

Circuit Court for Cecil County
Case No. C-07-FM-24-000290

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2034

September Term, 2025

GRAYSON MAXWELL

v.

KIMBERLY MAXWELL

Berger,
Tang,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Berger, J.

Filed: July 8, 2026

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

This case involves an appeal by Grayson Maxwell, (“Father”), challenging orders from the Circuit Court for Cecil County, granting appellee, Kimberly Maxwell (“Mother”) custody of the parties’ minor child, M., and child support. The circuit court entered a custody order November 22, 2024, and a child support order June 2, 2025. On October 10, 2025, Father filed a motion to vacate the orders for fraud, mistake, or irregularity, which the court denied October 30, 2025. Father noted this appeal November 4, 2025.

QUESTIONS PRESENTED

Father presents five questions for our review, which we have recast and rephrased as the following three questions:¹

- I. Whether the circuit court erred in its consideration of evidence pertaining to existing protective orders and

¹ Father phrased the questions as follows:

1. Whether the Circuit Court improperly relied on the existence of a protective order rather than evidence developed in the custody proceeding when determining custody and visitation.
2. Whether the Circuit Court abused its discretion by imposing therapeutic and supervised visitation without neutral expert testimony or professional evaluation.
3. Whether the Circuit Court improperly relied on references to the Appellant’s mental health without competent medical evidence.
4. Whether the Circuit Court erred in entering a child support determination after acknowledging that the financial record was incomplete.
5. Whether the magistrate’s findings regarding the child’s emotional condition and attribution of causation were speculative and unsupported by competent evidence.

Father's mental health during the custody and visitation proceedings.

- II. Whether the circuit court erred in its findings regarding M.'s emotional condition and imposing certain visitation with Father in the custody and visitation order.
- III. Whether the circuit court erred in its child support determination and calculation.

For the following reasons, we dismiss Father's appeal of the November 22, 2024 custody and visitation order and the June 2, 2025 child support order as untimely. Insofar as Father appeals the circuit court's denial of his motion to vacate the orders for fraud, mistake, or irregularity, we affirm the circuit court's denial of the motion.

BACKGROUND

Facts giving rise to the custody and child support dispute

The parties were married on October 22, 2020, and share one child, M., born October 30, 2020. The parties resided together until Mother left the marital home on April 10, 2024 with M. On April 12, 2024, Father filed a Complaint for sole legal and primary physical custody of M., and also requested child support and alimony. Mother filed a Complaint for sole legal and primary physical custody the same day. The circuit court consolidated the cases.

The parties have filed for multiple protective orders against one another. Mother filed for a protective order against Father on April 10, 2024, and Father filed for a protective order against Mother on April 12, 2024. Although Mother's petition was denied, Father

was granted a temporary protective order on April 12, 2024. The court denied Father's final protective order on April 26, 2024. M. remained in Mother's care during this time.

On July 6, 2024, Father observed Mother and M. outside a Dollar General store and proceeded to follow them around the store. Mother permitted Father to hold M. for a short time. Mother reported that she was so distressed from the situation that she became physically ill. On July 17, 2024, Father filed a Motion requesting therapeutic or supervised visitation with M., alleging that, with the exception of the brief interaction on July 6, 2024, he had not seen M. since April 10, 2024. The court reserved ruling on Father's request until the custody hearing.

On July 23, 2024, Mother filed a petition for a protective order against Father, alleging that on July 21, 2024, Father made a fake Snapchat account to communicate with Mother in an effort to harass and threaten her with violence. Mother also alleged that on July 23, 2024, during a FaceTime call with M., Father showed up at Mother's home and knocked on the window. Mother "freaked out" and told M. to run upstairs and hide. The court granted Mother and M. a Final Protective Order on July 30, 2024, to last for one year. The Final Protective Order granted Mother custody of M., prohibited Father from contacting Mother or M., and prohibited Father from entering Mother's residence or place of employment or M.'s daycare.

A custody hearing was held before a magistrate on August 21, 2024, with Mother represented by counsel and Father proceeding pro se. The matter was continued until September 30, 2024. During the hearing, the parties entered various documents into evidence, including text messages, temporary and final protective orders, pay stubs,

housing and employment information, and testimony by the parties and other witnesses.² Father also attempted to introduce his own medical records into evidence.

On November 6, 2024, the magistrate issued a lengthy report of findings of fact and recommendations. The magistrate found that Mother had been M.'s primary caregiver, and Father had only seen M. twice since the parties' separation. The report noted that although Mother permitted Father to FaceTime with M. on occasion, M. appeared visibly upset and distressed after the FaceTime calls. The report made extensive factual findings of the events leading up to the granting of the Final Protective Order, which largely reflected the language used in Mother's petition for protection and the findings contained in the Final Protective Order. The report also noted that Father has filed for multiple protective orders which have been denied. The report noted that Father's interactions with Mother and M. -- following them to Dollar General on July 6, 2024, and showing up unannounced at Mother's home on July 23, 2024 -- were inappropriate, but that Mother's responses on either occasion were also improper and likely contributed to M.'s distress.

The magistrate made limited factual findings regarding the issue of child support. The magistrate found that as of August 10, 2024, Mother's gross earnings were \$17,087.20, and noted she was planning to begin a new job on October 14, 2024, which would pay \$19.20 per hour. The magistrate also found that Father was employed, earning \$15.50 per hour. Father had started this job in July 2024 and his year-to-date earnings were \$1,546.23.

² Father has not provided transcripts for this appeal. Without the transcripts, we are unable to accurately describe the parties' testimony. Because we ultimately dismiss his appeal as untimely, the transcripts are unnecessary for this appeal.

The magistrate also made findings regarding Father’s prior employment and noted that Father had not provided child support for M. since the parties separated. Due to the limited financial evidence, the magistrate found that “[m]ore information is needed in order to accurately calculate child support.” Accordingly, the magistrate held the issue of child support *sub curiae*. Mother was granted sole legal and sole physical custody of M., and Father was awarded two therapeutic visitations with M., to be followed by supervised visitation. Neither party filed exceptions to the magistrate’s report, and the circuit court entered the custody order on November 22, 2024, adopting the magistrate’s recommendations.

The child support hearing was held on February 19, 2025. The parties introduced additional financial evidence including pay stubs and W-2 forms, and the court heard testimony from several witnesses. The magistrate issued a report on May 14, 2025. The magistrate found that Father had at least two employers in 2024, and as of December 27, 2024, had earned \$19,778.63. Father’s year-to-date earnings as of February 8, 2025 were \$3,286.61. At the time of the hearing, Father was on a leave of absence with a pending workers’ compensation case due to plantar fasciitis. Father acknowledged that he could work, but alleged he was having difficulty finding employment where he could sit or drive due to his ailments. Accordingly, the magistrate found that Father was voluntarily impoverished and imputed a monthly income of \$2,600.00 based on the minimum wage.

The magistrate found that Mother had four employers in 2024, earning a total of \$29,550.35. Mother’s year-to-date earnings as of January 18, 2025 were \$1,497.60. The magistrate found that Mother had monthly childcare expenses of \$87.00. Accordingly, the

magistrate calculated Mother's monthly income as \$2,463.00 from April 12, 2024, until January 11, 2025, and \$3,245.00 from January 12, 2025, onward. The magistrate recommended that the child support obligation from April 12, 2024 to January 11, 2025 be \$528.00 per month, and from January 12, 2025 onward, be \$489.00 per month. Neither party filed exceptions to the magistrate's report, and the circuit court entered the child support order on June 2, 2025, adopting the magistrate's recommendations.

Motions following the entry of the custody and child support orders

On July 1, 2025, Father filed a motion to appoint counsel, noting that he was unable to afford counsel, and suffered from post-traumatic stress disorder and bipolar I disorder, which impaired his ability to represent himself. The motion was denied by the circuit court on July 22, 2025, as there were "no pending matters before the Court." The case was closed the same day.

On July 23, 2025, Father filed a petition to modify custody and visitation (the "July 23 Petition"), reopening the case. In the July 23 petition, Father alleged that Mother was negligent and abusive, and further alleged parental alienation and child endangerment. Father requested full physical and sole legal custody of M., alleging that Mother was "of unfit care/negligent to minor child." Father also requested that any visitation with Mother be suspended or strictly supervised.

Mother filed an Answer to Father's petition for modification and filed her own motion to modify the custody order on August 19, 2025. In her motion for modification, Mother requested that the court eliminate all visitation with Father because M. displayed regressive and aggressive behaviors and expressed distress following visitation with

Father. Mother additionally filed a motion to support a Best Interest Attorney for M. the same day. A hearing on the motions for modification was set for March 4, 2026.

On October 10, 2025, Father filed a “Motion to vacate custody and child support orders (fraud, mistake, and irregularity)” (the “October 10 Motion”). The October 10 Motion was separate and distinct from the petition he filed on July 23, 2025. In the October 10 Motion, Father alleged: “The current Custody and Child Support Orders were entered following the issuance of a Final Protective Order in Case No. C-07-FM-24-809894, which has since been challenged by Respondent as fraudulent and unsupported by credible evidence.” Father further alleged: “Said Orders were influenced by testimony and evidence presented in proceedings where Respondent was unrepresented, denied ADA accommodations, and suffering from documented PTSD and related impairments.” Because Mother “engaged in acts of fraud upon the court,” Father argued, the custody and child support orders were based on misrepresentations adverse to Father’s interests. Accordingly, Father requested that the court vacate the custody and child support orders, reopen the proceedings with ADA accommodations, and appoint counsel for Father. Further, on October 10, 2025, Father filed a “Motion to stay income withholding and enforcement,” of the child support award, as it was “based on a fraudulently imputed income.”

On October 28, 2025, Father filed a “Motion to vacate and remand orders derived from an unconstitutional and duplicative proceeding” (the “October 28 Motion”). In the October 28 Motion, Father moved to:

1. Vacate the Final Protective Order entered July 30, 2024 (Case C-07-FM-24-809894);

2. Vacate the derivative Child-Support Order entered in 2025 (same underlying case as custody, C-07-FM-24-000290); and

3. Remand the November 2024 Custody Order (C-07-FM-24-000290) for a new, constitutionally sound trial;

all pursuant to Maryland Rule 2-535(b), Article 24 of the Maryland Declaration of Rights, and the Fifth and Fourteenth Amendments to the United States Constitution.

Father alleged that the July 30, 2024 protective order proceeding “was marred by procedural irregularities, lack of adequate notice, denial of accommodations required under the Americans with Disabilities Act, and other violations of due-process and equal-protection guarantees.” Father alleged that this proceeding was the “poisonous tree” which tainted all subsequent proceedings.

On October 30, 2025, the court denied the October 10 Motion and the Motion to stay income withholding.

Appellate proceedings

Father noted an appeal to this Court on November 4, 2025. In his notice of appeal, Father noted that he would be appealing:

1. The denial of Appellant’s Motion to Vacate Custody and Child-Support Orders (Fraud, Mistake, and Irregularity) in Case No. C-07-FM-24-000290;

2. The denial of Appellant’s Motion to Stay Income Withholding and Enforcement in Case No. C-07-FM-24-000290;

3. The denial of Appellant’s Motion for Accommodation for Counsel and Temporary Suspension of Protection Order (ADA Title II) in Case No. C-07-FM-24-809894; and

4. The anticipated denial of Appellant’s Motion to Vacate and Remand Orders Derived from an Unconstitutional and Duplicative Proceeding (filed October 28, 2025), which is integral to the constitutional issues on appeal.

Following several postponements, Father’s Appellant Brief was filed on May 5, 2026. Father notes that he appeals the “Final custody, visitation orders entered following magistrate proceedings in November 2024. Child support was determined and concluded 07/22/2025.” Father then presents five issues, all of which pertain to alleged errors by the circuit court in the custody and visitation proceedings and the child support proceedings. Regarding the custody and visitation proceedings, Father argues: “improper reliance on protective order instead of custody record evidence;” “visitation restrictions imposed without neutral professional evaluation;” “mental health references without competent medical evidence;” and “speculative findings regarding the child’s emotional condition and unsupported attribution of causation.” Regarding the child support proceedings, Father alleges “child support determination based on an incomplete record.” Father requests that this Court vacate the custody and visitation order and vacate the child support determination. Father’s Appellate Brief does not address the denial of the October 10 Motion, nor does it mention the “anticipated denial” of the October 28 Motion.

In her Appellee Brief, Mother has moved to dismiss the appeal under Maryland Rule 8-602(b)(2), as it is an untimely appeal of the custody and visitation order entered

November 22, 2024 and the child support order entered June 2, 2025. Mother’s brief additionally addresses each of Father’s allegations of error by the circuit court.

In his Reply Brief, Father argues that Mother “asks this Court to affirm or dismiss on procedural grounds while treating the record below as complete.” Father contends that the circuit court’s custody determination “rested on a materially incomplete factual record,” and should therefore be reversed. Notably, Father argues, there is newly obtained evidence in relation to an April 14, 2024 “enforcement incident” that the circuit court had not considered, which requires remand. Father contends that any timeliness deficiencies do not foreclose a limited remand “for consideration of newly obtained material evidence,” and argues that his “request for remand is distinct from a request for reversal on the merits.”³

STANDARD OF REVIEW

Under Maryland Rule 2-535, “a court may revise an enrolled judgment upon a finding of fraud, mistake, clerical mistake, or other irregularity if, in addition, the movant establishes that she acted in good faith and with ordinary diligence and that she has a meritorious defense.” *In re Adoption/Guardianship No. 93321055/CAD*, 344 Md. 458, 475 (1997). “The existence of a factual predicate of fraud, mistake, or irregularity, necessary to support vacating a judgment under Rule 2-535(b), is a question of law.” *Wells v. Wells*,

³ On April 20, 2026, Father filed a “Motion to Remand for Consideration of Newly Discovered Evidence” with this Court. In this Motion, Father addresses the April 24, 2024 “enforcement incident,” which he argued “directly affect[ed] the factual basis upon which the trial court evaluated [Father’s] parental involvement and access to the minor child. This Court denied the Motion on April 24, 2026. Father’s Reply Brief attempts to raise this precise issue again.

168 Md. App. 382, 394 (2006). “If the factual predicate exists, the court's decision on the motion is reviewed for abuse of discretion.” *Id.*

“The denial of a motion to revise under Rule 2-535(b) is appealable, but the only issue before the appellate court is whether the trial court erred as a matter of law or abused its discretion in denying the motion.” *In re Adoption/Guardianship No. 93321055*, at 475. (citations omitted) (see also *Bennett v. State Dept. of Assessment and Taxation*, 171 Md. App. 197, 203 (2006) (“An appeal from the denial of a motion asking the court to exercise its revisory power is not necessarily the same as an appeal from the judgment itself. Rather, the standard of review is whether the trial court abused its discretion in declining to revise the judgment.”). “The scope of review is ‘limited to whether the trial judge abused his [or her] discretion in declining to reconsider the judgment.’” *Estate of Vess*, 234 Md. App. 173, 204 (2017) (quoting *Grimberg v. Marth*, 338 Md. 546, 553 (1995)). “Except to the extent that they are subsumed in that question, the merits of the judgment itself are not open to direct attack. In order to challenge the judgment itself, a timely appeal must be taken from it.” *In re Adoption/Guardianship No. 93321055*, at 475-76.

DISCUSSION

Maryland Rule 8-202(a) provides that except when otherwise provided, an appeal must “be filed within 30 days after entry of the judgment or order from which the appeal is taken.” Maryland Rule 8-602(b)(2) mandates that this Court dismiss an appeal if “the notice of appeal was not filed with the lower court within the time prescribed by Rule 8-202.” The Supreme Court of Maryland has recognized:

Maryland Rule 8-202(a) is a claim-processing rule, and not a jurisdictional limitation on this Court. Despite this recognition, Maryland Rule 8-202(a) remains a binding rule on appellants, and this Court will continue to enforce the Rule. We are not concluding that it is inappropriate for a court to dismiss an untimely appeal. Rather, we are stating that the appropriate grounds for dismissal of an untimely appeal is to dismiss for a failure to comply with the Maryland Rules, instead of for lack of jurisdiction.

Rosales v. State, 463 Md. 552, 568 (2019).

As we have observed, Father’s notice of appeal indicated that he was appealing the circuit court’s 1) denial of the October 10 Motion; 2) denial of the Motion to stay income withholding; 3) denial of Father’s request for ADA accommodations; and 4) anticipated denial of the October 28 Motion. Father’s Appellant Brief, however, notes that he is appealing the “[f]inal custody, visitation orders entered following magistrate proceedings in November 2024. Child Support was determined and concluded 07/22/2025.” Father’s Appellant Brief goes on to address the evidence presented to the court during the custody and child support proceedings, and requests that this Court vacate the custody and visitation order and vacate the child support determination.

Father’s Appellant Brief does not address any of the issues that he described in his notice of appeal. Rather, on appeal, Father contends that the court made various errors during the custody and child support hearings. The custody order was entered on November 22, 2024, and the deadline to appeal this order was “30 days after entry of the judgment or order,” or December 22, 2024. Likewise, the child support order was entered on June 2, 2025, and the deadline to appeal this order was July 2, 2025. Father did not file any motions that would have extended the time to file an appeal for either of the custody

and visitation or the child support order. Any appeal of the custody and visitation order entered November 22, 2024 or the child support order entered June 2, 2025 therefore does not comply with the Maryland Rules and is therefore not properly before this Court.⁴

Accordingly, we are limited to reviewing whether the circuit court abused its discretion in denying Father’s October 10 Motion -- the motion which alleged fraud, mistake, and irregularity. Maryland Rule 2-535 concerns the revisory power of the court and provides, in pertinent part:

- (a) Generally. On motion of any party filed within 30 days after entry of judgment, the court may exercise revisory power and control over the judgment and, if the action was tried before the court, may take any action that it could have taken under Rule 2-534. A motion filed after the announcement or signing by the trial court of a judgment or the return of a verdict but before entry of the judgment on the docket shall be treated as filed on the same day as, but after, the entry on the docket.
- (b) Fraud, Mistake, Irregularity. On motion of any party filed at any time, the court may exercise revisory power and control over the judgment in case of fraud, mistake, or irregularity.

⁴ Even if we did not dismiss Father’s appeal of the November 22, 2024 custody and visitation order and the June 2, 2025 child support order, we would nevertheless dismiss Father’s contention that the court erred in its factual findings because Father failed to file exceptions to the report and recommendation of the magistrate in either instance.

When a matter is referred to a magistrate, “the magistrate shall prepare written recommendations, which shall include a brief statement of the magistrate’s findings and shall be accompanied by a proposed order.” Md. Rule 9-208(e)(1). A party may file exceptions “within ten days after recommendations are placed on the record or served . . .” Md. Rule 9-208(f). “[I]f exceptions are not timely filed, the court may direct the entry of the order or judgment as recommended by the magistrate.” Md. Rule 9-208(h)(1)(B). “A party’s failure to timely file exceptions forfeits ‘any claim that the master’s findings of fact were clearly erroneous.’ *Barrett v. Barrett*, 240 Md. App. 581, 5887 (2019) (quoting *Miller v. Bosley*, 113 Md. App. 381, 393 (1997)).

(c) Newly-Discovered Evidence. On motion of any party filed within 30 days after entry of judgment, the court may grant a new trial on the ground of newly-discovered evidence that could not have been discovered by due diligence in time to move for a new trial pursuant to Rule 2-533.

Before we consider whether the court abused its discretion in denying the motion, however, we must first determine as a matter of law whether the “factual predicate of fraud, mistake, or irregularity” exists. *Wells*, 168 Md. App. at 394.

Father makes no argument in his brief regarding the court’s denial of his October 10 Motion. The October 10 Motion provides the following allegations: 1) the July 30, 2024 Final Protective Order is “fraudulent and unsupported by credible evidence,” and provided the foundation for the custody and child support orders; 2) the orders were entered following proceedings where Father was unrepresented and denied ADA accommodations; 3) Father’s “financial disclosures were misrepresented by [Mother] who concealed her true earnings and employment while claiming minimal income to secure favorable child support terms;” and 4) Mother “engaged in acts of fraud upon the court, including perjury, falsified service certificates, and false statements about her income, employment, and household circumstances.”

“To establish fraud under Rule 2-535(b), a movant must show extrinsic fraud, not intrinsic fraud. Fraud is extrinsic when it actually prevents an adversarial trial but is intrinsic when it is employed during the course of the hearing which provides the forum for the truth to appear, albeit, the truth was distorted by the complained of fraud.” *Pelletier v. Burson*, 213 Md. App. 284, 290-91 (2013) (internal citations and quotations

omitted). Father’s allegations of fraud -- which were vague and lacking in factual support -- did not prevent an adversarial trial; rather, Father’s allegations implicate the court’s ability to assess the credibility of the evidence presented by Mother. Absent allegations of extrinsic fraud by Mother in either the custody and visitation or the child support proceedings, the circuit court did not err by denying Father’s October 10 Motion to vacate. Accordingly, we affirm the circuit court’s denial of the October 10 Motion.⁵

**APPEAL OF THE JUDGMENT OF THE
CIRCUIT COURT FOR CECIL COUNTY
DISMISSED IN PART AND JUDGMENT
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**

⁵ Father’s notice of appeal further indicates his intent to appeal the denial of his “Motion to stay income withholding and enforcement” and his “Motion for accommodation for counsel and temporary suspension of protection order,” and the anticipated denial of his October 28 “Motion to vacate and remand orders derived from an unconstitutional and duplicative proceeding.”

Generally, one may only note an appeal from a final judgment. Md. Code (1973, 2020) § 12-301 of the Court and Judicial Proceedings Article (“CJP”). As such, Father’s appeal of the “anticipated denial” of the October 28 Motion is not properly before this Court because no order has been entered. The orders denying Father’s Motion to stay income withholding and Motion for accommodation are likewise not final orders subject to our review and do not fall within the statutory exceptions for interlocutory appeals enumerated in CJP § 12-303. *See Frase v. Barnhart*, 379 Md. 100, 115 (2003) (“An order cannot be regarded as final in nature unless, among other things, the court intends for it to be ‘an unqualified, final disposition of the matter in controversy.’”) (quoting *Rohrbeck v. Rohrbeck*, 318 Md. 28, 41 (1989)).

The correction notice(s) for this opinion(s) can be found here:

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