

Circuit Court for Prince George's County
Case No. CAD18-22403

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1691

September Term, 2024

BONIESHA WILSON

v.

ERNEST LANDERS

Reed,
Zic,
Kenney, James, III.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Reed, J.

Filed: August 5, 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).

This appeal stems from a custody dispute between Boniesha Wilson (“Mother”) (Appellant) and Ernest Landers (“Father”) (Appellee) regarding the parties’ two minor children. In 2019, a custody order was entered in the Circuit Court for Prince George’s County granting Mother primary custody and Father supervised visitation by way of an access schedule. In 2024, after Father filed a motion to modify custody and a petition for contempt, the court found that Father’s relationship with the children had become “fractured,” so the court ordered reunification therapy for Father and the children. Mother appeals from that judgment and presents a single question for our review:

Did the trial court abuse its discretion when it continued the existing access schedule, including overnights, despite finding that the children’s relationship with Father was so fractured that reunification therapy was necessary?

Finding no abuse of discretion, we affirm.

BACKGROUND

Mother and Father were previously married. Two children were born during the marriage: E.L., born in 2016, and A.L., born in 2018.

In 2019, the parties divorced, and a custody order was entered in the circuit court. Under the terms of that order, Mother was granted primary physical custody of the children. Father was granted overnight access with the children for three days every other week. That access was “contingent on at least one of [Father’s] parents being present in the household.”

In July 2022, Mother filed a petition for a protective order after E.L. had purportedly engaged in “humping behavior” and had “told [Mother] some things that gave [her] some

concern.” Around that same time, Mother filed a motion for modification, asking that Father’s overnight visitations be suspended. Mother also began denying Father access to the children. In August 2022, Mother’s petition for protective order was denied.

In November 2022, Father filed a motion to modify custody, alleging that Mother had been denying him access to the children. Father asked that he be granted primary physical custody of the children. Mother opposed the motion.

In the summer of 2023, Mother again became concerned about the children’s visits with Father. According to Mother, E.L. had started wetting the bed and had continued “saying things” that Mother found “concerning.” Around that same time, the Charles County Department of Social Services (“DSS”) received the first of multiple reports alleging that both E.L. and A.L. had been sexually abused by Father and the children’s paternal grandfather (“Grandfather”). According to those reports, E.L. and A.L. had allegedly told someone that Father and Grandfather had touched them inappropriately. DSS investigated those allegations and determined that the allegations made by E.L. were “unsubstantiated” and that the allegations made by A.L. were “ruled out.”

In August 2023, Father filed a petition for contempt against Mother. Father alleged that Mother had been denying him access to the children. Mother opposed the petition.

Modification and Contempt Hearing

In February 2024, the circuit court began a multi-day hearing on the pending petitions for modification and contempt. At that hearing, Father testified that he lived in Waldorf with his parents. Father stated that Mother had begun depriving him access to the

children in June of 2022 after she filed a complaint alleging that Father had sexually abused the children. Father testified that his access resumed after it was determined that the allegations were unfounded. Father testified that, in June 2023, Mother again denied him access to the children after DSS received multiple allegations of sexual abuse. Father testified that, since that time, he had no physical access to the children. Father admitted that he had alcohol and mental health issues.

The court also heard from E.L. via an in camera interview. During that interview, E.L. reported that “someone had touched his buttocks.” The court attempted to conduct a similar interview with A.L., but she “was very visibly shaken and scared and was unable to speak,” so the court declined to pursue the matter.

Dr. Charles Missar, a clinical psychologist, testified that he had interviewed E.L. “for 60 to 75 minutes” prior to the hearing. Dr. Missar testified that E.L. appeared “very credible” and did not appear to have been “coached.”

Grandfather testified that he helped facilitate Father’s access to the children. Grandfather stated that he had an extended family who routinely gathered for family dinners, that he took the children to the movies and the pool, that the children were close with Father, and that there were no problems in the home. Grandfather testified that, when the children stopped visiting, it was “traumatic” and “painful.”

Mother testified that she lived in Waldorf with her mother and that the children were doing well in her care. Mother stated that she initially sought supervised visitation because of some concerning incidents involving Father, including one incident in which Father put

a gun to his head in front of Mother. Mother testified that she subsequently discontinued Father's access out of concern for the safety of the children. Mother testified that Father should be involved in some type of therapy to address the abuse allegations and that, in the meantime, Father's access to the children should occur at a supervised access center.

During his cross-examination of Mother, Father played a video depicting an incident that occurred at Mother's home. During that incident, Father arrived at Mother's home with two uniformed law enforcement officers after Mother had failed to deliver the children to Father for one of his scheduled visits.

At the conclusion of the evidence, Father argued that Mother had alienated him from the children and had influenced the children to make false abuse allegations against him and Grandfather. Father argued that Mother had willfully and knowingly denied him access to the children for an extended period of time, which had negatively affected his relationship with the children. Father asked that his access to the children be expanded and that it no longer be supervised. Father also asked that Mother be held in contempt and that she be ordered to pay for reunification therapy for him and the children.

Mother argued that she did not deny Father access in order to alienate him from the children; rather, she did so because there were allegations that the children may have been subjected to abuse, and those allegations needed to be addressed. Mother also argued that, under the circumstances, reunification therapy was appropriate. Mother then suggested that Father's access should be confined to "a safe secure location" until "the issues" could be addressed by a reunification therapist. Ultimately, Mother argued that there had not been

a material change in circumstances and that any modification of the custody order was unwarranted.

Court's Ruling

The court made several findings before issuing a ruling. The court found that E.L. appeared “very coached” and was “speaking very rapidly as if he wanted to get the story out very quickly so that he would not forget what he wanted to share with [the court].” The court found Grandfather to be “credible” and “a delightful person to be around with and for the children to be around with, as well.” The court found that Father had been deprived access to the children “for well over a year” and that his bond with the children had “been fractured and [was] in need of definite and intensive repair.” The court found that, although “the CPS reports were all unsubstantiated,” Mother was “very sincere” and her concerns regarding E.L.’s behavior “were legitimate.” The court found that Mother “acted out of concern for her son more so than out of concern to deprive the child’s access.”

Based on those findings, the court denied Father’s contempt petition. The court determined that Father had failed to prove that Mother had willfully disregarded the court’s order.

On the issue of modification, the court explained that it had “to act in the best interests of the children” and that Father was requesting a modification “without any real road map on how that would happen.” The court noted that, based on the court’s interactions with the children, “it’s very clear that this relationship needs repair.” The court

also noted that there was no evidence that any of the parties was to blame for the current state of affairs.

The court ultimately decided to grant the modification, finding that there had been “a material change in circumstances in that the relationship between the father and the children has been totally fractured.” The court found, however, that it could not “just flip-flop[] or chang[e] the custody” in Father’s favor, as the children would be “totally traumatized by constantly refusing to go, the police come, pull them out of the home, take them to Dad’s house, take them back to Mom’s house, police come, pull them out – we can’t have that.” The court concluded that the current custody and access schedule would remain in place and that the only modification would be “reunification therapy for the children.”

Mother thereafter noted an appeal. Additional facts will be supplied as needed below.

DISCUSSION

Mother’s contentions¹

Mother argues that the court abused its discretion in continuing Father’s existing access schedule, which included overnight visitations. Mother contends that “the court itself found that the children’s relationship with Father was so fractured that they needed therapy, that the police might need to be involved at exchanges, leading to further trauma, and that both children demonstrated directly to the court the extent of the deterioration of

¹ Father did not file an appellee brief.

the existing relationship.” Nowhere in those findings, Mother argues, “was there any analysis of these issues in maintaining the existing schedule, and the court’s order for modification therefore lacks logic as to its own conclusions regarding the children’s best interests.” Mother contends that the court abused its discretion in finding that there had been a material change in circumstances “which warranted a modification without changing any of the time the children spent with their father for his access.”

Standard of Review

Appellate review of a trial court’s decision regarding child custody involves three interrelated standards. *Arizona v. Suleymanov*, 243 Md. App. 340, 372 (2019). First, any factual findings are reviewed for clear error. *Id.* Second, any legal conclusions are reviewed *de novo*. *Id.* Finally, if the court’s ultimate conclusion is “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.* (quoting *In re Yve S.*, 373 Md. 551, 586 (2003)). Under the abuse of discretion standard, “we will not reverse a trial court unless its decision is ‘well removed from any center mark imagined by the reviewing court.’” *Santo v. Santo*, 448 Md. 620, 626 (2016) (quoting *In re Adoption/Guardianship of Alonza D., Jr.*, 347 Md. 295, 313 (1997)).

Analysis

A trial court’s consideration of a motion for modification of custody involves a two-step process. “First, the [court] must assess whether ‘there has been a material change in circumstances.’” *Kadish v. Kadish*, 254 Md. App. 467, 503 (2022) (quoting *Green v.*

Green, 188 Md. App. 661, 688 (2009)). “Second, should the court find a material change in circumstances, ‘the court then proceeds to consider the best interests of the child as if the proceedings were one for original custody.’” *Id.* at 503-04 (quoting *Gillespie v. Gillespie*, 206 Md. App. 146, 170 (2012)). “The trial court is thus required to evaluate each case on an individual basis to determine what is in the best interests of the child.” *Id.* at 504.

That said, “trial courts are entrusted with ‘great discretion in making decisions concerning the best interest of the child.’” *Gizzo v. Gerstman*, 245 Md. App. 168, 200 (2020) (quoting *Petrini v. Petrini*, 336 Md. 453, 469 (2020)). Thus, “the trial court’s decision governs, unless the factual findings made by the trial court are clearly erroneous or there is a clear showing of an abuse of discretion.” *Id.* (quoting *Gordon v. Gordon*, 174 Md. App. 583, 637-38 (2007)). “Indeed, custody decisions are ‘unlikely to be overturned on appeal.’” *Id.* at 201 (quoting *Domingues v. Johnson*, 323 Md. 486, 492 (1991)).

We hold that the trial court in the instant case did not abuse its discretion in modifying the parties’ custody order to include reunification therapy without also modifying Father’s access. The primary issue before the court was whether there had been a material change in circumstances and, if so, whether it was in the children’s best interests to modify the custody order in Father’s favor, which included increasing Father’s access time and ordering Mother to pay for reunification therapy. Although Mother suggested, both in her testimony and her arguments to the court, that Father’s access should be limited, it is clear from the record that Mother was opposing any modification. In the end, the court

found that there had been a material change in circumstances, namely, that Father’s relationship with the children has become “totally fractured” since the original custody order was entered. The court found, however, that “flip-flopping” the current custody arrangement, which is what Father was advocating, was not in the children’s best interests given how much their relationship with Father had deteriorated. The court concluded that the children’s interests would best be served by maintaining the current custody arrangement and ordering reunification therapy for Father and the children. We see neither clear error nor abuse of discretion there.

As noted, Mother insists that the court’s ruling, which did not include a modification of Father’s access time, contradicted the court’s own findings regarding the children’s fractured relationship with Father and the trauma that the children may suffer if police needed to be involved at future exchanges. Mother argues that the court’s ruling defied logic as to its own conclusions regarding the children’s best interests.

We are not persuaded by Mother’s arguments. First, Mother’s reliance on the court’s comments regarding police involvement at exchanges is misplaced. Those comments were made in connection with Father’s request for full custody and were a clear reference to the video that Father had shown depicting the incident at Mother’s home. The court explained that Father, in making his request, had failed to provide “any real road map on how that would happen.” The court went on to state: “So I can only envision what I saw happening at the home. So I don’t know if Dad meant that he would come to the house with law enforcement each time, pull the two children out of the home; they would stay

with him for three days or four days, then they would go back to the mom’s house and then, what? We would start this all over again?” The court concluded that such a situation was “not realistic” and that Father was asking for “a whole flip-flop” without a “real road map on what that looks like.” At no point did the court state that such a hypothetical situation was applicable under the current custody arrangement.

As to the court’s findings regarding the children’s poor relationship with Father, we fail to see how the court’s ruling contradicted those findings. It is evident that the deterioration of the relationship was due, at least in part, to the fact that Father had not had access to the children for a significant period of time. The court concluded that the children’s interests would best be served by repairing that relationship through reunification therapy. Given those circumstances, the court did not abuse its discretion in refusing to further limit Father’s access to the children.

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