Circuit Court for Montgomery County
Case No. C-15-FM-23-005756

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1588

September Term, 2025

J.S.

v.

B.H.

Berger,
Leahy,
Battaglia, Lynne A.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Battaglia, J.

Filed: March 31, 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 Rule 1-104(a)(2)(B).

This family law case stems from a custody order entered by a judge of the Circuit Court for Montgomery County. Appellant, J.S. ("Mother") and Appellee, B.H. ("Father") have one child, B.,[1] born in 2018, for which Mother filed a Complaint for Custody in September of 2023. Father filed a counterclaim for custody in February of 2024. After a three-day trial, the Circuit Court entered a custody order on September 18, 2025, awarding Father primary physical custody and Mother supervised visitation; the parties were awarded joint legal custody with Father retaining tie-breaking authority.

On appeal, Mother, appearing self-represented, presents seven issues for our review. Although Mother fails to "identify issues that explain why the trial court erred or made a mistake in deciding the case," as is required by the Guidelines for Informal Briefs, *see* Guidelines for Informal Briefs ¶ (b)(2), Mother does list seven issues and repeats factual allegations she asserted during trial.[2] Mother sets forth the following "issues":

> Issue 1 – Sexual Assault of Minor Child
> Issue 2 – Felony Assault with Deadly Weapon
> Issue 3 – Housing Instability / Homelessness
> Issue 4 – Smoking Crack, Robbed at Gunpoint, Intoxicated While Caring for Child
> Issue 5 – Harassment, Gang Stalking, False Reports, and Conspiracy Against Rights
> Issue 6 – Coerced Webcamming and Sexual Exploitation
> Issue 7 – [B.'s] Education, IEP, and Healthcare

[1] We refer to the parties and the minor child by their initials to protect their privacy.

[2] Mother filed her opening brief on December 10, 2025, and a reply brief on January 23, 2026. On February 2, 2026, Mother filed an additional document entitled "Timeline of Events," which appeared to be a duplicate of her reply brief, with additional attachments. Because the Maryland Rules only permit Mother, as Appellant, to file one opening brief and one reply brief, we struck Mother's duplicate "Timeline of Events" and the attachments thereto, and we will not consider them further.

Mother, no matter how her brief is styled, ostensibly claims that the Circuit Court judge erred in awarding Father primary physical custody of B., while she only received supervised visitation, and in granting Father tie-breaking authority.

We disagree. For the following reasons, we shall find no error and shall affirm the judgment of the Circuit Court.

BACKGROUND

Mother and Father met in the summer of 2017 and welcomed a child, B., in May of 2018. They never married, and by 2019, they had separated and ceased living together. From 2019 through the beginning of 2023, Mother and Father jointly managed B.'s care, though their coparenting relationship became increasingly tumultuous throughout the years. Mother and Father also filed several petitions for protective orders against one another between 2018 and 2023, each alleging that the other was acting abusively.

Mother filed a Complaint for Custody which forms the basis for this appeal on September 12, 2023. In her complaint, Mother requested primary physical custody of B., sole legal custody, child support, and for Father to have supervised access. Father filed a counterclaim for custody on February 2, 2024, in which he requested sole legal and physical custody of B., as well as child support and counsel fees.

In July of 2024, the Circuit Court ordered the Court Evaluator's Office to conduct a custody evaluation, the report for which was provided to the court and the parties in October of 2024. In January of 2025, the Circuit Court appointed Zhia Shepardson, Esq. to act as a Best Interest Attorney on B.'s behalf.

A trial on Mother's complaint was held over three days on December 2 and 4, 2024, and August 29, 2025. During the first two days of trial in December, the judge heard testimony from Mother and Father, as well as from Jeanine Bensadon of the Court Evaluator's Office, who testified regarding her custody evaluation, during which time the evaluation itself was admitted in evidence. Father called Najee Mack, his current romantic partner with whom he lived, and Stephanie Jones, a former girlfriend, to testify as to his relationship with B. and his coparenting relationship with Mother. Mother called Nick Alevrogiannis, a friend, to testify on her behalf, as to his observations of her parenting.

The Best Interest Attorney presented additional evidence during the third day of trial. The court again heard from Mother and Father, as well as from Katie Leggett, the professional supervisor who had monitored Father's visits with B. in the preceding months, and from Whit Holden, B.'s paternal grandfather.

The Circuit Court entered its final Custody Order on September 18, 2025. The court ordered, among other things, that Father have primary physical custody of B., that Mother have supervised visitation, that the parties share joint legal custody, with Father having tie-breaking authority, that Mother undergo a psychological evaluation, that Father complete an alcohol treatment program and an anger management course, that both parties refrain from consuming alcohol and other substances during their parenting time with B., and that both parties take no action to disparage B.'s relationship with the other parent. Mother timely noted her appeal on September 23, 2025.

STANDARD OF REVIEW

"We review a court's child custody determinations utilizing three interrelated standards of review." *Kadish v. Kadish*, 254 Md. App. 467, 502 (2022) (citing *In re Yve S.,* 373 Md. 551, 586 (2003)). First, "[w]hen the appellate court scrutinizes factual findings, the clearly erroneous standard of [Rule 8-131(c)] applies." *J.A.B. v. J.E.D.B.*, 250 Md. App. 234, 246 (2021) (quoting *In re Yve S.*, 373 Md. at 586). 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." *Id.* Third, the court's "ultimate conclusion," if "founded upon sound legal principles and based upon factual findings that are not clearly erroneous," should only be disturbed if "there has been a clear abuse of discretion." *Id. See also Gordon v. Gordon*, 174 Md. App. 583, 637–38 (2007) ("[A]n appellate court does not make its own determination as to a child's best interest; the trial court's decision governs, unless the factual findings made by the lower court are clearly erroneous or there is a clear showing of an abuse of discretion.").

Generally, "[a] trial court's findings are 'not clearly erroneous if there is competent or material evidence in the record to support the court's conclusion.'" *Azizova v. Suleymanov*, 243 Md. App. 340, 372 (2019) (quoting *Lemley v. Lemley*, 109 Md. App. 620, 628 (1996)). "Such broad discretion is vested in the [trial court] because only [the trial court] sees the witnesses and the parties, hears the testimony, and has the opportunity to speak with the child; [the trial court] is in a far better position than is an appellate court, which has only a cold record before it, to weigh the evidence and determine what disposition will best promote the welfare of the minor." *In re Yve S.*, 373 Md. at 586

(quoting *Davis v. Davis*, 280 Md. 119, 125 (1977)). "We will only disturb a decision made within the discretion of the trial court 'where it is apparent that some serious error or abuse of discretion or autocratic action has occurred.'" *J.A.B.*, 250 Md. App. at 247 (quoting *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 312 (1997)). An abuse of discretion occurs "where 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[.]" *In re Adoption/Guardianship No. 3598*, 347 Md. at 312 (internal quotations omitted).

DISCUSSION

THE LAW

This case primarily involves a challenge to the trial court's award of physical custody, but ostensibly challenges the court's determination of legal custody as well. "'Physical custody…means the right and obligation to provide a home for the child and to make' daily decisions as necessary while the child is under that parent's care and control." *Santo v. Santo*, 448 Md. 620, 627 (2016) (quoting *Taylor v. Taylor*, 306 Md. 290, 296 (1986)). The parent with whom the child spends the majority of his or her time has "primary physical custody." *Reichert v. Hornbeck*, 210 Md App. 282, 345–46 (2013). Legal custody, by contrast, "'carries with it the right and obligation to make long range decisions' that significantly affect a child's life, such as education or religious training." *Santo*, 448 Md. at 627 (quoting *Taylor*, 306 Md. at 296).

In awarding custody, "the power of the court is very broad so that it may accomplish the paramount purpose of securing the welfare and promoting the best interest of the child." *Taylor*, 306 Md. at 301–02. Thus, "it is within the sound discretion of the [trial court] to

award custody according to the exigencies of each case, and . . . a reviewing court may interfere with such a determination only on a clear showing of abuse of that discretion." *In re Yve S.*, 373 Md. at 585–86 (quoting *Davis*, 280 Md. at 125). Despite that broad grant of discretion to the court, "there are numerous factors the court must consider and weigh in its custody determination." *J.A.B.*, 250 Md. App. at 253.

These factors, sometimes known as the *Sanders-Taylor* factors, were set out by this Court and the Supreme Court of Maryland respectively in *Montgomery County Department of Social Services v. Sanders*, 38 Md. App. 406 (1978) and *Taylor v. Taylor*, 306 Md. 290 (1986).[3]

In *Sanders*, we set forth a list of non-exhaustive criteria trial courts consider in making 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. potentiality of maintaining 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.

38 Md. App. at 420 (citations omitted). Then, in *Taylor*, our Supreme Court decided that an award of joint custody may be an appropriate "option available to the trial [court]" in

[3] On May 13, 2025, the Governor approved Senate Bill 548, which created a statutory list of factors for courts to consider when determining legal and physical custody in certain child custody proceedings. 2025 Md. Laws Ch. 484. This law did not go into effect until October 1, 2025, *id.*, and therefore was not in effect during the proceedings in the instant case.

its "overall consideration of a custody dispute." 306 Md. at 303. When considering joint custody, "the factors that trial judges ordinarily consider in child custody cases[,]" including those set forth in *Sanders*, "remain relevant." *Id.* at 303. The Court also provided a list of additional, still non-exhaustive, factors that are "particularly relevant to a consideration of joint custody[,]" many of which overlap with the *Sanders* factors:

> 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 school and social 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.

Id. at 303–11. "[N]o one factor serves as a prerequisite to a custody award." *Santo*, 448 Md. at 629. The trial court "should examine the totality of the situation in the alternative environments and avoid focusing on any single factor" to the exclusion of all others. *Best v. Best*, 93 Md. App. 644, 656 (1992).

THE CIRCUIT COURT DID NOT ERR IN ITS FACTUAL FINDINGS.

The trial judge addressed the *Sanders-Taylor* factors together when making his custody determination, saying:

> To make a custody determination, the Court is required to consider approximately 20 factors that are set out in two Maryland appellate decisions. That is the Taylor vs. Taylor case and the Montgomery County Department

> of Social Services vs. Sanders case. Those factors remain this Court's guiding principles for making a best interest determination, which is, of course, the standard that the Court uses in making a custody determination.

He then made factual findings as to each of the custody factors.

Beginning with the first *Sanders* factor—the fitness of the parents—the judge stated that this was "a significant factor to me in making my determination" and found that "both parents have significant challenges when it comes to their fitness." As to Mother's fitness, the judge found that Mother has experienced "some mental illness" that was causing "unusual behavior" and required involuntary hospitalizations on two occasions. The judge further found that Mother had received some therapy and had been prescribed Adderall for attention deficit disorder but otherwise did not have a "specific mental health diagnosis[.]" As to Father's fitness, the judge found that he suffered from "substance use disorder" and that he had engaged in abusive behavior while intoxicated, but that he had been sober since January of 2025.

As to the remaining *Sanders* factors, the judge found: (1) that there were "some issues on both sides when it comes to character and reputation" because both parties engaged in online sex work and had filed numerous protective orders against one another; (2) that there were no agreements between the parties; (3) that B. benefited from his family relationships with his paternal grandfather and Father's current partner, Ms. Mack, and her children; (4) that B.'s preference was to reside with Father and have supervised visitation with Mother, as was expressed by the Best Interest Attorney; (5) that there was no evidence presented as to material opportunities affecting B.'s future life; (6) that B. was a healthy seven and a quarter year-old boy; (7) that Father's residence was crowded but "adequate at

the present time" and that Mother's residence at the time of the disposition hearing was new and therefore there was no evidence as to its condition; (8) that B. resided with Father since May of 2025; and (9) that there was no evidence of any prior voluntary abandonment or surrender by either parent.

As to the additional *Taylor* factors, the judge found: (1) that the parties' capacity to communicate "has not always been optimal, but there have been times where they've displayed some capacity to effectively communicate with each other about the minor child"; (2) that there was very little or limited willingness to share custody; (3) that B. enjoyed "a loving relationship with both parties"; (4) that B. had been going to school near Father's residence with Ms. Mack's children and that continuing to live with Father would limit any disruption to his school or social life; (5) that the parental homes were about eight miles from one another; (6) that Father had more demands of parental employment because he owned his own business and Mother was unemployed; (7) that B. had two half-siblings through Father, an older sister with whom he had no relationship and a younger brother with whom he lived; (8) that both parents were sincere in their requests; (9) that Father's financial status was more secure, because he owned his own business and Mother was unemployed; (10) that there was no evidence presented as to any impact on state or federal assistance; and (11) that the parties would receive an equal benefit from a custody award.

We do not discern that the trial judge erred in his factual findings. Each of the findings are supported by competent evidence in the record.

THE CIRCUIT COURT DID NOT ERR LEGALLY NOR ABUSE ITS DISCRETION.

The trial judge did not err legally in his application of the appropriate *Sanders-Taylor* factors. After reviewing the factors, the court concluded that it was in B.'s best interest to remain in Father's physical custody. The judge explained:

> However, what I have to look at is what's in the best interest of [B.]. And so to do that, I have to balance all these factors that I've just addressed. And the central thing for [B.], at this time in his life, being 7 and a quarter years old, is providing him with stability.
>
> He really hasn't had much stability in his young life, and it would benefit him greatly to have more stability in his life. He's bounced around a little bit. There have been times where one parent was with him for a period of time, and then he went back to the other parent. He's been picked up from the hospital a couple of times. There just is a lot of instability. He's just switched schools. He was at Fields Road before, now he's not. He's in a new school now. There's just an awful lot that's going on.
>
> A lot of different residences. Quite frankly, this record shows that [Father] basically lives wherever the person that he's currently dating or in a relationship with lives. He moves from woman to woman, spends whatever amount of time that he does, with three of the women conceives a child, and then goes to the next place. It's not stable. And [Mother's] residences have not been stable.
>
> Now, I had to decide the case based upon the way things are today, not based upon something that happened before [B.] was born. Not the way he's bounced around before. And I can't really go too far into the future and try to predict what's going to happen at somewhere years down the line. I have to do what's best for him as things currently exist.
>
> And in my view, the best for [B.] – and this is consistent with what the custody evaluator believed, although I think she had some concerns as well. And it's consistent with what Ms. Shepherdson has advocated on behalf of [B.], that [B.] continue, at this time, to live primarily with his father.
>
> At least for a period of time, has been stable. He seems, for this period of time, to be doing well. Thank goodness this little boy loves both of his parents. As he said, he loves his mommy. He loves his daddy. And he said that it was not just sort of a rote statement. It was exclaimed, as the custody evaluator said.

> So sometimes children survive and thrive despite parents[’] shortcomings. And the goal at this point is to stabilize this situation, so I’m not going to move him at this point. He is in a school right now where he has an opportunity to thrive. I want him to do that.

Regarding Mother’s visitation, the judge stated: “I want [B.] to have access with his mother. I think he needs that. I think it’s important, but I’m not prepared to give [Mother] unsupervised access at this point.” The judge explained that supervised access was necessary because of Mother’s unacknowledged and untreated mental health conditions: “until [Mother] get[s] a psychiatric or mental health evaluation, I don’t feel like it’s safe for [B.] right now to be unsupervised with [Mother]. That’s not a permanent order, but it’s given the way things are right now.”

As to legal custody, the court determined that it was in B.’s best interest for the parties to have joint legal custody but granted Father tie-breaking authority with the instruction that there must be an earnest effort to come to an agreement with Mother.

> As part of this, I’m going to award joint legal custody. That means the two of you make decisions regarding [B.’s] health, education, and general welfare together.
>
> However, if the two of you cannot reach a shared decision after a good faith effort to do so then [Father] will have the tiebreaker authority. It does require discussion. . . . There has to be some effort to reach agreement. And if you can’t, then and only then [Father] can make a decision on those things for [B.], I think it’s important that both parents have input into decisions that are significant for [B.].

We discern no abuse of discretion in the trial judge’s determination that it was in B.’s best interest to reside with Father. The court found, despite concerns about the fitness of both parents, that Father’s home had more support for B. and was more stable than Mother’s at present. The court found that Mother’s mental illness appeared to extend

beyond attention deficit disorder and that she had refused to acknowledge the potential detriment to B.

The judge also found that several of Mother's serious allegations regarding Father's fitness were incredible, a determination which is subject to our deference. *See Clarke v. Gibson*, 492 Md. 557, 589 (2025) (noting that appellate courts "defer to the trial court's credibility determinations because the [circuit] court has had the opportunity to observe and assess witness behavior during proceedings"). We discern no abuse of discretion in the trial court's determination.

Mother, however, contends that the court erroneously concluded that it is in B.'s best interest to remain with Father, based upon the seven issues presented in her brief, which she also presented during trial. She initially refers to an allegation made in a prior petition for a protective order that she filed in August of 2023 in which she alleged that Father sexually abused B.

During trial, Father denied the allegation, and Ms. Bensadon, the custody evaluator, testified that she looked into the matter during her investigation and found no corroborating evidence of sexual abuse; she also referenced an investigation by Child Protective Services which, she testified, ruled out the accusation. The judge further noted that the final protective order that Mother secured in connection with that accusation had been vacated, and that "[t]here's been no finding that [Father] did those things that [Mother] alleged in the petition for a protective order." The court did not believe Mother's allegation of sexual abuse.

Mother also argues that Father was arrested in January 2025 and pled guilty to second-degree assault stemming from an altercation with his partner, Ms. Mack. Evidence of this arrest was presented on the third day of trial and the judge expressly incorporated this incident into his finding about Father's fitness:

> Now, moving to the father. And although there's been no formal diagnosis presented, the evidence supports a finding that father suffers from substance abuse disorder or substance—excuse me, substance use disorder. The evidence tells the Court that in—that recently he was convicted of second-degree assault involving his current partner, the person with whom he lives, Najee, N-a-j-e-e, Mack, M-a-c-k.
>
> So that arose out of a January 2025 incident where—and he testified he was too intoxicated to remember it. He did say that he recalls waking up because Ms. Mack was holding a pillow over his face and head. And he said on the witness stand that she was doing that because she was angry with him.

Thus, the judge did weigh this factor.

Mother further contends that Father's housing has been unstable since 2019. The trial judge acknowledged Father's housing instability in his discussion of B.'s best interest, saying, "this record shows that [Father] basically lives wherever the person that he's currently dating or in a relationship with lives[,]" but also found that Father's present residence is suitable and has been stable for a period of time.

As to Mother's claim that Father has been heavily intoxicated while B. was in his care, the judge credited her allegations of substance abuse but also noted Father's recent period of sobriety:

> There's also evidence throughout the record from Mother's testimony that—and I find that evidence and testimony credible, that father, on multiple occasions engaged in abusive behavior towards her while he was intoxicated. Now, the father did testify that he's been sober since the incident in January 2025, which is a period of now nearly nine months.

The judge then conditioned Father's custody on Father's completion of an alcohol treatment program and an anger management program. He also ordered Father to refrain from consuming alcohol, tobacco, marijuana, or any other substances while B. was in his care.

The judge did not find credible, however, Mother's allegation that Father had conspired with a motorcycle club to stalk and harass her. This incident was discussed extensively at trial and the judge made factual findings attributing this allegation to a mental health episode on the part of Mother. When discussing Mother's fitness, the judge found that this incident, which occurred in 2020, raised concerns about Mother's mental health, particularly because Mother was involuntarily hospitalized for a mental health issue afterwards.

> There was a prior incident in November 2020 when Stephanie Jones, a person with whom the father was at that time in a relationship with, got a call from Mother saying that there were motorcycle gangs outside her house, and she did not feel safe, and wanted to leave. Ms. Jones went to [Mother's] home. She testified that it was extremely quiet and there was nothing going on. There were no motorcycle gangs or anything approximating that scene outside our home [sic].
>
> Later Ms. Jones and father received a call that they should come and pick up [B.] up [sic] from a hospital in Baltimore. When they did [B.] apparently was in a very dirty, and as they described it, smelly condition. [B.'s] diaper was soaked, dirty, his clothes were far too small for him. So they, they meaning father and Ms. Jones, went and purchased him some clean and dry clothing.
>
> Mother told father and Ms. Jones that she would be in the hospital for 72 hours. However, she was there for about two weeks. So another situation that suggests that there was some mental health concern there that was causing that unusual behavior. At that time, [B.] would have been about 2 and a half years old, having been born in May 2018.

The judge similarly did not credit Mother's claim that Father coerced Mother into engaging in online sex work but instead found that both parties had voluntarily participated in the activity. Despite Mother's claim of coercion, Mother testified that she maintained active accounts on adult entertainment websites and was still receiving income from them until as late as 2024—years after her relationship with Father ended. The judge then found that "both parties have been very active on adult entertainment sites." The judge mandated that:

> Neither party is to engage in any online or otherwise adult entertainment activities in or around any time when the minor child is present.
>
> And there were allegations that there was activity going on while one or the other was doing some of this stuff online, and [B.] could be heard in the background. So I have great concern about whether either or both—whether both or one or the other of you was engaged in that kind of activity when [B.] would be exposed to it.

The judge also prohibited both parties from engaging in online sex work or adult entertainment while B. is in their care.

Finally, Mother highlights her own importance in B.'s life, specifically that she provides him with health insurance, is actively involved with his education, and has enrolled him in extracurricular activities. The trial judge expressed that B. had a loving relationship with Mother and should have access to Mother. The judge, though, had to weigh Mother's relationship with B. against her apparent unwillingness to address her mental health.

Despite his concerns about Father, the judge explained: "I don't have an option three. I've got options one and two, and that's [Mother] and [Father]. I have to make a

decision between the two of you because you two are the parents, nobody else. I don't have another option. . . . But between the two of you right now, [Father's] the better option, and that's what I'm doing." The judge further explained that he felt Father was the better option because "for the last several months, things have been going well with [B.], with his father since January, since [Father's] been sober. . . . Since that time, things have been going much better. [B.] is in school. I'm not upsetting that apple cart, and I'm not doing that."

Unfortunately, the judge was faced with a difficult situation in which Father was substance impaired and Mother was presenting an untreated mental health condition. In choosing Father, who was attempting rehabilitation, rather than Mother in denial, the trial judge acted in the child's best interest.

CONCLUSION

We hold that the Circuit Court for Montgomery County did not err in awarding Father physical custody of B., awarding Mother supervised visitation, and awarding joint legal custody to the parties with Father retaining tie-breaking authority. The judgment of the Circuit Court is affirmed.

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