

Circuit Court for Charles County
Case No. C-08-FM-24-000324

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1739

September Term, 2025

ANTHONY MICKEY II

v.

BRITTANY WALKER

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

JJ.

Opinion by Kenney, J.

Filed: May 20, 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 persuasive value only if the citation conforms to Md. Rule 1-104(a)(2)(B).

Appellant Anthony Mickey II (“Father”) timely appealed an order entered by the Circuit Court for Charles County, which modified custody of the minor child he shares with appellee Brittany Walker (“Mother”). Father, representing himself as he did below, asks us to consider the following issues:

1. Whether the Circuit Court abused its discretion by permitting Appellee to present witness testimony disclosed only after court-ordered discovery deadlines, and by failing to enforce its July 29, 2025 Order granting Appellant’s Motion to Compel.
2. Whether the Circuit Court erred by admitting speculative, uncorroborated, and irrelevant testimony unrelated to any material change in circumstances, and by permitting improper examination that unfairly bolstered Appellee’s case.
3. Whether the Circuit Court denied Appellant due process and a fair hearing by applying procedural and evidentiary rules unevenly, failing to control improper questioning, allowing misleading use of evidence, and permitting intimidation and real-time manipulation by opposing counsel.
4. Whether the Circuit Court denied Appellant meaningful participation and due process by failing to accommodate Appellant’s hearing impairment, repeatedly interrupting and curtailing Appellant’s testimony and closing argument, prematurely endorsing witness credibility, and communicating procedural transitions in a manner that excluded Appellant.
5. Whether the Circuit Court abused its discretion and erred as a matter of law by making findings unsupported by the record, permitting one-sided reopening of testimony, ordering an immediate mid-week custody transfer without findings or emergency, and modifying custody without evidence of a material change in circumstances or analysis of the child’s best interests.

For the reasons that follow, we will affirm the circuit court’s custody modification order.

BACKGROUND

Mother and Father, who never married, share one child, A., who was born in 2018. In February 2024, Mother petitioned for primary physical and sole legal custody of A., on

the ground that she had been A.’s primary custodial parent since the child’s birth and made all decisions pertaining to her health care, schooling, and other concerns. Father, Mother asserted, did not have a stable living environment and became combative with her when she tried to include him in decisions about A.

In his answer to Mother’s custody petition, Father responded that A. lives with him on the weekends, and he has remained active and involved in her life. Mother, he claimed, has refused to work with him on additional or alternative visitation. Father also filed a counter-complaint seeking shared physical custody that would give him a fourth night of access every other week, and joint legal custody of A.

Following a hearing, the circuit court entered a custody order on July 2, 2024.¹ Therein, the court granted Mother and Father joint legal and shared physical custody of A. on a week on/week off schedule.

On March 17, 2025, Mother moved to modify custody, asserting that the week on/week off schedule was not working for A. and was not in her best interest. Mother explained that the existing custody order set the parents’ exchange of custody for Mondays, and while she and Father were then exchanging custody at the end of A.’s school day, the order was silent as to the time and nature of custody exchange when school was not in session. Moreover, the custody order did not specify the time for exchange on holidays, nor did it indicate with which parent A. would spend holidays, such as Mother’s Day, Father’s Day, and A.’s birthday.

¹ There is no transcript of the custody hearing in the record.

In addition, according to Mother, Father had become “exceedingly difficult to deal with[,]” and because of his “anger and hostility” toward Mother, he was unable to communicate effectively with her regarding A.’s care. For example, Father screened Mother’s calls with A. when A. was in his custody, yelled at Mother in front of A. during some calls, and ended the calls when he disapproved of the conversation. For all those reasons, Mother sought primary physical and sole legal custody of A. or, in the alternative of sole legal custody, tie-breaking authority.

Father filed a counter-petition to modify custody, averring that the week on/week off custody schedule was in A.’s best interest, and there had been no material change in circumstances to warrant a modification. But he nonetheless sought primary physical and sole legal custody or, in the alternative, tie-breaking authority on education and health decisions.

The circuit court held a custody modification hearing on September 23, 2025.

Mother’s friend, Leah Lassiter, testified that in February or March 2025, she saw Father inside a local marijuana dispensary after leaving six-year-old A. alone in the backseat of his car while he shopped. That incident raised Mother’s concerns about A.’s safety when A. was in Father’s care.

Mariah Clayborne, Mother’s sister, testified that Mother is “a wonderful mother” and a role model to her in raising her own children. Ms. Clayborne recounted a very loud argument she witnessed between Mother and Father on Thanksgiving the previous year because Father did not want any male other than himself at A.’s upcoming birthday party.

Mother testified that the existing access schedule was not working and that a new order was required because it did not provide guidance as to custody exchanges when there was no school. Mother believed that, to avoid “chaos,” the new court order was needed to “give clarification for both parties” about where and when those exchanges should occur. In explaining her “chaos” comment, Mother said that Father called the police one day when she was unavailable to participate in a custody exchange and she asked her mother to walk A. out to Father. He again involved the police when A. was not immediately ready when he arrived to pick her up on Thanksgiving the previous year, even though the custody order does not specify an exchange time.

Father, Mother said, has “anger issues,” which negatively affects A. Therefore, she believed it to be in A.’s best interest that Father’s physical access to A. be shortened to Friday to Monday every other weekend. In addition, she also asked for “first right of refusal[,]” that is, to be the first person approached to take over A.’s care if Father is not available during his access times. And because Father ignores Mother’s calls to A. when A. is in his care, she also requested that a new court order explicitly permit her to call A. on days A. is with Father.

In general, Mother said that she does not believe she and Father are able to communicate effectively about A. Father is “combative, he’s difficult” and unresponsive when she attempts a conversation with him. He refuses to share any information about A. with Mother during “his weeks” with the child, even if it is about school. Father also ordered her to contact him before scheduling medical appointments for A. and he unilaterally canceled some previously-set appointments when she did not involve him in

the decision. According to Mother, Father told her that he would not take A. to scheduled extra-curricular activities during his weeks if Mother expressed an intention to attend. Mother therefore sought sole legal custody of A., or at least tie-breaking authority.

Father testified that Mother mischaracterized his reaction about scheduling doctors' appointments for A. He said he had canceled some appointments set by Mother because they were not at "a time that was good for [him]" and that Mother "made unilateral decisions without [him.]"

Father acknowledged Mother had asked to have custody of A. on Mother's Day when the holiday occurred during Father's week that year and that the prevailing custody order permitted them to make adjustments to the access schedule. He explained, however, that he denied her request because he "didn't want to change anything from the actual custody arrangement, regardless of . . . it being Mother's Day because [Mother] is micromanaging[.] . . . [I]t's near abuse and parental alienation the way I'm attacked every day."

Father claimed that he has "always tried to reach out and work with [Mother]. There is no evidence to show that I have not tried to work with her or I'm blatantly not trying to work with her." But he believed it to be best for A. not to have any communication with Mother during his custody periods because it makes A. miss Mother too much while A. is with him. As the custody order does not require communication between A. and the non-custodial parent, Father cut off communication with Mother because he "wouldn't get in trouble if I did not allow her" calls.

Father argued that “[t]here is no evidence that I am giving [Mother] a hard time. It is not happening. Everything is a mischaracterization. If you look at the documents turned in, I’ll be vindicated. . . . I’m confident that the Court will see exactly what’s happening, exactly how things are being mischaracterized.” In closing, Father asked the court to keep the physical custody schedule as set forth in the existing custody order and to grant him tie-breaking authority in legal custody matters.

In its oral ruling, the circuit court stated it was “struck” by the fact that the existing custody order had led to so many disagreements between Mother and Father in such a short period of time. The court found Father’s mindset that “it’s my parenting time” and that he should be in complete control of A. during his weeks of custody caused him to interpret the custody order “very literal and legally” to justify denying Mother’s “extremely reasonable requests.” To the court, A.’s “emotional turmoil” about not having access to Mother during Father’s weeks of custody, along with the poor way the parents were interacting about custody exchanges and scheduling doctors’ appointments, created a material change in circumstances that negatively affected A.

The court went on to discuss the required factors in considering a custody award under *Montgomery County Department of Social Services v. Sanders*, 38 Md. App. 406 (1978), and *Taylor v. Taylor*, 306 Md. 290 (1986). It found that:

(1) both parents are fit to the extent that no evidence presented by a medical doctor indicates there is something medically wrong with either of them, but Father exhibits a lot of animosity toward Mother, and he is “making decisions based on things that are not happening”;

(2) both parents appear to be focused on the minor child, but Father leaving A. in the car while going into the marijuana dispensary was against the law and not a good decision;

(3) both parents are sincere in their request for custody, and there is “no doubt [they] both love [A.]”;

(4) there is no agreement between the parties;

(5) there is an existing custody order and a willingness between the parents to share custody, but Father is “weaponizing his parenting time”;

(6) Mother has fostered relationships with extended family and engaged in child-centered activities;

(7) there is one female child, aged six and in good health, in the household;

(8) the parents’ capacity to communicate with each other is “abysmal,” “combative,” and “difficult”;

(9) Father always views Mother’s decisions as an attack on him and second-guesses Mother instead of being flexible;

(10) in terms of geographical proximity, both parents live in Waldorf, Charles County, “pretty close” to each other;

(11) both parents maintain a stable and appropriate home;

(12) there was no evidence presented that either parent’s employment interferes with the demands of parenthood;

(13) both parents have a good relationship with A., but the child has been caught in the middle of their squabbles that occasionally occur in her presence;

(14) the length of the parents’ separation is not relevant;

(15) in terms of potential disruption of the child’s school and social life, Father does not want Mother present at A.’s activities, which the court cannot understand; Father is too rigid in thinking that “this is my time,” which is not in A.’s best interests;

(16) both parents are meeting A.’s developmental, physical, and emotional needs, but Father can be a little too controlling when it comes to “getting to really what she needs education[]-wise”;

(17) Mother exhibits the ability to consider the needs of the child as opposed to her own needs, while Father does not;

(18) Father’s cancellation of A.’s doctors’ appointments seems “very controlling,” and the parents’ argument on Thanksgiving 2024 was “unhealthy” for A.; and

(19) some of Father’s approaches relating to Mother and A.’s school are “extremely concern[ing],” and the court did not find it in A.’s best interest for it to continue.

The court ruled that all these circumstances warranted a modification of custody as within A.’s best interests. By written order entered September 23, 2025, the court awarded sole legal custody of A. to Mother, because “the parties are unable to effectively communicate and jointly make decisions affecting the child’s health, education and welfare[.]” The court further awarded primary physical custody to Mother, “as it is in the child’s best interest and necessary to ensure her emotional and physical safety[.]” The court also set a defined parenting schedule with Father.

Father timely appealed the court’s order. He also moved to stay enforcement of the custody order pending appeal. The circuit court denied Father’s motion to stay.

DISCUSSION

Standard of Review

This Court’s review of a circuit court’s custody decision is limited. *Wagner v. Wagner*, 109 Md. App. 1, 39 (1996). “[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 [that] court are clearly erroneous or there is a clear showing of an abuse of discretion.” *Gordon v. Gordon*, 174 Md. App. 583, 637-38 (2007).

We review the evidence in the light most favorable to the prevailing party, and if there is any competent, material evidence to support the circuit court’s factual findings, we cannot hold that those findings are clearly erroneous. *Hosain v. Malik*, 108 Md. App. 284, 303-04 (1996). Regarding the court’s ultimate decision on the custody matter, an abuse of discretion exists when “no reasonable person would take the view adopted by the trial court” or its ruling is “clearly against the logic and effect of facts and inferences before the court[.]” *Santo v. Santo*, 448 Md. 620, 625-26 (2016) (cleaned up) (quoting *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 312 (1997)).

Analysis

Issue 1

Father contends that the circuit court abused its discretion in permitting Mother to present witness testimony at the custody modification hearing when her witnesses were not disclosed to him until after a deadline set by the court. By declining to enforce its own scheduling order, Father argues, the court “undermined the orderly administration of discovery” and deprived him “of a meaningful opportunity to prepare” for the hearing.

On June 20, 2025, the circuit court entered a scheduling order requiring that all discovery be completed by August 22, 2025. Then, on June 24, 2025, despite having not yet served Mother with any discovery requests, Father moved to compel Mother’s disclosure of her witnesses and their expected testimony. On July 28, 2025, the court issued an order to compel Mother to comply with Father’s discovery requests by August 7, 2025.

When he had not received any discovery responses by August 20, 2025, Father moved for sanctions for Mother’s failure to comply with the court order to compel.² The same day, Mother moved to set aside the court’s order to compel on the ground that Father had not served his discovery requests upon Mother until at least July 22, 2025, and the responses were not yet due, so the order to compel was premature.³

Mother served her witness list upon Father on Monday, August 25, 2025, three days, but only one business day, after the court’s original discovery deadline of Friday, August 22, 2025, as set forth in the scheduling order. The same day, Father moved to strike Mother’s witnesses from testifying at the custody modification hearing because of the lateness of her disclosure.

At the start of the custody modification hearing, the court heard Father’s argument on his motion to strike the witnesses’ testimony. Mother’s attorney pointed out that Father had filed his motion to compel when it was not appropriate to do so because he had not served any discovery requests upon Mother. Moreover, counsel argued that, when Father did serve his discovery requests, he did not include a request for witness disclosure. Nonetheless, Mother’s attorney provided Father with a list of Mother’s witnesses on August 25, 2025.

When Father confirmed to the court that he had received Mother’s witness list almost a month prior to the hearing and that he was aware of the witnesses’ expected

² The court denied Father’s motion on September 25, 2025.

³ The court granted Mother’s motion on October 8, 2025.

testimony, the circuit court was unable to find any prejudice to Father from permitting the witnesses to testify after Mother’s late disclosure. The court therefore denied Father’s motion to strike the witnesses but reminded Father that he was able to cross-examine the witnesses.

We find no abuse of discretion in the circuit court’s decision to permit Mother’s witnesses to testify at the hearing, even after a minor discovery violation. We have emphasized that, in the context of a discovery sanction in a custody matter, “procedural defects should not be corrected in a manner that adversely impacts the court’s determination regarding the child’s best interests.” *A.A. v. Ab.D.*, 246 Md. App. 418, 446 (2020). In *A.A.*, we explained:

In assessing the child’s best interests, a trial court, acting under the State’s *parens patriae* authority, is in the unique position to marshal the applicable facts, assess the situation, and determine the correct means of fulfilling a child’s best interests. *Plainly, a child’s best interests are best attained when the court’s decision is as well-informed as possible.*

Id. at 447 (cleaned up; emphases added).

Moreover, as noted by the court, the one-working-day late service of Mother’s discovery responses, including her disclosure of Leah Lassiter and Mariah Clayborne as her only two witnesses other than herself, occurred approximately one month before the modification hearing. Father ably cross-examined the witnesses at the custody modification hearing. Therefore, his bald claim that he could not prepare adequately for the hearing because of the late disclosure is insufficient to impute prejudice to him from the slightly delayed service of Mother’s discovery responses, even were we to find error.

See Barksdale v. Wilkowsky, 419 Md. 649, 660 (2011) (“[T]he burden to show error in civil cases is on the appealing party to show that an error caused prejudice.”).

Issue 2

Next, Father asserts that the circuit court erred in relying on Ms. Lassiter’s testimony about seeing him inside the marijuana dispensary after leaving A. alone in the car in its custody determination. He claims that the witness’s testimony—which did not specify the date of the incident, revealed that she had not reported the incident to the authorities, and offered no corroboration of the event—was speculative in nature and should not have been considered by the court. In addition, Father suggests that Ms. Clayborne’s testimony, which revealed that she had not observed Father parenting A. since 2023, was too remote in time to be relevant to the child’s welfare. And, in questioning the witnesses, Father argues, the court permitted Mother’s attorney to employ leading and suggestive questions, while “restricting [his] ability to clarify mischaracterizations or provide context” and holding him to “stricter procedural standards during cross-examination and objection.”

Father interposed no objection during Ms. Lassiter’s or Ms. Clayborne’s direct examinations. By failing to object to any questions posed by Mother’s attorney to the witnesses, Father has waived the consideration of this issue on appeal. *See* Md. Rule 8-131(a) (“Ordinarily, an appellate court will not decide any other issue unless it plainly appears by the record to have been raised in or decided by the trial court[.]”); *DeLeon v. State*, 407 Md. 16, 30 (2008) (“[A]rguments . . . not raised by [appellant], or ruled upon by the court, . . . are waived for purposes of appeal.”). Therefore, we will not consider the

propriety of the witnesses' testimony or the manner of Mother's attorney's examination of the witnesses.

Father also suggests that the circuit court's admission of photographs of A. with her extended family and of the interior of Mother's home, including A.'s bedroom, were not relevant to the determination of a material change of circumstances sufficient to warrant a modification of custody. The exhibits, he argues, "served no evidentiary purpose other than to create an emotional narrative favorable to [Mother], substituting atmosphere for proof" and should not have been admitted into evidence.

We are not persuaded that the exhibits played any part in the court's material change of circumstance analysis or that the circuit court erred in admitting the photographs, as Mother's ability to maintain A.'s attachment to her extended family and the appropriateness and stability of her home are relevant factors to be considered by the court in a custody modification action. *See Azizova v. Suleymanov*, 243 Md. App. 340, 345-46 (2019); *see also* Md. Rule 5-402 ("Except as otherwise provided by constitutions, statutes, or these rules, or by decisional law not inconsistent with these rules, all relevant evidence is admissible."). And, once admitted, the weight of the evidence is a function properly left to the circuit court. *See Terranova v. Bd. of Trs. of Fire & Police Emps. Ret. Sys. of Balt. City*, 81 Md. App. 1, 13 (1989) ("The weighing of the evidence and the assessment of witness credibility is for the finder of fact, not the reviewing court."). The decision to admit the photographs and to weigh their value was properly left to the circuit court.

Issue 3

Father claims that the circuit court denied him due process and a fair hearing by applying procedural and evidentiary rules unevenly between the parties, failing to control improper questioning by Mother’s attorney, allowing “misleading use of evidence,” and permitting intimidation and manipulation by Mother’s attorney. As discussed above in issue 2, Father did not object to any instances of perceived unfairness, denial of due process, or bias against him by the court, and, so, he has waived his right to raise this issue on appeal. *See also Magness v. Magness*, 79 Md. App. 668, 685 (1989) (declining to consider an alleged due process violation not raised before the circuit court, and explaining that “[o]ne cannot be denied that which one does not request”); *Harford Mem’l Hosp., Inc. v. Jones*, 264 Md. App. 520, 556 (holding that a claim of judicial bias affecting “evidentiary rulings and other conduct” was not preserved when appellant “either did not object to the rulings and conduct or objected on grounds other than judicial bias” (citing *Balt. Cotton Duck, LLC v. Ins. Comm’r of the State of Md.*, 259 Md. App. 376 (2024))), *cert. denied*, 490 Md. 640 (2025).

Issue 4

Father claims that the circuit court failed to accommodate his stated hearing impairment, thereby denying him meaningful participation and due process by repeatedly interrupting and curtailing his testimony and closing argument and by communicating procedural transitions, such as the start of court recesses, in a manner that excluded him. These actions by the court, Father argues, deprived him of a meaningful opportunity to be heard at the custody modification hearing.

At the start of the hearing, Father informed the court that he is hearing impaired and wears a hearing aid. In response, the court offered Father an assistive listening device, which he declined. He suggested that captioning would be better, but if captioning were not available—which the court confirmed, it was not—he stated, “then that’s fine.”

Later, during Mother’s direct examination, when it appeared to the court that Father was struggling to hear the proceedings, Father was again offered a listening device. Father again demurred, stating, “I’m fine. I don’t need it. We don’t need it.” The court appeared unwilling to accept Father’s denial of a need for a listening device, noting, “It seems like you do. I mean I’m not trying to push anything on you but you’re . . . asking everyone to repeat themselves. So, that’s a sign that you can’t hear what we’re saying.” Father explained that “it’s my localization. I generally can hear what I’m looking at. If I’m not looking at her, then I didn’t hear what she’s saying. She’s not looking at me speaking to me when she speaks.” The court suggested a short recess, telling Father, “If you’re hard of hearing and . . . you want the device, we can bring the device. That’s all I’m offering to you. Right? So, it’s either you want it or you do not want it. If you don’t want it, just say I don’t want it.” Father responded, “No, I don’t want it.”

Father alerted the court to his hearing impairment but then twice declined the court’s offer to help him hear the proceedings better. Therefore, his present claim that the court failed to accommodate his hearing impairment and therefore denied him meaningful participation in the hearing is unpreserved for review. As we explained in *Robson v. State*, 257 Md. App. 421, 461 (2023):

Far from simply not alerting the judge that the danger of trial error lay ahead, [appellant] was actually an accessory before the fact to the very error of which he now complains. Ordinarily, a case of non-preservation may consist of nothing more than a purely negative failure to object. It may represent nothing more than inadvertence. Here we have, by contrast, an actual express and affirmative waiver of any possible objection. This is non-preservation of a very different order. There are, indeed, different levels or layers of non-preservation. This is not a case of mere inadvertent non-preservation. It is a case of non-preservation squared.

Issue 5

Father argues that the circuit court erred as a matter of law and abused its discretion by making findings unsupported by the record, permitting one-sided reopening of testimony and leading questions by Mother’s attorney, ordering an immediate mid-week custody transfer without findings or emergency, and modifying custody without evidence of a material change in circumstances or analysis of the child’s best interests. In his view, the court failed to apply the best interests standard of the child to the evidence presented, and focused instead on perceived deficiencies in Father’s conduct without identifying how any of his conduct resulted in harm to the child or constituted a material change in circumstances.

To the extent that Father complains of the manner in which the court conducted the custody modification hearing, we point out that Md. Rule 5-611(a) requires a trial court to “exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to (1) make the interrogation and presentation effective for the ascertainment of the truth, (2) avoid needless consumption of time, and (3) protect witnesses from harassment or undue embarrassment.” In other words, the conduct of a trial rests largely in the “control and discretion of the presiding judge.” *Kelly v. State*, 392 Md.

511, 543 (2006) (quotation marks and citations omitted). This includes the discretion to control the presentation of witnesses and evidence in an orderly fashion. *See Ware v. State*, 360 Md. 650, 684 (2000). A circuit court’s exercise of discretion in the course and conduct of a trial “will not be reversed absent abuse.” *Applied Indus. Techs. v. Ludemann*, 148 Md. App. 272, 289 (2002).

We perceive no abuse of discretion in the circuit court’s exercise of control over the hearing in this matter, including its ruling that its modified custody order would go into effect that day, thereby necessitating an immediate mid-week change in custody of A. from Father to Mother. Any claim Father makes relating to the court’s control over the hearing pertains mostly to his relative ignorance of the rules of procedure as a self-represented litigant, but the court correctly reminded him on several occasions that the court was required to treat him the same as it would an attorney acting on his behalf. *See Tretick v. Layman*, 95 Md. App. 62, 68 (1993) (“The rules of procedure . . . are not additional burdens imposed on laymen; they apply to laymen and lawyers alike. Lawyers generally are more familiar with the rules and are therefore better able to function in our rule-constrained adversarial system of justice. This is not due to a different set of rules, but is a reflection of their education, training and experience. The principle of applying the rules equally to *pro se* litigants is so accepted that it is almost self-evident.”).

In considering the circuit court’s ultimate ruling modifying custody, we have explained that, before ordering a custody modification, our courts engage in a two-step process. *Green v. Green*, 188 Md. App. 661, 688 (2009). First, the circuit court must assess whether “there has been a material change in circumstances.” *Id.* “A material change of

circumstances is a change in circumstances that affects the welfare of the child.” *Gillespie v. Gillespie*, 206 Md. App. 146, 171 (2012). Second, if the court finds there has been a material change in circumstances, “the court then proceeds to consider the best interests of the child as if the proceeding were one for original custody.” *Id.* at 170 (cleaned up). See also *Conover v. Conover*, 450 Md. 51, 60 (2016) (“The primary goal of access determinations in Maryland is to serve the best interests of the child.”). “In this regard, trial courts are endowed with great discretion in making decisions concerning the best interest of the child.” *Bussell v. Bussell*, 194 Md. App. 137, 157-58 (2010) (quoting *Petrini v. Petrini*, 336 Md. 453, 469 (1994)).

Here, in discussing whether it found a material change in circumstances, the circuit court first noted it was “struck” by the fact that so many disagreements had arisen between the parties since the custody order went into effect just over one year prior. The court went on to comment that the evidence, including Father’s controlling behavior, his rigidity in thinking “his time” with A. should exclude Mother’s phone calls to A. and Mother’s inclusion in school and extra-curricular activities, the parents’ “abysmal” ability to communicate with each other, and A.’s angst and expressions of emotional turmoil about not having access to Mother while with Father, constituted a material change of circumstances.

We conclude that there was sufficient evidence to support the circuit court’s conclusion that a material change of circumstances had occurred. The evidence at the modification hearing highlighted that the original custody order simply was not working and that the parents were unable to communicate effectively about A.’s welfare. Father

weaponized his access time to the detriment of his daughter and refused to communicate with Mother when he had custody of A. He also unilaterally canceled the child's doctors' appointments solely because Mother made them without consulting him and denied her reasonable requests, such as having the child with her on Mother's Day, despite changes in access being contemplated by the custody order.

After finding a material change in circumstances, the circuit court, as noted above, went on to consider thoroughly the various factors a trial court should consider when making a custody determination. Those factors include, but are not limited to: the parties' fitness; the parties' character and reputation; the parties' desire; any agreements between the parties; the potential of maintaining natural family relations; the child's preference; any material opportunities affecting the child's future; the child's age, health, and sex; the parties' residence and the opportunity for visitation; the length of separation from the natural parents; and any prior voluntary abandonment or surrender. *J.A.B. v. J.E.D.B.*, 250 Md. App. 234, 253 (2021).

Having reviewed the entire record, we hold that the circuit court did not err or abuse its discretion in modifying custody of A. The record makes plain that the court found a material change in circumstances since the imposition of the original custody order, conducted a thorough analysis of the relevant factors, properly weighed those factors in light of the totality of the circumstances, and reached a reasoned decision that a custody modification based on the child's best interests was warranted. In so doing, the court clearly articulated its reasons for awarding primary physical and sole legal custody of A. to Mother, and the court set forth a substantial evidentiary foundation to justify that decision.

In short, Father’s claims that the court failed to engage in the appropriate analysis and failed to provide a reasonable explanation for its decision are belied by the record.

CONCLUSION

For the most part, Father’s appellate issues center on alleged procedural errors by the circuit court, rather than an error in its factual findings or an abuse of its discretion in its ultimate modification of custody. Having denied Father’s challenges to the circuit court’s conduct and rulings, we hold that the court’s custody order was founded upon sound legal principles and the best interests of the child. Accordingly, we affirm the circuit court’s September 23, 2025, custody modification order.

**ORDER OF THE CIRCUIT COURT FOR
CHARLES COUNTY AFFIRMED; COSTS TO BE
PAID BY APPELLANT.**