

Circuit Court for Prince George's County
Case No. C-16-FM-23-004353

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1621

September Term, 2024

AUGUSTINE KUNLE ADEDEJI

v.

TAIYE ADETOUN ADEDEJI

Shaw,
Zic,
Eyler, James R.,
(Senior Judge, Specially Assigned)

JJ.

Opinion by Shaw, J.

Filed: April 11, 2025

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

Appellant Augustine Kunle Adedeji (“Father”) appeals a custody determination by the Circuit Court for Prince George’s County awarding Appellee Taiye Adetoun Adedeji (“Mother”) primary residential custody of their two minor children, O.A. and I.A., during the school year and ordering that Father would have access to the children on alternate weeks from Thursdays after school to Monday mornings. The parents were awarded alternate full-week access during the summer. Appellant noted this timely appeal, and he presents one question for our review:

Did the trial court clearly err and abuse its discretion when it awarded Mother primary physical custody of the minor children during the school year and established Father’s school year parenting time as alternate weekends only without properly analyzing and applying the requisite standards of *Montgomery County v. Sanders* and *Taylor v. Taylor* in its determination?

For reasons discussed below, we remand this matter to the trial court for further proceedings consistent with this opinion.

BACKGROUND

Mother and Father married on October 24, 2015. Their son, O.A., was born in 2016, and their daughter, I.A., was born in 2018. In June 2023, Father filed for divorce in the Circuit Court for Prince George’s County, claiming irreconcilable differences. Mother filed an answer and a counter-complaint for absolute divorce. On March 19, April 16, August 22, and September 19, 2024, the circuit court held a multi-day merits hearing. Father testified and called witnesses, including his father, Augustine Adedeji, Sr., his mother, Tiaa Adedeji, and his sister, Monica Adedeji. Mother also testified and called witnesses, including the children’s nanny, Joyce Inji, and her mother, Adeola Ayoola.

Father first called his father, Augustine Adedeji Sr., to testify, and he stated that the minor children visit his home “maybe twice a month” and Mother has not accompanied the children on visits to his home since 2022. He stated that, when the children visit his home, he has observed that Father primarily cares for the children by “changing diapers” and “taking the children to the bathroom.” He testified that Mother would not assist during visits and that she would participate in Zoom calls with her family. He testified that Mother informed him that she and Father “had an issue in the marriage” prior to his son informing him of the marital issue. He listened to the concerns of both Mother and Father. When asked if he believes his son to be “a fit and proper person to have shared custody of his kids[,]” he responded that he has observed “that most times he’s the one that goes to the – to the bathroom to change their diapers” and that Father will “take out their plates, give them food. . . . He’s the one to carry them each to the car – back to the car.” He described Mother as “hyper” and lacking consistency.

Father testified that, at the time of the merits hearing, he was forty years old and employed as a software developer. Father has worked “[a]t the same place for the last seventeen years” and his work schedule is “generally, Monday through Friday.” He testified that he has “more flexibility” with his work schedule and that he works remotely. He stated that, during his marriage to Mother, he was actively involved in the children’s lives, he took the children to family events and extracurricular activities, watched them when Mother traveled, “baby-proofed” their home and his parent’s home, and assisted with

parenting tasks, such as potty-training, making meals, and choosing physicians for the children. Father indicated that he paid for the children's health insurance and copays.

Father testified that he was involved in his children's education, stating that he assisted with completing homework, performed science experiments with the children, and worked as a volunteer in the children's schools. Father testified that because O.A. has experienced some social and behavioral issues in school and daycare, he has taken him to places where he can improve on those issues, such as jujitsu classes and a school program called Outschool. Father also stated that he is actively involved in developing the children's faith and that he primarily took the children to church prior to May 2023.

Father stated that he and Mother divorced due to irreconcilable differences, and he alleged that Mother hit him on multiple occasions. After Father filed for divorce in June 2023, the parties continued to live together in the marital home for approximately one year. They created a schedule during this time, whereby Father was responsible for the children on Mondays and Fridays, Mother was responsible for children on Tuesdays and Thursdays, the parties split responsibilities on Wednesdays, and the parties alternated responsibilities on Saturdays and Sundays. Father testified that he is still very involved with the children and has taken them on educational trips, such as the Library of Congress, University of Maryland's Maryland Day, and Bowie State's STEM Day. He also testified that he has taken the children on other trips to Ocean City, the Gaylord Hotel, Glendale Fire Station, and University of Maryland basketball games.

Father called his Mother, Tiaa Adedeji, who testified that she has observed Father with the children “many times” in both her own home and in Mother and Father’s home. In describing Father’s relationship with the children, she testified that Father “has a very cordial relation with his children, cares for them, very passionate about them, makes their food when he is with us, change[s] their diapers, put[s] them to sleep, reads to them, and [is] just very caring[.]” She stated that the children “love him” and “are excited” to see him. When the children spend the night at her house, she has observed Father put the children to bed and prepare their meals. She stated that she does not have any concerns about his parenting and that he is a fit and proper person to share custody of the children.

Father’s sister, Monica Adedeji, testified that she has observed Mother and Father with the children “a lot of times” both at her parent’s home and Mother and Father’s home. She stated that Father is “a very caring and devoted father. He’s always been there since day one[.]” She stated that Father set up the car seats and cribs for the children and that he bathes, feeds, clothes, and reads to the children. She also indicated that Father is involved in the children’s school activities, such as martial arts, swimming, and ballet. She stated that she has no concerns about Father’s parenting and that he is a fit and proper person to share custody of the children. When asked to describe concerns about Mother, she testified that “[y]ou never really know what you can expect.” She recalled helping Mother with O.A. after he was born and described Mother becoming agitated with her.

Mother first called Joyce Inji to testify, and she stated that she has worked as O.A. and I.A.’s nanny on an as-needed basis since September 2022. She indicated that both

Mother and Father interviewed her for this position, and she watches the children when the parents work or when Mother is out of town. Inji testified that Mother keeps in contact with her throughout the day and informs her of when and what the children should eat. She described Mother as someone who “loves her children” and stated that they can “get hold of her all the time.” She described Mother as an “extremely good” parent. She stated that the children “run to” Mother and are excited to see her when she returns home. She testified that the children “are not as enthusiastic” when Father comes home. On one occasion, she observed Father arguing on the phone in front of the children about the divorce after testimony had been presented on April 16, 2024. On a separate occasion, she alleged that Father refused to speak to her while picking up the children. She indicated that she usually watches the children from 6 p.m. to 9 p.m. on Tuesdays and Thursdays and sometimes on Saturdays. She stated that Mother paid her for her services.

Mother testified that, at the time of the trial, she was forty-one years old, and she was employed as a pharmacist and senior project manager for the Food and Drug Administration. She stated that her “work schedule is pretty flexible” and that she “work[s] between the hours of 9:00 or 10:00 to 5:00 or 6:00” in the evening. She indicated that her job is “currently remote[.]” Mother also testified that she has a book business in which she creates Yoruba language books. As for Father’s work schedule, Mother testified that Father would “leave around 7:30” in the morning for work and would return around 7:30 or 8 p.m.

During the marriage, Mother was “in charge of the affairs of the children” and did “grocery shopping, doing the laundry, doing the dishes, tidying the house.” She described herself as “primarily responsible” for the children, explaining that she “would get them ready, feed them breakfast, pack their lunches, drop them off at their daycare center, go to work.” In the event of issues at daycare, Mother “would run back to attend to that at the daycare center[.]” Mother testified that she was responsible for pickups from daycare and would then “come back home, feed them, bathe them, prepare their meals, [and] ensure that their laundry was done[.]” She was responsible for packing lunches and taking the children to school activities until “there was discussion about divorce.” She stated that Father “then [] began to pitch in to those [] responsibilities.” Mother has also “identified the need for extracurricular activities” and described herself as the parent who “actually initiates signing them up for those activities.”

Mother indicated that Father preferred that he “handle the mortgage and the bills” and that she “handle the childcare costs, the kids’ clothes, and groceries and cleaning the house and all those . . . related things.” When making decisions about the children’s healthcare, Mother testified that she and Father “would talk about it and then [they] would make a determination as to who was in network and [they] would make it jointly.” Father “had access to the health insurance profile and could identify which providers were in network, he provided the [] options for these providers” and Mother would “select them.” She testified that “she was responsible for taking the children to the doctor’s appointments” and “over 90 percent of the appointments” were made by her.

As for the children’s education, Mother and Father would attend standard parent-teacher conferences together, but Mother would initiate conferences “outside of the regular scheduled ones” to “constantly reach out to the teacher to get feedback, especially as it relates to [her] son.” Mother testified that she “spearheaded enrollment of [the] children into their respective schools” and that she is “proactive about soliciting feedback from their teachers, as to how they’re doing, doing their homework with them, and ensuring that all the activities or assignments are turned in on time[.]” She testified that she “selected their schools and enrolled them in their respective schools.”

When asked what her concern would be with Father having the children for a full week, Mother responded that he “works in Virginia and leaves pretty early in the morning and returns pretty late in the evening[.]” Mother believed that “the only way that it would work for him to – for them to be with him would be for him to put them in an aftercare program, which is not necessary if they’re with me.” Due to O.A.’s issues at aftercare programs in the past, Mother testified that she did not believe this arrangement would be suitable for their son.

Mother stated that her son, O.A. is “on the waitlist to be evaluated by Kennedy Krieger” due to social and behavioral issues. Mother testified that “sometime in 2022” she approached O.A.’s pediatrician “to solicit input from her in terms of choices for therapists” for her son. Mother stated that, “after months of convincing[,]” Father agreed that O.A. could see a therapist in March 2023. Mother testified that the children began exhibiting unusual behavior after the June 2023 divorce filing, such as nail-biting and bed-wetting.

Mother stated both children began seeing a therapist in May 2024. Father “pushed back on that” and stated that “he objected to [Mother] moving forward with signing the children up[.]” Mother indicated that she and Father have had an ongoing dispute about choosing a therapist for their children.

Mother testified that “the entirety of the marriage has [] been highly tumultuous.” On one occasion, Mother testified that Father “aggressively tried to force the door down to get entry” into the marital home. On a separate occasion, Mother indicated that Father grabbed her and “pushed [her] into the closet[.]” On another occasion, Mother testified that Father “banged on the door as [she] was asleep” and “began to yell threats at [her] and say that he was going to kill [her].” She also testified that Father allegedly came to the children’s aftercare program and blocked her car “to obstruct [her] ability to pull out.” She alleged that he “got out of the car and started yelling obscene things at [her] in front of [the] children, and then [the] children were terrified.” She stated that “park police came to try to calm him down. . . . The director of the program came out to calm him down.” When Mother and Father arrived home, Mother attempted to console I.A. by taking her to her grandmother’s home and Father attempted to “yank” I.A. out of Mother’s hands.

Mother called her mother, Adeola Ayoola, who testified that she had stayed at Mother and Father’s home “many times.” She spent “almost four months” in the home after O.A.’s birth and “six weeks” in the home after I.A.’s birth. She also spent “the entire period of the lockdown” with Mother and Father. She described Mother as “an excellent mother to her children” and stated that she is involved in the children’s schooling,

registration for activities, and their medical care. She has observed Mother “getting them ready for school, packing their lunch boxes, making sure that they do whatever assignment they have from school, and making sure that they’re well dressed for school.” She stated that Father “always has to leave very early” for work but “[s]ometimes he does help to get them to school.”

When describing Father as a parent, she stated “that while [Father] may love his children, his methods are a bit harsh, very harsh, very stern.” She has observed Father “excessive[ly] discipline” the children by sending them to their room during dinner when they “drop[] a cutlery” or they do not “stop talking[.]” She has observed Father insist that I.A. sit at the dinner table until all her food is eaten which takes “hours sometimes.” On another occasion, she alleges that Father “banged on the door” of her room at 11:30 p.m., and she refused to open the door. She testified that Mother is a fit and proper person to have custody and that she believes it would be in the best interest of the children if Mother was the primary caretaker for the children. She alleges that the children’s behavior has changed since the divorce filing because the children are “scream[ing] out in their sleep” and “they run from their room to” Mother.

On September 19, 2024, the court issued an oral ruling granting an absolute divorce.

As for custody, the court ruled:

We’re here for the Plaintiff’s complaint of absolute divorce, and the Defendant’s complaint – counter-complaint for absolute divorce. Having heard the testimony of all the parties, their witnesses, and being able to witness their demeanor and judge their credibility, the Court makes the following determination.

Having reviewed factors in *Montgomery County v. Sanders* and *Taylor v. Taylor*, the Court believes that the parties are fit and proper parent (sic) for joint legal and shared physical custody of their two minor children with primary residential custody awarded to the Defendant during the school year, and reasonable rights of access to the Plaintiff as follows.

Commencing September 26th and every other week thereafter, the gentleman will have access from Thursday after school until Monday morning before school and/or daycare for the minor children.

Commencing with the Summer of 2025 and every summer thereafter, the parties will have access with the minor children on a week-on/week-off basis, with the Plaintiff having the first full week that school is out. Parties will alternate holidays on an even/odd year basis, with the Defendant having odd years, and the Plaintiff having even years. And it'll – the years will always commence with the Martin Luther King holiday each year. So you go from Martin Luther King Day and alternate.

Thanksgiving and school vacation: The Defendant shall have the minor children for the Thanksgiving holiday and school vacation commencing in 2024, and even numbered years thereafter. The Plaintiff shall have the minor children for this time period in 2025 and in odd years thereafter.

For the Christmas holiday and school vacation commencing in 2024 and even numbered years thereafter, the Plaintiff shall have the minor children from the day the school Christmas vacation commences until 2 p.m. on Christmas Day. The Defendant shall have the children from 2 p.m. on Christmas Day through Sunday that classes resume. The schedule shall be reversed in odd years.

Easter holiday and school vacation: The Defendant shall have the minor children for the Easter holiday and school vacation commencing in 2025, and in odd numbered years thereafter. The Plaintiff shall have the minor children for this time period in 2026 and even numbered years thereafter.

The remainder of the court's ruling related to other aspects of Mother and Father's divorce which Father does not contest on appeal.

After the court's ruling, Father's counsel inquired about Mother's grant of primary custody during the school year. The court responded:

The issue is, the Court is considering stability for the minor children during the school year. And the Court – when the parties were living together, it was reasonable that the children had, whether you want to call it stability with the parties’ interactions, but they were in the same home.

But now that the parties have moved, the Court does not believe it’s in the best interest of the children to have them constantly going from home-to-home to go to school. That is not in – the Court just does not believe that would be in their best interest.

Father’s counsel then asked the court if Father could have “a majority of the summer” to which the court responded:

The Court determination as to the summer was that, one, the children are out of school so the back-and-forth from home to school every day is not this – it is a more, for lack of a better term, free time. And each party will have a week with the minor child.

The gentleman gets the first full week the school is out to be with the children over the summer. And the parties should have no issue.

There is no schooling issue. There may be some either summer camp or something of that nature, which the parties have to deal with, but other than that, there is no other issue.

But during the school year, the Court did not feel, based on what has been presented in Court, that the back-and-forth of the minor children during the school year would be in their best interest.

Appellant noted this timely appeal.

STANDARD OF REVIEW

This Court evaluates custody determinations by applying “three interrelated standards of review.” *Velasquez v. Fuentes*, 262 Md. App. 215, 227 (2024). We begin our analysis by deferring to the trial court’s “first-level findings (regarding credibility and the like) unless they are clearly erroneous.” *Id.* We then determine whether the trial court

“erred as to matters of law[.]” *Id.* If so, “further proceedings in the trial court will ordinarily be required unless the error is determined to be harmless.” *Id.*

If the trial court’s “ultimate conclusion” is based “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.” *In re Yve S.*, 373 Md. 551, 585 (2003). A trial court abuses its discretion when “no reasonable person would take the view adopted by the [trial] court[.]” *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 312 (1997).

DISCUSSION

Father argues that the trial court abused its discretion in making the custody determination because the court did not properly apply the requisite factors enunciated in *Montgomery County Department of Social Services v. Sanders* and *Taylor v. Taylor*. Father contends that the court was required to provide an analysis of the factors it determined were relevant to its decision. Father notes that the trial court relied upon considerations, such as geographical proximity and disruptions in the children’s social and school lives, stating that it sought to avoid the children “constantly going from home-to-home to go to school.” Father argues that the court failed to consider evidence, such as his “preeminent role in the children’s education” and that weekly access during the school year was reasonable given that Mother and Father do not live far from each other. Father contends that the current arrangement is not in the best interest of the children as it will cause significant disruption in the children’s lives.

Mother argues that the trial court’s ruling properly applied the factors from *Montgomery County Department of Social Services v. Sanders* and *Taylor v. Taylor*. Mother contends that Father ignores evidence presented at trial, such as their struggles to co-parent, his aggressive behavior toward herself and their children, and the passive role he played in the children’s education. She emphasizes that a trial judge is not required to articulate each factor or piece of evidence in its ruling as judges are presumed to know the law and to properly apply it. Mother argues that the court stated on the record that it took into consideration the testimony of the parties, the credibility of that testimony, and relevant caselaw and the court further clarified its ruling to Father’s counsel.

To be sure, a trial court’s authority to make custody determinations “is very broad so that it may accomplish the paramount purpose of securing the welfare and promoting the best interest of the child.” *Taylor v. Taylor*, 306 Md. 290, 301–02 (1986).¹ In *Montgomery County Department of Social Services v. Sanders*, this Court delineated factors for consideration by a court evaluating a custody matter and determining a child’s best interest:

The criteria for judicial determination includes, but is not limited to, 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

¹ Legal custody is “the right and obligation to make long range decisions involving education, religious training, discipline, medical care, and other matters of major significance concerning the child’s life and welfare.” *Taylor*, 306 Md. at 296. However, Father does not dispute the trial court’s determination regarding legal custody of the children. “Physical custody . . . means the right and obligation to provide a home for the child and to make the day-to-day decisions required during the time the child is actually with the parent having such custody.” *Id.*

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. 406, 420 (1978) (citations omitted). In *Taylor v. Taylor*, the Maryland Supreme Court listed additional factors to consider, such as the capacity of the parents to communicate and to reach shared decisions affecting the child’s welfare, willingness of parents to share custody, fitness of parents, relationship established between the child and each parent, preference of the child, potential disruption of child’s social and school life, geographic proximity of parental homes, demands of parental employment, age and number of children, sincerity of parents’ request, financial status of the parents, impact on state or federal assistance, benefit to parents, and other factors. 306 Md. at 304–11. These factors, often referred to as the *Sanders-Taylor* factors, are non-exhaustive, and no one factor is considered dispositive. *J.A.B. v. J.E.D.B.*, 250 Md. App. 234, 257 (2021).

The resolution of a custody dispute requires “a careful recitation of the facts and conclusions that support the solution ultimately selected.” *Taylor*, 306 Md. at 311. Under Maryland Rule 2-552(a), “[i]n a contested court trial, the judge, before or at the time judgment is entered, shall dictate into the record or prepare and file in the action a brief statement of the reasons for the decision[.]” In custody determinations, courts must “state an objective to be served” and “detail the facts furthering the objective.” *Boswell v. Boswell*, 352 Md. 204, 223 (1998). Both this Court and the Maryland Supreme Court “have time and time again affirmed custody determinations where the trial judge embarked upon

a thorough, thoughtful and well-reasoned analysis congruent with the various custody factors.” *Azizova v. Suleymanov*, 243 Md. App. 340, 347–348 (2019) (collecting cases).

We note that while a trial judge is not required to articulate every factor it considers in making its ruling, a trial court’s ruling cannot be devoid of any discussion of the factors. According to the Maryland Supreme Court, “a trial court should carefully set out the facts and conclusions that support the solution it ultimately reaches.” *Santo v. Santo*, 448 Md. 620, 630 (2016). For example, in *Viamonte v. Viamonte*, cited by Appellant, the trial court acknowledged the *Sanders-Taylor* factors and “applied evidence adduced to each of these considerations” in determining that joint legal custody was in the child’s best interest. 131 Md. App. 151, 159 (2000). When determining physical custody, the trial court stated that it considered the required factors and that “both parents are fit and proper to have custody of the minor children, but that [the] appellee’s personal and occupational situation is more stable and that he is therefore more able to provide for” the child. *Id.* (internal quotation marks omitted). The trial judge had also “taken ten pages to lay a factual predicate for this inference.” *Id.* at 162. There, we found no abuse of discretion and noted that the court “correctly cited Maryland law and examined point-by-point the evidence in light of the considerations in *Taylor*.” *Id.* at 159.

Here, in making its determination, the court began by stating that it “heard the testimony of all the parties, their witnesses, and [was] able to witness their demeanor and judge their credibility” and that it “reviewed factors in *Montgomery County v. Sanders* and *Taylor v. Taylor*[.]” However, the court did not reference any facts from the record as a

basis for awarding primary custody to Mother, it did not analyze any specific factors, nor did the court discuss why the arrangement ordered was in the best interest of the child. Upon request from Father’s counsel, the court explained that awarding primary custody to Mother would provide stability for the children because Mother and Father would no longer be living together, but the court provided no detail. Because the trial court did not “carefully set out the facts and conclusions that support the solution it ultimately reache[d],” we cannot discern *why* it determined that Mother was more fit than Father to have primary custody during the school year, why he was not afforded more time with his children during the summer, and ultimately why this was in the best interest of the children. *Santo*, 448 Md. at 630.

As a result, we remand this case to allow the court to more fully articulate its analysis and factual basis for the primary physical custody determination, consistent with the requisite *Sanders-Taylor* factors and its progeny. On remand, the trial court may receive “evidence pertaining to developments since the trial, and in the exercise of its discretion may receive additional evidence to supplement the existing record.” *Taylor*, 306 Md. at 313.

**REMANDED TO THE CIRCUIT COURT
FOR PRINCE GEORGE’S COUNTY FOR
FURTHER PROCEEDINGS CONSISTENT
WITH THIS OPINION. COSTS TO BE
SPLIT EVENLY BETWEEN THE
PARTIES.**