

Circuit Court for Montgomery County
Case No. C-15-FM-22-000471

UNREPORTED*
IN THE APPELLATE COURT
OF MARYLAND

No. 1959

September Term, 2024

MALICK JOOF

v.

ARANEA JOOF

Wells, C.J.,
Arthur,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Wells, C.J.

Filed: June 10, 2025

*This is an unreported opinion. It 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 case arises from custody litigation between appellant Malick Joof (“Father”) and appellee Aranea Joof (“Mother”) regarding their minor child, K.¹ Mother and Father originally shared legal and physical custody, but in August 2023, Mother filed a Complaint for Modification of Custody, Access, and Child Support. After a trial in the Circuit Court for Montgomery County, the court granted Mother primary physical custody of K and ordered Father to pay \$1,011 per month in child support. Father then filed this timely appeal. He submits two questions for our review, which we rephrase:²

1. Did the circuit court err in awarding Mother primary physical custody?
2. Did the circuit court err in its determination of the child support award?

For the following reasons, we answer both questions in the negative and affirm.

FACTUAL AND PROCEDURAL BACKGROUND

Mother and Father are the parents of K, born in September 2020. Mother and Father divorced in March 2022. While in the process of divorcing, they entered into a Marital Settlement Agreement and Joint Supplemental Parenting Plan Tool/Agreement (“Parenting Plan”). Under the Parenting Plan, which was incorporated but not merged into the

¹ To preserve the anonymity of the minor child, we refer to him by the randomly selected letter K.

² Father’s verbatim questions are:

1. Under Maryland statutory and case law, the best interest of the child standard is the leading consideration in awarding custody. Did the trial court err as a matter of law in awarding Appellee physical custody of [K]?
2. Did the trial court err in its determination of the parties’ income and award of child support?

Judgment of Absolute Divorce entered in the Circuit Court for Montgomery County, Mother and Father agreed to share physical and legal custody of K, with Father having tie-breaking authority on K’s religious upbringing.³ The parents specifically agreed to a two-week alternating schedule of physical custody, where the child would live with one parent for two weeks and then the other parent for two weeks. Mother and Father both “agree[d] to maintain this residency arrangement until [K] reaches the age of 12, whereupon the parents may reconsider this arrangement in accordance with the best interests of [K].” They also agreed to live in Montgomery County but “[i]f either parent intends to move from Montgomery County, Maryland, both parents shall meet as far in advance of the move as possible, at least 60 days in advance, and attempt to arrange a plan for [K’s] residence that maintains the agreed-upon time-sharing to the maximum feasible extent.” Aside from living arrangements, the Parenting Plan specified Father would cover K’s health insurance. The Parenting Plan did not address child support.

In April 2022, shortly after Mother and Father divorced, Father interviewed for a position with New York City Health and Hospitals. In October 2022, while still living in Maryland, Father began working for New York City Health and Hospitals. Until early November, Father commuted from Maryland to New York for work. But in November 2022, Father moved to New Jersey. At that time, Mother did not have a driver’s license or a car, and she could not afford to pay for daycare on her own. Mother and Father

³ In his brief, Father identifies as Muslim. Part of the Parenting Plan included enrolling K in an Islamic school.

accordingly agreed K would reside in New Jersey with Father Wednesday evening through Monday and with Mother's sister and family members who live in New York Monday through Wednesday evening. Mother would see the child every other weekend. Both Mother and Father agreed this arrangement was temporary.

Father told Mother his health insurance through New York City Health and Hospitals would not cover K in Maryland. This led to Mother obtaining insurance for K so that K's health care in Maryland was not interrupted.

In June 2023, Father remarried. When Father moved to New Jersey in 2022, his current wife lived in that area. In July 2023, Father asked Mother to watch K so he could go on a trip, but he did not tell Mother it was for his honeymoon. At that time, Mother did not know Father got married. Regardless, Mother accepted. When Father returned in August 2023, Mother did not allow Father to pick up K without knowing when he would return the child, and Father was unwilling to provide a return date. Additionally, another source of contention was that both parties claimed they did not have the other's address. Mother expressed a desire to recommence the two-week custody arrangement from the Parenting Plan, but her request went unresolved because neither party would tell the other where they currently lived.

With all of this as a backdrop, Mother filed a Complaint for Modification of Child Custody, Access, and Child Support ("Complaint"). Mother alleged Father refused to follow the physical custody arrangement in the Parenting Plan. She claimed it would be in

K’s best interest for her to have primary physical custody—still sharing legal custody with Father, but with Mother having tie-breaking authority—and receive child support.

After filing her Complaint, the parties continued to bicker about access. Because Father had not seen the child since July, he filed an “Emergency Motion to Compel Access to the Minor Child and [Mother] to Release the Minor Child, and Request for Emergency Hearing” on October 17, 2023 (“Emergency Motion”). Specifically, Father alleged Mother refused to return K and repeatedly denied Father access to him “[s]ince she forcefully took” K in July 2023. Father requested Mother release K to his custody pending the court’s determination of Mother’s Complaint.

The Circuit Court for Montgomery County held an emergency hearing on October 19, ordering Mother to make K available for pickup by Father on October 21 and resume the two-week on/off physical custody arrangement. In February 2024, Father filed a Counterclaim for Modification of Custody, Access, and Child Support (“Counterclaim”). He requested sole legal and physical custody of K, as well as child support.

In April 2024, Mother remarried. At Father’s request, Father briefly met Mother’s new husband as Mother and Father exchanged custody of K. As of December 2024, however, Mother has not met Father’s new wife or Father’s newborn son.

Circuit Court Hearing

On October 16 and 17, 2024, the circuit court held a hearing on Mother’s Complaint and Father’s Counterclaim regarding custody and child support. We briefly discuss testimony relevant to this appeal.

Father testified on direct examination about his 2022 employment search, primarily looking for opportunities in New York. In response to questions from the court, Father said he looked for employment in Maryland. Then, on redirect following a break, Father said he looked extensively for employment in the Washington Metropolitan area.

Father testified his relationship with his now-wife was not one of the reasons he moved to New Jersey. On direct examination, Father said he relocated because of employment and his desire to get his Master of Laws degree in New York. He explained the school he now attends, Cardozo School of Law, is the only one in the country offering the securities arbitration program he wanted to study. On redirect, he testified he moved to New Jersey because Mother had family there and K could be close to them, among other reasons.

Mother testified she and Father agreed that K would return to Mother's physical custody when the child turned three in September 2023. Father, however, disputed this. Mother's Exhibit 18 included text messages between Mother and Father from May 2023. Mother texted: "I'll take [K] but it will take some time for me to found [sic] a daycare near me. I'll take him no later than September." Father responded, in part: "I'll take him then when he finishes an age group at daycare. If he starts at 3 years old then I'll take him when he turns 4 years Also, he can't be on my insurance in MD. So that needs to be switched if he goes to MD." At the hearing, Father testified he did not recall what the text exchange was about except making daycare arrangements.

Mother also testified about K’s dental health and how the child would complain about his teeth hurting, causing difficulty eating. Father testified he did not notice any issues with K’s teeth between November 2022 and July 2023. However, a dentist installed crowns on some of K’s teeth in February 2024.

Mother and Father both testified about perceived difficulties during pick-up and drop-off. Mother testified K cries when leaving her to go with Father but does not cry when returning to Mother. Mother’s current husband also testified that he saw the child “screaming and kicking” during an exchange from Mother to Father. Father testified this is because the pick-ups from Mother to Father are at a park, and K wants to stay at the park, while pick-ups from Father to Mother are not at a park.

Circuit Court Memorandum Opinion and Order

On December 2, 2024, the circuit court issued a 16-page memorandum opinion and order awarding Mother primary physical custody and joint legal custody of K, with Father retaining tie-breaking authority on the issue of the child’s religion. The court granted Father access to K during certain three-day weekends, as well as five consecutive weeks over the summer months. The court additionally ordered the parties alternate Labor Day weekend. Father also received access during alternate spring breaks and Thanksgiving breaks. The court alternated which parent had custody of K during the winter break. Additionally, the court granted Father custody of K for two days on Eid-ul Fitr and three days on Eid ul-Adha.

In its memorandum opinion, the circuit court first determined there was a material change in circumstances due to Father moving to New Jersey, “making it difficult to continue the alternating 2-week schedule, and impossible moving forward, as [K] will be going to school soon and needs to reside primarily in one place.”

The court then considered fourteen factors in making its custody determination: (1) fitness of the parents; (2) who was the primary caregiver; (3) character and reputation of the parents; (4) previous agreements; (5) ability of the parents to maintain family relationships; (6) K’s preference; (7) material opportunity affecting K’s life; (8) K’s age, health, and gender; (9) residences of the parents and opportunity for visitation; (10) parents’ work schedules; (11) parents’ length of separation from K; (12) any prior abandonment or surrender of custody of K; (13) parents’ relationship with K; and (14) parents’ ability to communicate.

The court first found both parents fit, notwithstanding the court’s finding that “[t]he parties have not always acted in [K’s] best interest.” The court also found Mother and Father shared equal access to K at the time the court authored its opinion.

As to character and reputation, the court found Father lacked credibility for numerous reasons. Specifically, the court did not “credit [Father’s] testimony that he looked [for employment] *extensively* in Maryland.” The court also opined there was no reason for Father to file his Emergency Motion and “when [he] did, he was not entirely honest.” The court additionally did not “credit the testimony that [Father] did not know what the Def[endant] Exh[ibit] 18 text exchange was about when it is apparent the

exchange supports [Mother’s] claim that the parties agreed [K] would be returned at age 3.” Further, the court did not credit Father’s “assertion that he had not considered that the woman he was seriously dating lived in the area when he relocated to New Jersey.” While the court found Mother more credible, it also addressed some of her “fault[s],” such as not prioritizing K’s relationship with Father.

In addressing previous agreements, the court stated:

The parties had an agreement that [K] would stay in Maryland. [Father] thereafter relocated and left [Mother] without sufficient resources to care for [K] on her own. The parties had an agreement that [K] would come back to Maryland at age 3, and [Father] reneged on that agreement once he settled in New Jersey with his new mate, his new job, [his] new school, and his new life.

The court explained it was “without evidence that either party would interfere with family relationships.” It also noted it did not have evidence of K’s preference besides K’s difficulty transitioning away from Mother when Mother returned K to Father’s custody.

The court, in discussing material opportunity affecting K’s life, briefly addressed how K “will have resources whichever place he resides.” And in its discussion of K’s age, health, and gender, the court expressed its concern that Father “contends there was no evidence of dental problems when, once [Mother] sought care for the child, [K] had to have a crown.”

Addressing the residences of parents and opportunity for visitation factor, the court found it “not ideal” for K to travel between Maryland and New Jersey two or three times per month. And in discussing Mother’s and Father’s work schedule, the court found:

Both parents are employed, and both have schedules and assistance at home that would allow them to care for [K]. [Father] works from the office three days a week. He worked from 8:30 a.m. to 4:30 p.m. and is an hour away from his job. [Father's] spouse is available to help with [K] if needed. [Father] is home two days a week. [Mother] leaves for work between 6 and 6:30 a.m. and gets off around 3:30 p.m. [Mother's] spouse takes [K] to school and [Mother] picks up.

The court went on to find neither parent voluntarily separated from K as Mother allowed K to go to New Jersey with Father temporarily from November 2022 to July 2023. The court additionally found there was no prior abandonment or surrender of custody as the temporary agreement from November 2022 to July 2023 was not abandonment but rather “an arrangement made necessary when [Father] left the state of Maryland.” The court further found both parents have a good relationship with the child.

The court lastly addressed Mother and Father's ability to communicate. Although they contended they cannot communicate, and the court observed evidence of unfriendly communication and even non-responsiveness, the court found Mother and Father “have shown immaturity but have not shown an inability to work together for [K's] sake.” The court found most of Mother and Father's difficulty communicating was situational, and

[t]here is a big difference between fighting over custody of [K] after there was a significant change in life plans, and consequently, a change in the agreement the parties had, and fighting over his health, education, religion, and other important legal custody decisions on a regular basis. There is no indication the parties are fighting over those major decisions, or that they would be unable to come to agreement moving forward.

After addressing the 14 factors, the court explained its reasoning for granting Mother primary physical custody of K:

The court finds it is in [K's] best interest for [Mother] to have primary residential custody. [K] has lived in Maryland his entire life except for the

brief break when [Father] moved to New Jersey. The parties' agreement stated an intention for [K] to remain here. Both parties can care for the child when he is in their custody. [Mother] has a schedule that allows for her to retrieve [K] and stay with him after school or day care. [K] is bonded to [Mother] and is upset when he is separated from her. [K's] aunt, who was [K's] caregiver in New York, has moved here, which, by [Mother's] credible testimony, was the plan when the parties temporarily agreed for [K] to go with his dad to New Jersey. [Father] has a new baby, a new job, will be studying for the bar exam, and while there is no doubt he will spend as much time with [K] as he can, [Mother] will be well equipped to give [K] the time and attention he needs and deserves.

Because Mother was awarded primary physical custody, and Father was not living in Maryland as of December 2024 when the court authored its memorandum opinion, the court ordered Mother to continue covering K on her health insurance plan. The court additionally awarded Mother child support, ordering Father to pay \$1,011 per month.

After the court issued its order and memorandum opinion, Father filed this timely appeal. We will add additional facts when necessary.

DISCUSSION

I. The Circuit Court Did Not Err in Awarding Mother Primary Physical Custody.

A. Parties' Contentions

Father contends the circuit court erred in awarding Mother primary physical custody of K. Specifically, Father alleges the court made three errors in its custody determination.

First, Father argues the court erred in finding Father lacked credibility because factual findings underlying the court's credibility determination are not supported by the record. Father also challenged the veracity of Mother and her new husband's testimony, and the court crediting such testimony.

Second, Father argues the court erred in its analysis of K’s best interest. Father goes through 12 of the 14 factors the court discussed in its memorandum opinion,⁴ challenging the court’s findings as to each factor and/or facts underlying the court’s findings.

Finally, Father argues the court erred in setting Father’s visitation schedule regarding religious holidays because it is not in K’s best interest. Specifically, Father challenges the court’s schedule for winter break, arguing K celebrating Christmas is “contrary to [K’s] religious practices, even though the [circuit] court did not disturb the parties’ agreement to raise [K] a Muslim.” Father also takes issue with the court awarding him custody of K for “a mere two days” on Eid-ul Fitr and three days on Eid ul-Adha, arguing K will miss important aspects of the holiday because Father’s access “commence[s] after school on the first day, or if on the weekend, at 11 a.m.”

Mother contends the court did not err in awarding Mother primary physical custody of K. *First*, she argues numerous facts in the record support the court’s finding that Father was not credible. Aside from those facts, Mother also alleges Father’s testimony on other topics was not credible, such as his testimony that he is K’s main caregiver when he has custody and Father’s claim that the child does not cry when he goes back with Father.⁵

Second, Mother argues the court did not err in its analysis of the best interest of the child. She discusses the factors Father brought up in his brief to this Court, agreeing with

⁴ Father did not discuss the factors of prior abandonment or surrender, or either parent’s length of separation from K.

⁵ Father later testified “[t]here are times that [K] cried, and it’s because when I drop him off, I don’t drop him off at a park. When [Mother] drops him off, she drops him off at a park, and he cries to go to the park.”

the court’s conclusions as to those factors and/or challenging Father’s characterization of facts specific to certain factors.

Finally, Mother contends the court properly exercised its discretion in setting the visitation schedule. She argues the schedule “exposes [K] to the holiday activities of both parents” and “it is in the child’s best interest to be familiar and comfortable with the cultural milieu of each parent.”

B. Standard of Review

“This [C]ourt reviews child custody determinations utilizing three interrelated standards of review.” *Gillespie v. Gillespie*, 206 Md. App. 146, 170 (2012). Specifically:

When the appellate court scrutinizes factual findings, the clearly erroneous standard of [Rule 8-131(c)] applies. [Second,] if it appears that the [court] erred as to matters of law, further proceedings in the trial court will ordinarily be required unless error is determined to be harmless. Finally, when the appellate court views the ultimate conclusion of the [court] 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. (alteration in original) (quoting *In re Yve S.*, 373 Md. 551, 586 (2003)). Further,

it is within the sound discretion of the [court] to award custody according to the exigencies of each case, and as our decisions indicate, a reviewing court may interfere with such a determination only on a clear showing of abuse of that discretion. Such broad discretion is vested in the [court] because only he [or she] sees the witnesses and the parties, hears the testimony, and has the opportunity to speak with the child; he [or she] 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.

Id. at 585–86.

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.” *Alexander v. Alexander*, 252 Md. App. 1, 17 (2021) (cleaned up). “Put simply, we will not reverse the trial court [under the abuse of discretion standard] 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 No. 3598*, 347 Md. 295, 313 (1997)). “A finding of a trial court is not clearly erroneous if there is competent or material evidence in the record to support the court’s conclusion.” *Lemley v. Lemley*, 109 Md. App. 620, 628 (1996).

C. Analysis

“Unequivocally, the test with respect to custody determinations begins and ends with what is in the best interest of the child.” *Azizova v. Suleymanov*, 243 Md. App. 340, 347 (2019). An “appellate court does not make its own determinations 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.” *Gordon v. Gordon*, 174 Md. App. 583, 637-38 (2007). We conclude the circuit court did not clearly err as to factual findings or otherwise clearly abuse its discretion in awarding Mother primary physical custody or setting the visitation schedule.

1. We Do Not Disturb the Circuit Court’s Credibility Determinations.

In our review of the circuit court’s decision, we give “due regard to the opportunity of the trial court to judge the credibility of the witnesses.” Md. Rule 8-131(c). We give

such regard because “[i]t is well established in Maryland that the trial court, which has the opportunity to observe the parties and witnesses, hear testimony, and *make credibility determinations*, ‘is in a far better position than [the] appellate court . . . to weigh the evidence and determine what disposition will best promote the welfare of the minor.’” *Sang Ho Na v. Gillespie*, 234 Md. App. 742, 757 (2017) (emphasis added) (quoting *Davis v. Davis*, 280 Md. 119, 125 (1977)). In assessing the credibility of witnesses, the circuit court is “entitled to accept—or reject—*all, part, or none* of the testimony of any witnesses, whether that testimony was or was not contradicted or corroborated by any other evidence.” *Omayaka v. Omayaka*, 417 Md. 643, 659 (2011) (emphasis in original).

The circuit court found Father lacked credibility, identifying numerous parts of Father’s testimony it did not credit. In some instances, the court explained its discrediting of Father’s testimony was due to a lack of evidence corroborating Father’s testimony and/or the presence of evidence contradicting Father’s testimony. For example, in discussing why it did not credit Father’s testimony that he looked for employment extensively in Maryland, the court explained how “it [was] without evidence, other than [Father’s] contention, that he made any effort to remain in the state of Maryland, and in fact, it is evident that [Father] began looking for a job and school out of state shortly after the parties entered into the parenting plan.” The court also found Mother relatively more credible than Father but noted “she is not without fault.”

“It is not our role, as an appellate court, to second-guess the trial judge’s assessment of a witness’s credibility.” *Gizzo v. Gerstman*, 245 Md. App. 168, 203 (2020). Therefore, we will not disturb the circuit court’s credibility determinations.

2. *The Circuit Court Did Not Err in Awarding Mother Primary Physical Custody of X or Setting the Visitation Schedule.*

“[T]he best interest standard has been espoused by the Court of Appeals^[6] as the dispositive factor on which to base custody awards.” *Wagner v. Wagner*, 109 Md. App. 1, 38 (1996).

Although courts are not limited to a list of factors in applying the best interest standard in each individual case, the cases of the Court of Appeals and of this Court, beginning with *Montgomery County Department of Social Services v. Sanders*, 38 Md. App. 406, 381 A.2d 1154 (1997) and *Taylor v. Taylor*, 306 Md. 290, 508 A.2d 964 (1986), have set forth a non-exhaustive delineation of factors that a court must consider when making custody determinations[.]

Azizova, 243 Md. App. at 345.

The 10 factors this Court outlined in *Sanders* include: (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 opportunities for visitation; (9) length of

⁶ See Md. Rule 1-101.1 (“From and after December 14, 2022, any reference in these Rules or, in any proceedings before any court of the Maryland Judiciary, any reference in any statute, ordinance, or regulation applicable in Maryland to the Court of Appeals of Maryland shall be deemed to refer to the Supreme Court of Maryland, and any reference to the Court of Special Appeals of Maryland shall be deemed to refer to the Appellate Court of Maryland.”).

separation from the natural parents; and (10) prior voluntary abandonment or surrender. 38 Md. App. at 420.

The factors discussed in *Taylor*, “with particular relevance to a consideration of joint custody,”⁷ are: (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 social and school 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) any other factor that reasonably relates to the issue. 306 Md. at 304-11.

“When considering the *Sanders-Taylor* factors, the trial court should examine ‘the totality of the situation in the alternative environments’ and avoid focusing on or weighing any single factor to the exclusion of all others.” *Jose v. Jose*, 237 Md. App. 588, 600 (2018) (quoting *Best v. Best*, 93 Md. App. 644, 656 (1992)).

“The Court of Appeals and this 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*, 243 Md. App. at 347. This is another time. Based upon our review of the record, we conclude the court did

⁷ *A.A. v. Ab.D.*, 246 Md. App. 418, 444 (2020).

not err or otherwise abuse its discretion in determining custody and visitation as the court’s determinations were made with the best interests of K in mind and were not “well removed from any center mark imagined by” this Court. *Santo*, 448 Md. at 626 (quoting *In re Adoption/Guardianship No. 3598*, 347 Md. at 313). We need not review the court’s entire analysis of each factor to show the lack of error. Instead, we focus on certain challenges Father makes to the court’s factual findings, or lack thereof, in its memorandum opinion.

Some challenges Father raises are based on the court’s lack of discussion of certain facts, namely, the court not discussing Mother not informing Father she was dating and eventually married her now-husband. However, the court did not need to “articulate every step of the judicial thought process in order to show that it has conducted the appropriate analysis.” *Gizzo*, 245 Md. App. at 195-96.

Other arguments Father raises in his brief to this Court revolve around factual findings made by the court. The court did not, as Father alleges, “call into question a valid and lawful order of another sitting judge” when it found Father was not “entirely honest” in his Emergency Motion. The court merely made a factual finding as to Father’s honesty, of which there is competent supporting evidence, such as Father not including information in his Emergency Motion about his refusal to tell Mother when he would return K to Mother. The court also made a factual finding that there was an agreement for Father to return K to Mother’s custody when K turned three, and there was competent evidence

supporting that finding, too: Defendant’s Exhibit 18.⁸ Therefore, the court did not clearly err in finding Father was not entirely honest in his Emergency Motion or finding there was an agreement between Mother and Father for Father to return custody of K to Mother when he turned three.

Father additionally mischaracterizes the court’s rationale for awarding Mother primary custody. The court did not, as Father alleges in his brief, suggest he “will not give [K] the time and attention that he deserves” due to Father’s work and bar exam studying schedule. The court remarked that both parents “have schedules and assistance at home that would allow them to care for [K].” The court indicated Mother is relatively better equipped to meet K’s needs, and this finding was supported by competent evidence. Accordingly, the court did not clearly err on this issue.

As a final matter, the court did not err due to its lack of discussion of K’s religious upbringing. “As various courts have pointed out, intervention in matters of religion is a perilous adventure upon which the judiciary should be loath to embark.” *Kirchner v. Caughey*, 326 Md. 567, 575 (1992). Accordingly, this Court held:

a court in a custody proceeding may consider evidence of the religious views or practices of a party seeking custody, along with other factors impacting upon the child’s welfare, *to the extent that such views or practices are demonstrated to bear upon the physical or emotional welfare of the child*. Absent such a demonstration, courts have no business treading on the constitutionally sensitive grounds of religion.

⁸ While there is no year shown on the exhibit or messages from Mother confirming, as Father argues in his brief, the texts and Mother’s testimony before the court constitute competent evidence of an agreement between Mother and Father.

Bienefeld v. Bennett-White, 91 Md. App. 488, 507 (1992) (emphasis added). There is no evidence in the record indicating Father’s or Mother’s religious views would impact K’s physical or emotional welfare. Therefore, we conclude the court did not err in refraining from discussing the parents’ religious views in its analysis of K’s best interest.

Overall, our review reveals the court’s factual findings in its memorandum opinion were not clearly erroneous, and its custody and visitation award was not a clear abuse of its discretion as it was made in K’s best interest based upon a “thorough, thoughtful[,] and well-reasoned analysis congruent with the various custody factors.” *Azizova*, 243 Md. App. at 347.

II. The Circuit Court Did Not Err in its Determination of the Child Support Award.

A. Additional Facts

In this case, the court determined Father’s annual income was \$93,580. It appears the court then calculated Father’s monthly income to be \$7,798 by dividing \$93,580 by 12 (the number of months in the year).

The court determined Mother’s annual income based upon paystubs from 14 pay periods presented to the court. Over those pay periods, Mother earned \$36,232.69, \$3,000 of which was a signing bonus the court “deduced prior to projecting annual income.” The court then determined Mother’s projected annual income was \$61,717.75 by determining how much money Mother makes per two-week pay period and multiplying that amount by

26.⁹ It appears the court then calculated Mother’s monthly income to be \$5,143 by dividing \$61,717.75 by 12.

Based upon Mother’s and Father’s combined monthly income, the court calculated their combined monthly adjusted income as \$12,941, 60.3% contributed by Father and 39.7% contributed by Mother.¹⁰ Based upon that combined monthly adjusted income, the court determined the basic child support obligation was \$1,677. Since there were no work-related childcare expenses, health insurance expenses, extraordinary medical expenses, or additional expenses pursuant to FL § 12-204(l)(1), as well as no cash medical support pursuant to FL § 12-102(c)(3)(ii), the total child support obligation was the same as the basic child support obligation. The court calculated Father’s child support obligation to be \$1,011, or 60.3% of \$1,677.

B. Parties’ Contentions

Father contends the circuit court erred in its determination of the child support award to Mother. Father *first* argues the court miscalculated his monthly income. Father’s annual income is \$93,580, and the court calculated his monthly income as \$7,798. Based upon the court’s monthly income calculation—which Father alleges the court did not explain—

⁹ Specifically, the court divided \$33,232.69 (how much Mother made in 14 two-week pay periods, deducting the \$3,000 signing bonus) by 14 to determine Mother makes \$2,373.76 per two-week pay period. Because there are 26 two-week pay periods in a year (as there are 52 weeks in a year), the court multiplied \$2,373.76 by 26 to determine Mother makes \$61,717.76 per year.

¹⁰ \$7,798 divided by \$12,941 is 60.258%, and \$5,143 divided by \$12,941 is 39.74%.

Father posits his annual income would be \$101,374. Father instead contends his monthly income is \$7,198.46, calculated by dividing \$93,580 by 26 and then multiplying that figure by 2. *Second*, Father argues the court “made no finding regarding [Mother’s] income but relied on approximations instead.” Because of the court’s error in calculating Father’s monthly income and approximating Mother’s income, Father contends the court departed from Maryland child support guidelines but did not explain the reasons for the departure.

Mother contends the court correctly applied the child support guidelines. Specifically, Mother argues the court properly calculated Father’s monthly income by dividing his annual income (\$93,580) by 12. Mother also argues Father’s calculation of his monthly income discussed above is incorrect because he uses “a multiple of the weekly amount, erroneously assuming that there are four weeks in every month.”

C. Standard of Review

“The trial court’s decision as to the appropriate amount of child support involves the exercise of the court’s discretion.” *Guidash v. Tome*, 211 Md. App. 725, 735 (2013). “Child support awards made pursuant to the [Maryland child support] Guidelines will be disturbed only if there is a clear abuse of discretion.” *Gladis v. Gladisova*, 382 Md. 654, 665 (2004).

D. Analysis

Maryland Code Annotated, §§ 12-201–204 of the Family Law (“FL”) Article comprise Maryland’s child support guidelines. FL § 12-202(a)(1) states the general rule:

“in any proceeding to establish or modify child support . . . the court shall use the child support guidelines set forth in this subtitle.”

Pursuant to FL § 12-204(e), the basic child support obligation—*i.e.*, the base amount due for child support pursuant to FL § 12-201(e)—is determined based upon the combined monthly adjusted actual income of both parents and the number of children. The basic child support obligation is then “divided between the parents in proportion to their adjusted actual incomes” to determine each parent’s respective share of the basic child support obligation. FL § 12-204(a)(1). “Except in cases of shared physical custody, each parent’s child support obligation shall be determined by adding each parent’s respective share of the basic child support obligation, work-related child care expenses, health insurance expenses, extraordinary medical expenses, and additional expenses under subsection (i) of this section.” FL § 12-204(l)(1).

FL § 12-201(b)(1) defines “actual income” as “income from any source.” Pursuant to FL § 12-203(b)(1), “[i]ncome statements of the parents shall be verified with documentation of both current and past actual income.” “[S]uitable documentation of actual income includes pay stubs, employer statements otherwise admissible under the rules of evidence, or receipts and expenses if self-employed, and copies of each parent’s 3 most recent federal tax returns.” FL § 12-203(b)(2)(i). “In order to establish his or her actual income, a party to a child support case could produce any one, two, or all three of the items listed in [FL] § 12-203(b)(2)(i).” *Tanis v. Crocker*, 110 Md. App. 559, 572 (1996). As this Court determined in *Ley v. Forman*, “[t]he clear intention of the legislature

requires the trial court to consider actual income and expenses based on the evidence. The court must rely on the verifiable incomes of the parties, and failure to do so results in an inaccurate financial picture.” 144 Md. App. 658, 670 (2002).

“There is a rebuttable presumption that the amount of child support which . . . result[s] from the application of the child support guidelines . . . is the correct amount of child support to be awarded.” FL § 12-202(a)(2)(i). “The presumption may be rebutted by evidence that the application of the guidelines would be unjust or inappropriate in a particular case.” FL § 12-202(a)(2)(ii). “If the court determines that the application of the guidelines would be unjust or inappropriate in a particular case, the court shall make a written finding or specific finding on the record stating the reason for departing from the guidelines.” FL § 12-202(a)(2)(v).

The court did not err in determining the child support award in this case. *First*, the court properly calculated Father’s monthly income. Although the court did not explain its calculations, Father’s annual income of \$93,580 divided by 12 equals a monthly income of \$7,798—the same as that listed in the court’s child support calculator. *Second*, the court properly calculated Mother’s monthly income based upon one of the items constituting suitable documentation of her actual income: her paystubs. *See* FL § 12-203(b)(2)(i); *Tanis*, 110 Md. App. at 572. The court, therefore, considered Mother’s “actual income and expenses based on the evidence,” thereby preventing reliance on “an inaccurate financial picture” in calculating child support. *Ley*, 144 Md. App. at 670.

Because the court properly calculated Mother's and Father's actual monthly incomes, and therefore the combined monthly adjusted actual income, the court did not depart from Maryland's child support guidelines. There is no other evidence in the record to show the court clearly abused its discretion in rendering the child support award in this case.

**THE JUDGMENTS OF THE CIRCUIT
COURT FOR MONTGOMERY COUNTY
ARE AFFIRMED. APPELLANT TO PAY
THE COSTS.**