finding an “exceptional circumstance that warranted a continuance” where plaintiff requested a two-day postponement of trial “so that he could observe an Orthodox Jewish holiday”).

If a circuit court elects to proceed by ordering the parties to appear for a show cause hearing, Rule 15-206(c) requires only that the court schedule the hearing on a date that allows “a reasonable time for the preparation of a defense.” Md. Rule 15-206(c)(2). As we explained above, the court concluded properly that Mother was served with the contempt petition and show cause order and received notice of the show cause hearing two months before the hearing was scheduled to occur. Although Mother didn’t retain counsel until the eve of the hearing, the April 29, 2025 hearing date gave her a reasonable time to do so and to prepare a defense to Father’s contempt petition. *See id.* So the magistrate’s refusal to

postpone the hearing beyond that date wasn't contrary to law. *See Touzeau*, 394 Md. at 669. Moreover, and for the same reasons, this case presented no issue of undue surprise. *Id.* Father argued nothing at the show cause hearing that he hadn't argued already in his February 2025 contempt petition, with which he served Mother well in advance of the hearing. Because the magistrate, in denying Mother's motion, and the circuit court, in overruling her exceptions to that denial, both acted reasonably, in a manner that wasn't arbitrary or capricious, and with reference to the appropriate guiding rules and principles, *id.*, we find no abuse of discretion.<sup>8</sup>

3. *The circuit court didn't abuse its discretion when it overruled Mother's exceptions to the magistrate's decision on unclean hands because unclean hands wasn't a viable defense to Father's claim.*

*Third*, Mother asserts that the circuit court erred when it determined that “the Magistrate’s ruling on the ‘unclean hands’ issue was proper” and abused its discretion in overruling her exceptions to the magistrate’s unclean hands ruling. Again, we review the circuit court’s ultimate decision to overrule Mother’s exceptions for an abuse of discretion. *See Wenger*, 42 Md. App. at 597, 601–02. A decision whether to deny requested equitable relief based on unclean hands is likewise a discretionary decision that we review for abuse.

---

<sup>8</sup> Mother argues as well that the circuit abused its discretion when it decided not to hold a prehearing conference. Maryland Rule 15-206(c) provides that “[u]nless the court finds that a petition for contempt is frivolous on its face, the court shall enter an order providing for (i) a prehearing conference, or (ii) a hearing, or (iii) both.” *Id.* at 15-206(c)(2). The rules commit this decision entirely to the circuit court’s discretion, and because the April 29, 2025 date scheduled for the show cause hearing allowed Mother a reasonable time to prepare a defense, the court didn’t abuse that discretion when it elected to hold a show cause hearing only.

*See Hicks v. Gilbert*, 135 Md. App. 394, 401 (2000) (“[W]e disturb a trial court’s decision to invoke the [unclean hands] doctrine only when the court abuses its discretion.”); *Turner v. Turner*, 147 Md. App. 350, 420 (2002) (holding that the circuit court didn’t abuse its discretion when it denied a party’s request for equitable relief based on unclean hands).

The unclean hands doctrine denies relief to a party whose equitable claim arises from their own inequitable conduct. *Hicks*, 135 Md. App. at 400–01 (2000) (citation omitted). Its purpose isn’t to protect the parties or to punish the wrongdoer, but to “protect the courts from having to endorse or reward inequitable conduct.” *Adams v. Manown*, 328 Md. 463, 474–75 (1992) (citing *Space Aero Prods. Co. v. R.E. Darling Co.*, 238 Md. 93, 120 (1965)). Consequently, for the doctrine to apply, “the alleged misconduct must be connected with the transaction upon which the claimant seeks relief.” *Id.* at 475. In other words, “[t]here must be a nexus between the misconduct and the transaction, because ‘[w]hat is material is not that the plaintiff’s hands are dirty, but that he dirties them in acquiring the right he now asserts.’” *Hicks*, 135 Md. App. at 400–01 (quoting *Adams*, 328 Md. at 476). “It is only when the plaintiff’s improper conduct is the *source, or part of the source*, of his equitable claim, that he is to be barred because of this conduct.” *Schneider v. Schneider*, 96 Md. App. 296, 306 (1993) (quoting *Adams*, 328 Md. at 476), *rev’d on other grounds*, 335 Md. 500 (1994); *see Turner*, 147 Md. App. at 360, 414, 420 (holding that the circuit court denied properly wife’s claims for equitable relief based on husband’s alleged misappropriation of funds from the family business because it found that wife “previously aided her husband in diverting funds” from that business).

At the show cause hearing, Mother, through counsel, raised unclean hands as a defense to Father's contempt petition. She asserted that Father "[didn't] have clean hands" because, as she alleged, he was behind on his child support payments. Because Father didn't have clean hands, she argued, he shouldn't be entitled to equitable relief in the form of a contempt finding or an order that she reimburse Father for the children's air tickets. The magistrate disagreed and concluded that the unclean hands doctrine wasn't a viable defense to this contempt petition. The magistrate determined also that the status of Father's child support payments was relevant to "whether or not [Mother] had the ability to pay" and to comply with the court's order or whether she had disobeyed the order willfully, and they let Mother's counsel question Father about his child support payments and other expenses for which he was required to reimburse Mother. At the exceptions hearing, Mother asserted again that unclean hands "is a defense to contempt" and that it applied to Father's claims. In its order overruling Mother's exceptions, the circuit court determined that "the Magistrate's ruling on the 'unclean hands' issue was proper."

On appeal, Mother argues that the court's determination was erroneous and that the magistrate concluded incorrectly that the unclean hands doctrine wasn't a viable defense to Father's claims. Although the circuit court adopted the magistrate's recommendation that it not find Mother in contempt, she asserts that the magistrate and circuit court should have applied the unclean hands doctrine to deny Father's request for an order that she reimburse him for the children's air tickets. To establish inequity on Father's part, Mother directs us to his testimony that after the court found that he'd been overpaying child support

for nearly a year, he started deducting \$500 per month from his child support payments until, by his own calculation, he'd exhausted the \$11,000–\$13,000 “credit” the court had granted him. Mother argues that the required nexus between Father's alleged misconduct and his requested relief was present here because his obligation to pay child support and her obligation to reimburse him for the children's air tickets both arose from the circuit court's child support order. Consequently, she concludes, the unclean hands doctrine applied. We hold that the magistrate didn't abuse their discretion by ruling that it didn't.

*First*, we note that despite Father's testimony about his self-calculated deductions from his court-ordered child support payments, the magistrate didn't find that he'd engaged in any misconduct or inequity. Rather, the magistrate credited Father's uncontroverted testimony that he was “current on his child support” and had “paid his portion of all the expenses that . . . he [was] court-ordered to pay.” The circuit court didn't find this factual determination to be clearly erroneous and didn't abuse its discretion in overruling Mother's exceptions to the magistrate's unclean hands ruling in finding that Father's hands weren't unclean.

*Second*, and even if the magistrate and circuit court *had* found that Father engaged in some misconduct or inequity, the nexus required to establish an unclean hands defense wasn't present. *See Hicks*, 135 Md. App. at 400–01. Sure, as Mother points out, her obligation to reimburse Father for the children's air tickets and Father's obligation to pay child support both arise from the JAD, as modified by the August 2022 Modification Order. But Father's deductions from his child support payments weren't “the *source, or part of*

*the source, of his equitable claim”* for reimbursement, such that they would bar that claim. *Schneider*, 96 Md. App. at 306 (*quoting Adams*, 328 Md. at 476). Although Mother asserts that “[a]n obligation to pay an ongoing monthly amount of child support should be superior to an obligation to reimburse a party for expenses” and that the purpose of child support “is to meet the ongoing needs of the children,” she didn’t argue at either the show cause hearing or the exceptions hearing—and doesn’t argue now—that Father’s deductions from his child support payments rendered her unable to comply with her obligation to reimburse him for the children’s air tickets. In fact, the magistrate found that based on her full-time employment and her husband’s payment of her family’s monthly housing expenses, forty-five days “should give [Mother] sufficient time to reimburse [Father] for the flights.” The circuit court found no clear error in that finding, either. This case is a far cry from *Turner*, where we held that the circuit court denied the plaintiff’s claims for equitable relief under the unclean hands doctrine properly because she’d actively participated in the defendant’s misconduct, 147 Md. App. at 420, and more akin to what the magistrate described aptly as the “two wrongs make a right theory.” We hold that the magistrate didn’t abuse their discretion when they ruled that the unclean hands doctrine wasn’t a viable defense to Father’s claims and that the circuit court didn’t abuse its discretion when it overruled Mother’s exceptions to the magistrate’s unclean hands ruling.

4. *Neither the magistrate nor the circuit court erred by failing to consider the best interest of the children.*

Mother’s *final* contention is that the magistrate and circuit court failed to consider whether ordering her to reimburse Father for the children’s air travel tickets was in the

children’s best interest. She argues that the court’s adoption of the magistrate’s recommendation that it order her to reimburse Father \$5,304.50 for the tickets within forty-five days was improper because it demonstrated that the court was unconcerned with her ability to “provid[e] resources for the children and ensur[e] that [she had] the funds necessary to support their needs” and failed to factor in Father’s acknowledgement that he wasn’t paying his court-ordered child support. We disagree.

As an initial matter, we note that Mother didn’t raise this issue in her exceptions to the Magistrate’s Recommendations and, as a result, the circuit court didn’t consider it at the exceptions hearing or in its order overruling Mother’s exceptions. Even if she had raised it, though, Mother’s contention is meritless. The magistrate, in their recommendations, *did* consider Mother’s ability to reimburse Father for the tickets. The magistrate credited Mother’s husband’s testimony that Mother worked full-time in hospital administration and that he covered all monthly housing expenses for the family via his military employment, then found that forty-five days “should give [Mother] sufficient time to reimburse [Father] for the flights.” As we’ve discussed already, the circuit court didn’t find this factual determination to be clearly erroneous, nor did it find clear error in the magistrate’s decision to credit Father’s uncontroverted testimony that he was “current on his child support.”

Moreover, to the extent Mother contends that the court was required to conduct a full best interest analysis before ordering her to reimburse Father for the tickets as required under its August 2022 Modification Order, that argument also fails. It’s true that in matters involving custody and child support, “the child’s best interest is of paramount

importance.” *Houser v. Houser*, 262 Md. App. 473, 496–97 (2024) (quoting *Guidash v. Tome*, 211 Md. App. 725, 742 (2013), *aff’d*, 490 Md. 592 (Md. 2025)). In addition, by statute, the court is required to conduct a best interest analysis when determining or modifying custody or visitation. See FL § 9-201(a) (2025 Cum. Supp.) (listing factors for courts to consider “in determining what legal custody and physical custody is in the best interest of a child”); *id.* § 9-202(a) (permitting modification of a child custody or visitation order “if the court determines . . . that [modification] is in the best interest of the child”). But this wasn’t an action to modify custody. It was a contempt action in which Father requested an order from the court for Mother to comply with her pre-existing obligations under the August 2022 Modification Order. The court ran the proper analysis (or at least unchallenged analysis) in 2022 and found that the Modification Order—including the provision requiring Mother to reimburse Father for the children’s air tickets—was in the children’s best interest. We find no error and affirm.

**JUDGMENT OF THE CIRCUIT COURT  
FOR QUEEN ANNE’S COUNTY  
AFFIRMED. APPELLANT TO PAY  
COSTS.**