Circuit Court for Baltimore City
Case No. 24-D-23-001823

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1545

September Term, 2025

SHAKEYTA HIGGINBOTHAM

v.

MELCOM BROWN

Berger,
Kehoe, S.
Hotten, Michele D.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Hotten, J.

Filed: April 23, 2026

* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

This appeal arises from a custody dispute between Shakeyta Higginbotham ("Appellant") and Melcom Brown ("Appellee"), involving their biological son (the "minor child"). Following a merits trial, the Circuit Court for Baltimore City granted joint legal and physical custody to the parties and set Appellant's child support obligations and arrears. Appellant, acting pro se, contends the court erred in the awarding of custody and the calculation of child support, and further alleges her counsel provided ineffective assistance.[1]

QUESTIONS PRESENTED

Appellant presents three questions for our review, which we have rephrased[2] for the sake of clarity as follows:

1. Did the circuit court err in awarding custody?
2. Did the court err in calculating child support?
3. Did Appellant's counsel commit legal malpractice by failing to clarify evidence in the record?

For the reasons outlined below, we affirm the judgment of the circuit court.

BACKGROUND

The parties, who were never married, share one minor child born in February 2017. While they initially resided together in Baltimore City at the time of the minor child's birth, they separated a year later and transitioned to a week-on/week-off parenting schedule.

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[1] As of April 23, 2026, Appellee had not filed a brief.

[2] Rephrased from:

1. Parental Involvement and Incorrect Assumption about residence and travel distance
2. Child Support Calculation of Back Pay
3. Misrepresentation and Ineffective Counsel

When the minor child was approximately two years old, Appellant enlisted in the United States Air Force for a six-year term. Following a brief relocation to Texas for basic training, she moved to Hampton, Virginia, where she was stationed. In the interim, Appellee and the minor child lived around Baltimore City. Upon her return to the DMV area, Appellant regularly saw the minor child on weekends.

On June 6, 2023, Appellant, through counsel, filed a Complaint for Custody alleging that Appellee was denying access and visitation with the minor child and that communication between the parties was ineffective. Shortly thereafter, on June 14, Appellant requested to withdraw the complaint for undisclosed reasons, which the court granted on July 17. The following year, on August 26, 2024, Appellant re-filed her Complaint for Custody, reasserting her previous claims and adding a claim that Appellee was abusive. Appellee filed an Answer and Counter-Complaint for Custody on November 1, 2024, requesting primary and sole physical and legal custody because he served as the minor child's primary parent for the preceding five years. The court scheduled a merits trial for September 15-16, 2025.

On February 10, 2025, the parties entered into a Consent Temporary Parenting Time Order, granting Appellant parenting time every other weekend, commencing February 22, 2025. On June 13, 2025, the parties entered into an Amended Temporary Consent Order without prejudice. Under this modified arrangement, Appellee was granted custody every weekend, while Appellant maintained custody for the remainder of the week. This agreement remained in effect until the conclusion of the merits trial.

Following the merits trial, the court rendered several key findings of fact: the minor child did not testify regarding a custodial preference; both parties shared a significant bond with the minor child; and there was no evidence of abuse or neglect, except during the minor child's infancy:

> "[Appellant] testified that there was, and her witnesses testified that there was excessive (unintelligible) and a lot of verbal swearing, calling her out of her name by [Appellee] against her, that he has—that there was anger issues, that he punched holes in the walls of the apartment in which they were living, that the minor child at that time was extremely young. There's been no indication that any of the verbal altercations between [Appellee] and [Appellant] had any negative impact on the minor child."
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> * * *
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> "Again, there's been no evidence that this minor child has specifically exposed to domestic violence except for what I have already articulated, and that time he was an infant. There has been no testimony or any evidence that either party engaged or initiated in any frivolous of vexes litigation."

Additionally, the court found the minor child was performing well academically, both parties maintained stable homes, and both parties demonstrated the capacity for effective communication. Consequently, the court found both parties fit to have custody and/or visitation, and granted joint legal and physical custody.

Regarding the education of the minor child, the court noted that the schooling shifted from Baltimore County to Baltimore City, where Appellee resided and provided daily transportation since 2023. While Appellant was previously stationed in Virginia, she testified that she now resides in Oxon Hill, Maryland, and informed the court of her intent to relocate to Washington, D.C., in order to enroll the minor child in a higher-quality school district. Since the minor child was enrolled in a Baltimore City school, the court awarded

Appellee primary physical custody during the school year and Appellant primary physical custody during the summer break.

Regarding income for child support, the court found Appellee was employed full-time as a mechanic at Northwest Hospital, where he has worked since November 2024 earning $25.00 per hour. Likewise, the court found Appellant's primary source of income is her service with the United States Air Force. Regarding child support arrears, Appellant submitted exhibits intended to document childcare expenses; however, the court found the evidence inconclusive, noting its inability to "really flush out what was paid for on behalf of the minor child and what was paid for on these receipts for [Appellant's] own benefit." In calculating child support obligations and arrears, the court explained:

> "And looking at the income provided by the parents, based on the shared custody guidelines, [Appellant] looking at having approximately 125 overnights, [Appellee] having approximately 240 overnights based on the breakdown, [Appellant's] monthly [income] before taxes is $6,917. [Appellee's] monthly expenses before taxes is $4,333. That would make child support in the amount of $626 per month that [Appellant] would pay to [Appellee]. That includes credit given to [Appellant] because she indicated that health insurance for the minor child is—while health insurance for the minor child is—does not cost her anything, dental insurance does at a rate or $18 per month so that was included.
>
> The arrears, which date back to when [Appellee] filed his countercomplaint for absolute divorce in November of 2024, is $6,193. The [c]ourt will note that it calculated based on $626 per month from November of 2024 to September 31st [sic] of 2024, the [c]ourt subtracted out $693 for [Appellant's] work-related childcare expenses that occurred in 2025. The [c]ourt will note that all of the other work-related childcare expenses that the—that [Appellant] provided in this case were—all pre-date not only some of them pre-date her second complaint for child support—I mean, I'm sorry, for custody that she filed in August, but all of them pre-date [Appellee's] complaint.
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> The Court will state that the—effective November 1st, the child support arrearage as I indicated is $6,193. The first payment shall begin on November 1st of 2025 and shall be on the first of each and every month

> thereafter. [Appellant] shall pay the additional child support arrearage amount in the amount of $15 a month until the arrearage is fully satisfied for a total amount of $641."

The court subsequently ordered Appellant to pay $626.00 per month in child support, beginning November 1, 2025, and established child support arrearages in the amount of $6,193.00.

On September 17, 2025, the court entered an order establishing custody and child support. Appellant, acting pro se, timely filed this appeal on September 18, 2025.

STANDARD OF REVIEW

"This court reviews child custody determinations utilizing three interrelated standards of review." *Baldwin v. Baynard*, 215 Md. App. 82, 104 (2013). The standards of review are as follows:

> We point out three distinct aspects of review in child custody disputes. When the appellate court scrutinizes factual findings, the clearly erroneous standard of [Rule 8–131(c)] applies. [Second,] if it appears that the [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 [court] founded upon sound legal principles and based upon factual findings that are not clearly erroneous, the [court's] decision should be disturbed only if there has been a clear abuse of discretion.

Id.

DISCUSSION

I. The Court Did Not Err in its Custody Determination.

A. Appellant's Arguments

Appellant's complete argument is as follows:

> "Before this ruling, I maintained a consistent relationship with my son, including: every other weekends[,] extended time during school breaks[,] [and] summers[.] Reducing my parenting time to one weekend per month disrupts our bond and is not in the best interest of [the minor child], especially considering I moved closer to facilitate more involvement since April 2025."

For these reasons, she asks the court to "modify the custody order[,]" and "consider [her] good faith relocation and continued efforts to be present and supportive in [her] son's life[.]"

B. Analysis

The circuit court did not err in awarding the parties joint legal and physical custody, as its decision was firmly rooted in the best interests of the minor child. *See e.g., Azizova v. Suleymanov*, 243 Md. App. 340, 357 (2019) ("[W]hen evaluating what is in the best interest of a child, the determinative factor 'is what appears to be in the welfare of the children at the time of the [custody] hearing.'") (quotation omitted).

The court's factual findings established that the minor child was currently enrolled in a Baltimore City school, where Appellee resided and provided daily transportation. Conversely, Appellant resides in Oxon Hill, a significant distance from the minor child's current school. Awarding Appellee primary physical custody during the school year was a practical and reasoned exercise of judicial discretion, because it ensures stability and proximity to the minor child's school. Furthermore, the court provided an equitable balance by awarding Appellant primary physical custody during the summer months. Since the court's decision was supported by evidence in the record and prioritized stability for the minor child, we discern no abuse of discretion and affirm.

II. The Court Did Not Err in Determining Child Support Obligations and Arrears.

A. Appellant's Arguments

Appellant's complete argument is as follows:

> "The $6,000 in back child support appears to have been assessed without considering the financial contributions I have made over the years. The child support arrears with the calculation of my current pay is inaccurate because my pay was lesser than that prior to moving. The difference in my fixed income was my Basic Allowance Housing (BAH) which varies on location as a service member. I also have receipts on our agreement before joining the service that we both agreed to expenses involving our child and support."

For these reasons, Appellant asks this Court to "vacate or recalculate child support arrears[.]"

B. Analysis

The child support determination constitutes a proper exercise of judicial discretion, since it was based on a correct application of the Shared Physical Custody Guidelines.

In Maryland, child support is governed by the statutory child support guidelines. *See* Md. Code Ann., Fam. Law § 12-202(a)(1). The guidelines provide a standard formula for cases where one parent has sole or primary physical custody, while an adjusted formula is required in cases of shared physical custody. *Compare* FL § 12-204(l), *with* FL § 12-204(m). Since both calculations are rooted in the parents' respective incomes, the shared physical custody formula further accounts for the specific percentage of time the child spends with each parent. *See* FL § 12-204(m)(2)(i).

Here, the court identified a custodial split of approximately 125 overnights for Appellant and 240 overnights for Appellee. Using these figures, the court applied the parties' monthly gross income—$6,917.00 for Appellant and $4,333.00 for Appellee—to

arrive at a monthly obligation of $626.00. While Appellant contends that the circuit court used outdated income figures, Appellant failed to identify any evidence in the record establishing a more accurate or contemporaneous amount. Absent such evidence, Appellant has not met her burden of demonstrating that the court's factual findings were clearly erroneous. Accordingly, we affirm.

Furthermore, we affirm the circuit court's assessment of $6,193.00 in arrears as not clearly erroneous. The court credited her for $693.00 in work-related childcare expenses incurred in 2025 and accounted for her $18.00 monthly dental insurance premiums. While Appellant produced additional receipts, the court's decision to exclude them was a reasonable weighing of evidence, as those expenses lacked the specificity required to distinguish them from personal expenditures. *Cf. Devincentz v. State*, 460 Md. 518, 561 (2018) (assessing a witness's credibility is tasked to the trier of fact).

The court followed the statutory guidelines and provided offsets where the evidence was substantiated, and the child support calculations were legally sound and supported by the weight of the evidence. For these reasons, we affirm.

III. Appellant's Counsel Did Not Commit Legal Malpractice.

A. Appellant's Arguments

Appellant's complete argument is as follows:

> "My previous attorney did not provide adequate representation. They failed to: clarify my current residence in Oxon [H]ill, MD, which is much closer to my son in the DC/MD/VA area than my former duty station in Hampton, VA[;] present evidence of my continued financial parental support since I joined the military[;] [and] [e]mphasize my role as my son's medical provider and our prior informal agreement to co-parent and support our son without formal child support fillings."

Appellant does not request any specific relief for this issue.

B. Analysis

We find Appellant received adequate representation. The Sixth Amendment to the United States Constitution guarantees the right to the effective assistance of counsel only in criminal cases. *See Newton v. State*, 455 Md. 341, 355 (2017) (citing *Strickland v. Washington*, 466 U.S. 668, 685 (1984). For civil cases, the functional equivalent of an ineffective assistance of counsel claim is a claim for legal malpractice. To bring a suit for legal malpractice, "the claimant must establish: '(1) the attorney's employment; (2) his neglect of a reasonable duty; and (3) that such negligence resulted in and was the proximate cause of loss to the client.'" *Bland v. Hammond*, 177 Md. App. 340, 350 (2007) (quotation omitted).

Although Appellant contends that counsel failed to clarify certain material facts, the record reflects that this evidence was, in fact, fully developed and thoroughly considered. At trial, Appellant testified to her residency in Oxon Hill, Maryland, and her intention to relocate to Washington, D.C. for the purpose of enrolling the minor child in a school she deemed superior to the minor child's current placement. At no point did the court demonstrate any confusion regarding this issue. Furthermore, the record supports the court's treatment of Appellant's financial evidence by virtue of a rigorous assessment of its probative value. The court noted that the receipts were commingled with expenses unrelated to the minor child's support, rendering them insufficient to substantiate her

specific claims. Throughout the proceedings, the court also referred back to the parties' prior consent agreement, demonstrating its understanding of the parties' intent to co-parent.

The record confirms that the court was fully apprised of Appellant's residency, her future move to Washington, D.C., her financial exhibits, and the parties' former consent agreement. Counsel did not neglect to place these facts into evidence. Since the record demonstrates that all relevant contentions were argued and considered, there was no showing of negligence, and the claim of legal malpractice fails. As such, we affirm the judgment of the circuit court.

CONCLUSION

For the reasons expressed previously, we affirm the judgment of the Circuit Court for Baltimore City. While Appellant contends that her current parenting time is insufficient, we find the court's order establishes a balanced arrangement: Appellee maintains primary physical custody during the school year to ensure the minor child's proximity to school, while Appellant maintains primary physical custody for the duration of the summer. This division was a proper exercise of judicial discretion, as it prioritizes academic stability while providing both parents with significant, concentrated periods of physical custody. Additionally, we find the court's calculation of child support obligations and arrears was not clearly erroneous. Appellant failed to provide evidence of alternative income figures or specific child-related expenses to contradict the record. Lastly, we hold Appellant's counsel did not commit legal malpractice. Although Appellant alleges counsel failed to present certain material facts, the record demonstrates counsel successfully placed these facts into evidence and the court's evaluation reflects no misunderstanding of such facts.

JUDGMENT OF THE CIRCUIT COURT FOR BALTIMORE CITY IS AFFIRMED. COSTS TO BE PAID BY APPELLANT.