

Circuit Court for Prince George's County
Case No. CAD17-00461

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1588

September Term, 2017

MICHELLE MURRAY

v.

BRANDON HIGGS

Woodward, C.J.
Leahy,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned)

JJ.

PER CURIAM

Filed: November 15, 2018

*This is an unreported opinion and therefore may not be cited either as precedent or as persuasive authority in any paper, brief, motion, or other document filed in this Court or any other Maryland court. Md. Rule 1-104.

In January 2017, in the Circuit Court for Prince George’s County, Michelle Murray, the appellant, filed a complaint for custody seeking sole legal and primary physical custody of her then five-year old son. She asked the court to order the child’s father, Brandon Higgs, the appellee,¹ to pay child support and the child’s health insurance. Mr. Higgs answered the complaint and requested that the court grant the parties joint custody.

The court scheduled a two-hour merits hearing before a family law magistrate for July 10, 2017.

In April 2017, the court entered an order directing the parties to attend child access mediation with a parenting mediator. The parties attended mediation on June 30, 2017, and executed a “Parenting Agreement.” As pertinent, they agreed to share joint legal and physical custody, with the child primarily residing with Ms. Murray; that “time sharing [would] be decided depending on their work schedules and [the child’s] needs”; and that the child was insured through his maternal grandmother’s health insurance. The Parenting Agreement did not address child support or the cost of health insurance.

On July 10, 2017, neither Ms. Murray nor Mr. Higgs appeared for the merits hearing.

On July 28, 2017, the magistrate issued a report and recommendation, attaching the Parenting Agreement. On August 3, 2017, the court entered an order incorporating

¹ Mr. Higgs did not file a response brief in this Court.

the terms of the Parenting Agreement; denying Ms. Murray’s request for child support and health insurance; and ordering Ms. Murray to pay costs.

Ms. Murray timely moved for reconsideration. She alleged that at the time of the merits hearing, she and Mr. Higgs had reconciled and were living together with their son, but that they had since ended their relationship. Consequently, she alleged that the “terms in the Parenting Agreement are no longer in the best interest of the child.” She asked the court to amend the terms of the custody order to reflect the change in custody, to order Mr. Higgs to pay child support, and to order him to pay for the child’s health insurance. She requested a hearing on her motion. By order entered September 15, 2017, the motion for reconsideration was denied without a hearing.²

On appeal, Ms. Murray argues that the court abused its discretion by declining to reconsider its order denying child support and the request for a contribution from Mr. Higgs toward the cost of health insurance because there had been a material change of circumstances between the execution of the Parenting Agreement and the entry of the final order, namely that the parties are no longer sharing joint physical custody of the minor child.

An appellate court will not disturb a ruling denying a motion for reconsideration absent an abuse of discretion. *See, e.g., Cent. Truck Ctr., Inc. v. Cent. GMC, Inc.*, 194

² Ms. Murray subsequently filed an addendum to her motion for reconsideration. The circuit court issued a second order denying the motion for reconsideration as amended.

Md. App. 375, 397-98 (2010). “When a party requests that a court reconsider a ruling solely because of new arguments that the party could have raised before the court ruled, the court has almost limitless discretion not to consider those argument[s].” *Schlotzhauer v. Morton*, 224 Md. App. 72, 85 (2015), *aff’d*, 449 Md. 217 (2016). Here, Ms. Murray failed to appear at the merits hearing and, thus, presented no evidence supporting her requests for child support and a contribution toward the cost of health insurance. The court plainly did not abuse its discretion by denying her motion for reconsideration of the custody order based upon arguments never before made and evidence never before presented.³

**ORDER OF THE CIRCUIT COURT
FOR PRINCE GEORGE’S COUNTY
AFFIRMED. COSTS TO BE PAID
BY THE APPELLANT.**

³ A motion for modification of custody and child support, not a motion for reconsideration, would be the appropriate vehicle to redress Ms. Murray’s claims.