Circuit Court for Baltimore County
Case No. 03-C-17-005510

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2047

September Term, 2025

BRIEANNA ENGLE

v.

ALEXANDER WORK ENGLE

Berger,
Leahy,
Getty, Joseph M.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Getty, J.

Filed: April 27, 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).

Appellant Brieanna Vanbenthuysen (previously Burkindyne and Engle) ("Mother") and Appellee Alexander Engle ("Father") are parents to three minor children. Father initiated proceedings to modify custody based on criminal charges and related allegations against Mother's husband, David Vanbenthuysen ("Mr. Vanbenthuysen"). Around the same time, Mother filed a motion to modify child support based on the parties' changed income.

Mother now appeals the resultant order for modification of custody and child support, wherein the Circuit Court for Baltimore County ordered that Mother's husband have no unsupervised contact with Mother's minor children and denied Mother's motion to modify child support.

Mother presents two questions for our review, which we have rephrased as follows:

1. Did the circuit court abuse its discretion when it ordered that Mr. Vanbenthuysen cannot have unsupervised contact with the minor children?
2. Did the circuit court abuse its discretion when it found there was no material change in circumstances justifying a modification of child support?[1]

We shall answer both questions in the negative, and therefore affirm.

[1] Mother phrased her questions as follows:

1. The trial court abused its discretion when ordering the minor children to have no contact with David Vanbenthuysen (step-father).
2. The trial court abused its discretion in not modifying child support.

BACKGROUND

Mother and Father married in June 2014 and divorced in November 2018. The parties are parents to three minor children.[2] The parties entered into a Consent Order in July 2019, which granted Mother full legal custody and provided that the children would reside primarily with Mother during the school year and with Father during the summer. The consent order also provided that Father would pay $800 per month. The court granted Father a downward deviation of $203 per month from the amount recommended by child support guidelines due to Mother's anticipated relocation to Georgia as a result of the military deployment of her husband, Mr. Vanbenthuysen.

In September 2023, Mr. Vanbenthuysen was subject to criminal charges in a court-martial proceeding before the Third Judicial Circuit of the United States Army Trial Judiciary in Fort Benning (formerly Fort Moore from 2023–2025), Georgia. Mr. Vanbenthuysen was charged with attempted sexual abuse of a child involving indecent communication, attempt to communicate indecent language, and indecent language, based on messages he allegedly sent in September 2022. Mr. Vanbenthuysen pleaded guilty to count three, indecent language. As a result, counts one and two were dropped, and Mr. Vanbenthuysen was sentenced to 159 days confinement and a Bad Conduct Discharge.[3]

[2] The parties are biological parents to two of the minor children, while the parties agreed as part of their July 2019 Consent Order that Father would be considered the de facto parent to Mother's child from a previous relationship.

[3] A Bad Conduct Discharge is a punitive discharge from the military imposed by sentence of a court-martial. *See* Manual for Courts-Martial United States (2024 ed.) R.C.M. 1003(8)(C).

from the military.

Based on what he viewed as a material change in circumstances, Father filed a motion to modify custody in July 2024. Therein, Father alleged in relevant part that Mother was dismissive of Mr. Vanbenthuysen's mental health issues to the detriment of the minor children; that Mother did not intervene when Mr. Vanbenthuysen had employed "inappropriate and unreasonable" corporal punishment; and that Mother's reason for relocation to Georgia—namely, her husband's military employment—was no longer a relevant factor and thus should be reassessed. Father also argued that he had materially changed his circumstances such that he was better suited to have custody of the minor children. As a result, Father asked for joint legal and physical custody of the children, where the children would reside primarily in Maryland, and for a resultant reallocation of child support.

Meanwhile, in February 2024, Mother filed a petition for contempt alleging that Father had failed to pay a portion of ordered child support. Father responded in April 2024 denying these allegations. This dispute was resolved by a Consent Order in July 2024, wherein Father was ordered to pay $1,980 for medical expenses and attorney fees. Mother then filed a motion for modification of child support on May 9, 2024, based on the parties' changed income since the July 2019 order. Father responded, denying any substantial change in the parties' income.

The circuit court held a hearing on both issues over three days, from September 16 to 18, 2025.

Mother testified at the hearing that she and Mr. Vanbenthuysen separated in 2023

and that he removed his belongings from her home in January 2024. However, a private investigator employed by Father submitted evidence that Mr. Vanbenthuysen still appeared to reside at the home as of May 2025. Additionally, Mother produced a cell phone bill during discovery, which Father entered into evidence at the hearing, that indicated Mother and Mr. Vanbenthuysen stayed in frequent contact. Mother also testified that Mr. Vanbenthuysen remained in frequent contact with the children via telephone and was "still more of a father than [Father] is to those children[.]"

In a Decision and Order dated October 21, 2025, the circuit court found that Father demonstrated a material change in circumstances sufficient to support an inquiry into the custody agreement. The court noted that Father had materially improved his circumstances such that he "seems to be more capable of being an effective parent than he previously was." However, the court also noted that Mother and Father continued to struggle with communication and "seem to be unwilling to put aside their animosity towards each other and their need to score parenting points against the other to be effective co-parents." The court expressed concern specifically with the charges in the military courts against Mr. Vanbenthuysen.

The court found that the charges to which Mr. Vanbenthuysen admitted were "sufficiently concerning" to support a minor change in custody. Based on its analysis of the relevant factors, the court granted joint legal custody to both Mother and Father, granting Mother tie-breaking authority, and placed restrictions on Mr. Vanbenthuysen's interactions with the minor children, ordering that any such conduct be supervised. The court also noted that although the statutory factors listed in Maryland Code, Family Law

("FL") § 9-201 did not take effect until after the hearing[4], the outcome would have been the same under this analysis.

The court then denied Mother's motion to modify child support, finding that Mother failed to establish "a sufficient legal or factual basis for the relief requested."

Mother now appeals. Mother does not challenge the award of joint legal custody to Father, but challenges the restrictions on unsupervised contact between Mr. Vanbenthuysen and the minor children and the denial of her motion to modify custody.

DISCUSSION

Standard of Review

When reviewing a child custody decision, we examine the circuit court's factual findings for clear error, while any errors of law will generally require remand for further proceedings unless the error was harmless. *See In re Yve S.*, 373 Md. 551, 586 (2003). We review the trial court's ultimate conclusions in child custody determinations for abuse of discretion. *Id.*

"[C]hild support orders are within the sound discretion of the trial court." *Reichert v. Hornbeck*, 210 Md. App. 282, 316 (2013). The decision to modify a child support order is likewise within the trial court's broad discretion, provided the decision is not arbitrary or based on incorrect legal principles. *Walker v. Grow*, 170 Md. App. 255, 266 (2006).

The trial court's findings "are not clearly erroneous if there is competent or material

[4] FL § 9-201 took effect on October 1, 2025, while the hearing in this case took place from September 16-18, 2025. As we will discuss below, FL § 9-201 codifies into statute substantially the same factors our courts previously considered through their origin in case law.

evidence in the record to support the court's conclusion." *Azizova v. Suleymanov*, 243 Md. App. 340, 372 (2019) (internal quotations omitted). The trial court does not abuse its discretion unless "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[.]" *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 312 (1997) (internal quotations omitted).

"The light that guides the trial court in its determination, and in our review, is 'the best interest of the child standard,' which 'is always determinative in child custody disputes.'" *Santo v. Santo*, 448 Md. 620, 626 (2016) (quoting *Ross v. Hoffman*, 280 Md. 172, 178 (1977)). "[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 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).

I. The circuit court properly exercised its discretion when it ordered that any contact between Mr. Vanbenthuysen and the minor children must be supervised.

A. The Parties' Contentions

Mother asserts that the circuit court erred when it found that Mr. Vanbenthuysen's criminal charges constituted a material change in circumstances, and that the court was not at liberty to rely solely on these charges to measure parental fitness, drawing an analogy to *Davis v. Davis* and its progeny, wherein our Supreme Court held that a parent's adultery was not by itself a measure of parental unfitness but instead "should be weighed, along with all other pertinent factors, only insofar as it affects the child's welfare." 280 Md. 119, 127 (1977).

Mother further argues that the circuit court drew an improper comparison between the circumstances in this case and those in *Jacob R. v. Nadine Q.*, 141 A.D.3d 772 (N.Y. App. Div. 3d Dep't 2016), a New York case where the court held that a "report concerning sexual abuse of the child in the mother's household and the arrest of the mother's boyfriend constituted a change in circumstances compelling an inquiry into the best interests of the child[.]" 141 A.D.3d at 773. Mother submits that the court should not have relied on this case to support the proposition that "allegations of a sexual nature against a parent's spouse" constitute a material change in circumstances that warrants an inquiry into the best interests of the children.

B. Analysis

When evaluating a request for modification of custody, courts employ a two-step analysis. "First, the circuit court must assess whether there has been a 'material' change in circumstance." *McMahon v. Piazze*, 162 Md. App. 588, 593–94 (2005) (citing *Wagner v. Wagner*, 109 Md. App. 1, 28 (1977)). If the court finds that 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 594.

This court has recognized, however, that these two considerations are often interrelated. "In the more frequent case, . . . there will be some evidence of changes which have occurred since the earlier determination was made. Deciding whether those changes are sufficient to require a change in custody necessarily requires a consideration of the best interest of the child. Thus, the question of 'changed circumstances' may infrequently be a

threshold question, but is more often involved in the 'best interest' determination[.]" *McCready v. McCready*, 323 Md. 476, 482 (1991).

The circuit court has broad discretion in determining child custody "so that it may accomplish the paramount purpose of securing the welfare and promoting the best interest of the child." *Taylor v. Taylor*, 306 Md. 290, 302 (1986). In *Taylor*, our Supreme Court set forth a non-exhaustive list of criteria courts must consider in child custody determinations, incorporating much of a similar non-exhaustive list contemplated by this court in *Montgomery County Department of Social Services v. Sanders*, 38 Md. App. 406 (1978). The *Sanders* factors 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 opportunity for visitation; (9) length of separation from the natural parents; and (10) prior voluntary abandonment or surrender. 38 Md. App. at 420.

The *Taylor* factors include: (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; and (13) benefit to parents. 306 Md. at 304–11.

As the circuit court noted, the *Sanders-Taylor* factors were codified in FL § 9-201, which took effect on October 1, 2025, shortly after the hearing on the issues in this case. The statute further requires that "[t]he court shall articulate its findings of fact on the record or in a written opinion, including the consideration of each factor listed [in the statute] and any other factor that the court considered." FL § 9-201(b). At the time of the hearing and the circuit court's order in this case, FL § 9-201 had not yet taken effect. Accordingly, we assess the circuit court's ruling based on the case law that applied at the time. Prior to the effective date of FL § 9-201, the court was required to assess the *Sanders-Taylor* factors on the record, along with any other factors the court found relevant.

"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)).

Here, the circuit court found that there had been a material change in circumstances primarily based on criminal charges in a court-martial proceeding against Mother's husband, Mr. Vanbenthuysen, and his subsequent Bad Conduct Discharge from the military. Mr. Vanbenthuysen was charged with three violations of Article 134 of the Uniform Code of Military Justice, 10 U.S.C. § 934[5]: (1) Attempted Sexual Abuse of a

[5] Article 134 of the Uniform Code of Military Justice, 10 U.S.C. § 934 provides:

> Though not specifically mentioned in this chapter, all disorders and neglects to the prejudice of good order and discipline in the armed forces, all conduct of a nature to bring discredit upon the armed forces, and crimes and offenses not capital, of which persons subject to this chapter may be guilty, shall be

Child Involving Indecent Communication, (2) Attempt to Communicate Indecent Language, and (3) Indecent Language. In support of Count One, the Statement of Charges alleged that Mr. Vanbenthuysen "did, at or near Fort Benning, Georgia,[] between on or about 21 September 2022 and on or about 29 September 2022, attempt to commit a lewd act upon a child who had not attained the age of 16 years, by intentionally communicating to [redacted] indecent language," the substance of which was then detailed, "with an intent to gratify the sexual desire of Staff Sergeant David C. Vanbenthuysen."

In support of Count 2, the Statement of Charges alleged that Mr. Vanbenthuysen "did, at or near Fort Benning, Georgia, between on or about 21 September 2022 and on or about 29 September 2022, attempt to in writing, communicate to [redacted] a child he believed to be under the age of 16 years, certain indecent language," then detailing the substance of the communications, "and that such conduct was of a nature to bring discredit upon the armed forces."

Finally, in support of Count Three, the Statement of Charges alleged that Mr. Vanbenthuysen "did, at or near Fort Benning, Georgia, on or about 28 September 2022, communicate, in writing, to [redacted] certain indecent language," then detailing the

taken cognizance of by a general, special, or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of that court. As used in the preceding sentence, the term "crimes and offenses not capital" includes any conduct engaged in outside the United States, as defined in section 5 of title 18, that would constitute a crime or offense not capital if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, as defined in section 7 of title 18.

substance of the communications, "and that such conduct was of nature to bring discredit upon the armed forces."

Mr. Vanbenthuysen pleaded guilty to Count Three. As a result, Counts One and Two were dropped, and Mr. Vanbenthuysen received a Bad Conduct Discharge from the military. In her brief, Mother characterizes Mr. Vanbenthuysen's misconduct as "sending an explicit text message to an adult," and implicitly reinforces this assertion by comparing Mr. Vanbenthuysen's conduct to the "adultery" contemplated in *Davis*. This effort to underplay the allegations against Mr. Vanbenthuysen does Mother no credit. The circuit court found "the conduct to which [Mr. Vanbenthuysen] admitted . . . sufficiently concerning" to support an inquiry into the best interests of the children. This is a reasonable conclusion based on evidence in the record, and thus the circuit court's findings are not clearly erroneous, nor did the circuit court abuse its discretion in so finding.

The court relied not only on the New York case *Jacob R. v. Nadine Q.*, 141 A.D.3d at 772, but also on *Azizova v. Suleymanov*, 243 Md. App. at 347. In *Azizova*, citing to our Supreme Court's decision in *Boswell v. Boswell*, 352 Md. 204 (1998), this court opined that, when assessing "whether a particular issue related to a parent presents harm to the health and welfare of a child or affects the child's development, and whether there is a nexus between the parental issue and any adverse impact on the child's overall well-being[,]" 243 Md. App. at 347, courts are not required to "sit idly by and wait until a child is actually harmed by liberal unrestricted visitation. If there is sound evidence demonstrating that a child is likely to be harmed down the road, but there is no present

concrete finding of harm, a court may still consider a child's future best interests and restrict visitation." *Id.* at 350 (quoting *Boswell*, 352 Md. at 236).[6]

The court here noted that "[t]he Court is not 'flipping' custody because that is not warranted under the circumstances. The Court is imposing restrictions on Mother's husband's interactions with the parties' children and modifying legal custody based on the consideration of the [*Sanders-Taylor*] factors listed below." The court then laid out and analyzed all of the factors contemplated by the courts in *Sanders* and *Taylor*. In relevant part, the court found:

> 1) **Fitness of the parents**
> • Both parties are fit parents
> • Court has some concerns about the children interacting substantially with Mother's husband that may affect her ability to be a fit parent
> • Factor favors relatively minor adjustment to custody arrangement for protection of children
>
> 2) **Character and reputation of the parties**
> • Parents are inherently decent people who do not interact well with each other
> • Mr. [Vanbenthuysen] has a "bad conduct" discharge from the United States Army
> • Factor favors relatively minor adjustment to custody arrangement for protection of children
>
> […]
>
> 8) **Residences of parents and opportunity for visitation**
> • Mother resides in Georgia
> • Father resides in Maryland
> • Both have suitable homes
> • Court has concerns about Mother's husband having substantial interaction with children

[6] *Azizova* and *Boswell* primarily hold that a circuit court abuses its discretion when it bases its custody or visitation determinations on personal beliefs, biases, or stereotypes rather than the child's best interest.

• Limited opportunity for visitation
• Joint physical custody not practical
• Factor favors relatively minor adjustment to custody arrangement for protection of children

The court also noted that the *Sanders-Taylor* factors weighed in favor of granting Father an increased role in legal custody.

Ultimately, the court found that the factors supported a relatively minor change in the custody arrangement: the court concluded that it was in the children's best interest "for Mother to continue to have primary physical custody with specific restrictions on her husband's interactions with the children, specifically that Mother not allow him to have unsupervised contact with the children. The Court also concludes that it is in the best interests of the children for Mother and Father to have joint legal custody, with Mother having tie-breaking authority."

Accordingly, we hold that the circuit court did not abuse its discretion when it modified the custody agreement to restrict contact between the minor children and Mr. Vanbenthuysen.

II. The circuit court properly exercised its discretion when it did not modify child support.

A. The Parties' Contentions

Mother argues that child support should be modified based on material changes to the parties' financial situations and the needs of the children. Mother submits that the circuit court erred by failing to make sufficient findings on the record to support the denial

of a modification, and that such findings were required under *Ley v. Forman*, 144 Md. App. 658 (2002).

Father responds that the burden was on Mother to prove a material change in circumstances, and she failed to do so. Thus, the court was not required to proceed past that step in its analysis.

B. Analysis

"Parents of a minor child are jointly and severally responsible for the child's support, care, nurture, welfare, and education[.]" *Matter of Marriage of Houser*, 490 Md. 592, 607 (2025) (citing FL § 5-203(b)(1)) (internal quotations omitted). "Because the obligation is to support the child, Maryland courts have long recognized that the right to child support is a right held by the minor child—not a right held by the parent to whom the child support is paid." *Id.* "[I]t is presumed that the parent in whose custody the child resides fulfills his or her obligation of support directly; the other parent's support obligation then must be translated into dollars and paid to the custodial parent, for the child's benefit." *Knott v. Knott*, 146 Md. App. 232, 248 (2002) (internal citations omitted).

FL § 12–104(a) provides that a court has discretion to modify an award of child support if there has been "a material change in circumstances, needs, and pecuniary condition of the parties from the time the court last had the opportunity to consider the issue." *Petitto v. Petitto*, 147 Md. App. 280, 306 (2002) (quoting *Kierein v. Kierein,* 115 Md. App. 448, 456 (1997)). "The 'material change of circumstance' requirement limits the circumstances under which a court may modify a child support award[.]" *Wills v. Jones*, 340 Md. 480, 488 (1995). The change must be "relevant to the level

of support a child is actually receiving or entitled to receive" and "of a sufficient magnitude to justify judicial modification of the support order." *Id.* at 488–89. The party seeking the modification has the burden of proving that a material change of circumstance has occurred. *Leineweber v. Leineweber*, 220 Md. App. 50, 62 (2014).

"[A]lthough the court has the power to modify [child support] provisions, . . . it ought not do so unless it finds (1) that the provision in question does not serve the child's best interest and (2) the proposed modification does." *Ruppert v. Fish*, 84 Md. App. 665, 676 (1990). "A trial court's decision to modify a child support award will not be disturbed on appeal unless the court acted arbitrarily or its judgment was clearly erroneous." *Petitto*, 147 Md. App. at 307 (internal quotations omitted).

Here, the circuit court denied the motion to modify child support because the court found that Mother did not establish "a sufficient legal or factual basis for the relief requested." The court did not elaborate, which Mother interprets as impermissible under *Ley*, 144 Md. App. at 665. In *Ley*, this court held that the trial judge erred in concluding there was a material change in circumstances based on "approximations and estimates" instead of making specific findings of fact regarding the parties' incomes. *Id.* Pursuant to FL § 12–104(a), a court may modify a child support order *only* if there has been a material change in circumstances, and our case law elaborates that the burden to prove such a change is on the party seeking the modification. *Leineweber*, 220 Md. App. at 62. Here, the circuit court found that Mother presented insufficient evidence to show a material change in circumstances at all. Because the court found no material change in circumstances, there was no change in circumstances upon which to elaborate. Thus, the circuit court did not

err when it did not elaborate further on its decision not to modify the existing child support order.

Accordingly, the circuit court did not abuse its discretion when it elected not to modify child support.

CONCLUSION

We hold that the circuit court properly exercised its discretion in ordering that any contact between Mr. Vanbenthuysen and the minor children must be supervised, and in electing not to modify child support. Accordingly, we affirm.

JUDGMENT OF THE CIRCUIT COURT FOR BALTIMORE COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.