

Circuit Court for Washington County  
Case No. C-21-FM-20-001127

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND\*

No. 2071

September Term, 2025

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ERIC HOUSTON

v.

MARY HOUSTON

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Graeff,  
Leahy,  
Harrell, Glenn T., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Harrell, J.

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Filed: May 12, 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).

Eric Houston (“Father”) and Mary Houston (“Mother”) are the parents of a minor child, A.H. In 2023, the Circuit Court for Washington County entered a custody order granting primary physical custody of A.H. to Mother and visitation to Father. In addition, the court required that, for Father to have visitation with A.H., Father’s mental health therapist needed to submit periodic reports to the court. After Father noted an appeal from that order, we reversed and vacated the portion of the court’s order in which Father’s visitation with A.H. was conditioned upon the court’s receipt of the therapist’s reports.

Shortly thereafter, Father filed a petition for contempt against Mother and a motion for modification of custody. During the course of those proceedings, Mother filed her own motion for modification of custody. Following a hearing, the court entered an order denying Father’s petition for contempt. The court also entered a new custody order in which the court modified Father’s access to A.H. Father appeals from those orders.

In this appeal, Father, *pro se*, filed an informal brief, presenting four questions for our review. For clarity, we have rephrased and consolidated those questions as<sup>1</sup>:

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<sup>1</sup> Father phrased the questions as:

1. Whether the Circuit Court abused its discretion by declining to find Appellee in contempt despite her admission on the record.
2. Whether the Circuit Court erred by refusing to enforce the appellate mandate.
3. Whether the Circuit Court violated Appellant’s constitutional parental rights under the Due Process Clause.
4. Whether the denial of recusal created an appearance of bias and conflict of interest.

1. Did the circuit court err or abuse its discretion in denying Father’s petition for contempt?
2. Did the circuit court err or abuse its discretion in modifying the custody order?
3. Did the circuit court err or abuse its discretion in denying Father’s motion for recusal?

As discussed in greater detail below, we hold that Father’s appeal of the court’s contempt order is not before this Court properly. As to the remaining questions, we hold that the court did not err or abuse its discretion in modifying the custody order or in denying Father’s recusal request. Accordingly, we affirm.

### **BACKGROUND**

Mother and Father were married in 2016. A.H. was born that same year. In April 2021, the parties divorced. They entered into a consent order in which they agreed to share physical and legal custody of A.H.

In October 2021, A.H. was diagnosed with cancer. From that point forward, A.H. suffered from, and continues to suffer from, serious medical issues that required, and will continue likely to require, frequent medical appointments, hospitalizations, and medication.

#### ***March 2023 Custody Order***

In April 2022, Mother filed a motion for modification seeking sole legal and primary physical custody of A.H. Mother alleged that Father denied her access to A.H.’s medical information and refused to facilitate visitations between her and A.H.

In March 2023, following a three-day hearing, the court entered an order modifying the parties' custody arrangement. In that order, Mother was granted primary physical custody of A.H., and Father was given access nearly every weekend. The court issued also a separate order requiring the parties to participate in counseling and mental health treatment. Father appealed.

### ***February 2024 Custody Order***

In June 2023, while Father's earlier appeal was pending, A.H.'s best interest attorney (the "BIA") filed a motion in the circuit court seeking a review hearing. In that motion, the BIA alleged that Father made inappropriate comments to A.H. during phone calls, Father made difficult exchanges with Mother and the administration of A.H.'s medication, and A.H.'s medical care was disrupted.

In February 2024, following a four-day hearing, the court issued an amended custody order. The court found that Father's conduct constituted "a continuing pattern of conduct which is mental abuse of [A.H.]" The court reduced Father's visitation to every other weekend and permitted video calls twice per week. In addition, the court ordered that, for Father to maintain his in-person visits with A.H., Father's therapist needed to file with the court a report regarding the progress of Father's therapy. The court added that, if a report was not submitted by April 2024, Father's in-person visits with A.H. would be suspended.

### ***This Court's October 2024 Mandate***

In October 2024, this Court filed an unreported opinion affirming in part and reversing in part the circuit court's February 2024 Custody Order. *Houston v. Houston*,

Case No. 501, September Term, 2023 (filed October 9, 2024). We held that, by conditioning Father’s visitation on third-party actions, the court delegated improperly its power to make decisions regarding child custody and visitation. *Id.* at 17-20. We vacated that portion of the court’s judgment. *Id.* at 20.

***Motion for Recusal***

In October 2024, just before this Court issued its October 2024 Mandate, Father filed in the circuit court a motion for recusal. Father alleged that: the trial judge who presided over the case failed to review timely Father’s therapy reports and restore his visitation rights; the judge’s custody orders were “unnecessarily complex”; and, the judge’s actions jeopardized Father’s relationship with A.H. Father argued that the judge’s actions gave rise to a reasonable appearance of bias and, as a result, the judge should be recused.

***Father’s Petition for Contempt and Motion to Modify Custody***

In November 2024, Father filed a petition for constructive civil contempt against Mother and a motion to modify custody. In his petition for contempt, Father maintained that, on 15 November 2024, Mother refused to allow him to visit with A.H. Father argued that Mother’s actions violated the custody order and this Court’s October 2024 Mandate. In his motion for modification, Father alleged that, in addition to interfering with his access on 15 November 2024, Mother, on several other occasions, interfered with his video call sessions with A.H. Father requested that he be granted primary physical custody of A.H.

***December 2024 Custody Order***

In December 2024, the court entered an order modifying its February 2024 Custody Order in accordance with this Court’s October 2024 Mandate, i.e., the court removed the

requirement that Father’s visitation with A.H. be conditioned upon his therapist submitting reports to the court.

***Mother’s Motion for Modification of Custody***

In March 2025, while Father’s contempt petition and motion for modification were pending, Mother filed a motion for modification of custody. In that motion, Mother alleged that Father continued to engage in inappropriate conversations with A.H. that were impacting negatively her mental health. Mother alleged also that, during his most recent visit with A.H., Father failed to administer A.H.’s prescribed medication. Mother asked that all video calls between Father and A.H. be suspended and that Father’s visitation with A.H. be supervised.

***Merits Hearing***

Beginning 23 June 2025, the court held a three-day hearing on the parties’ pending motions and petitions. At that hearing, the court received extensive evidence, including testimony and documentary evidence from both parties, the BIA, and a court-appointed psychologist who performed psychological evaluations of both parties. The court considered also the evidence presented and the findings made during the other hearings held throughout the course of the proceedings. The court held the matter *sub curia*.

***Father’s Second Petition for Contempt and Second Motion to Modify Custody***

In August 2025, before the court issued its ruling on the motions for modification and petition for contempt, Father filed a second petition for contempt and a second motion for modification for custody. Father alleged that, on 25 July 2025, Mother denied him visitation with A.H. Father alleged also that Mother interfered regularly with his video calls

with A.H. Father asked that Mother be found in contempt and that he be granted primary physical custody of A.H.

*November 2025 Order Modifying Custody*

In November 2025, the court entered an order modifying the parties’ custody arrangement. That order constituted a resolution of the issues raised by the parties leading up to the June 2025 hearing, as well as the issues raised by Father in the motion for modification and petition for contempt he filed after the hearing.

In that order, which spanned forty-one pages, the court made comprehensive findings based on the evidence presented at the June 2025 hearing and additional evidence contained in the record. Those findings included a detailed discussion and analysis of A.H.’s best interest and all relevant statutory factors.

Among those findings, the court noted that the emotional and psychological challenges for Mother and Father regarding A.H.’s medical issues were “epic.” The court found that the pressures inherent in those challenges caused understandably conflict between the parties. The court noted that, despite those pressures, Father showed some strengths as a parent, including encouraging A.H. to experience life and childhood normally, demonstrating a special connection with A.H., wanting to be involved in A.H.’s development, and encouraging A.H. to persevere despite her medical challenges.

The court found that, although Mother and Father had weaknesses in their ability to coparent, Father’s deficiencies appeared more consequential regarding A.H.’s mental well-being. The court observed that Father struggled “to keep his communications with [A.H.] positive” and that he exceeded consistently the boundaries of appropriate communications,

which included criticizing Mother and A.H. and calling Mother names during video calls. The court found that Father showed a propensity for escalating conflict. On one occasion, after Father showed up at an exchange when he was not supposed to and Mother refused to hand over A.H., Father followed Mother's vehicle and tried to force her to pull over on the highway while A.H. was in the car. The court noted that, on another occasion, Father showed up at A.H.'s friend's house, where A.H. was having a play date, demanded that A.H. leave the house before the scheduled exchange time, and, when the friend's parent refused, banged on the doors and windows of the house.

The court found that Father's conduct had a negative impact on A.H.'s health. The court noted that Father failed continually to recognize the severity of A.H.'s medical issues, even when his beliefs were refuted by objective medical evidence. He accused consistently Mother of exacerbating the severity of A.H.'s medical problems. When A.H. was undergoing chemotherapy, Father maintained steadfastly, and continued to maintain throughout trial, that Mother fabricated A.H.'s illnesses and convinced hospital staff to admit A.H. in an effort to interfere with Father's visitation, even though A.H.'s independent medical records confirmed that A.H.'s hospitalizations were for legitimate medical reasons. The court noted that, on one occasion, Father failed to attend to an open wound on A.H.'s arm, which turned out to be a severe arm infection that migrated to the bone and became life threatening. On another occasion, Father refused to give A.H. her prescribed medication for neuropathy because he "does not believe that [A.H.] should be taking the medication."

In addition to its independent findings, the court noted the findings of the court-appointed psychologist. Among those findings, the psychologist found that: Father believed A.H. used “her illness, pain, and the sympathy of others to manipulate other people”; Father believed persistently that Mother was fabricating A.H.’s medical issues; Father’s inflexibility and inability to admit wrong caused him to be oppositional and argumentative; and, Father blamed Mother for the family’s problems and believed she was trying to keep him from seeing A.H. The psychologist found also that: Father had a tendency to treat A.H. “like an adult friend to whom he can complain and look to, to make him feel better”; Father lacked awareness regarding his parental deficiencies; Father’s mental health issues manifested “primarily in anger”; and, although Father’s parental deficiencies could be improved with therapy, he was resistant thus far to treatment.

The court concluded that there had been a material change in circumstances and that it was in A.H.’s best interest that the custody order be modified to limit further Father’s access. Among other restrictions, the court granted Mother sole legal custody of A.H., limited Father’s access during times when A.H. was due to take prescribed medication, and removed the requirement that A.H. participate in scheduled video calls with Father. In making those changes, the court commented that, “[w]hile the conduct of and comments from [Father] are sufficiently problematic for [A.H.’s] emotional and psychological health to justify much more limited contact than provided in this Custody Order, ... the positives from [Father’s] time with [A.H.], for the present, outweigh the negative impact on [A.H.]” The court observed that A.H. “has a bond with her father, and she needs sufficient contact with him to preserve the parts of the relationship that are presently beneficial to her.” The

court resolved that the increased limitations on Father’s access was “a structure allowing for the positives from the Father/daughter relationship, while mitigating the negatives that are likely based upon [Father’s] past parenting choices and conduct.”

***Denial of Contempt Petition***

In November 2025, the court issued a separate order denying Father’s petition for contempt. The court stated that it declined to find that Mother was in willful contempt of the court’s custody order because Mother testified credibly that, in restricting Father’s access, she was trying to follow the court’s then-existing custody order. The court found that, when this Court reversed that order and a new order was issued, Mother followed the new order.

**DISCUSSION<sup>2</sup>**

**I.**

***Father’s Contentions***

Father argues that the court abused its discretion in failing to find Mother in contempt. Father contends that Mother violated the custody order by withholding access to A.H. and that the court should have deemed Mother in contempt. Father maintains that the court should not have excused Mother’s past noncompliance and that the subsequent resumption of Father’s visitation did not cure Mother’s prior violations of the custody order.

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<sup>2</sup> Mother filed an informal brief disputing Father’s claims and asking that we affirm the court’s judgment. Because we affirm, we need not set forth Mother’s arguments in detail.

### *Analysis*

We hold that Father’s challenge to the court’s denial of his contempt petition is not before this Court properly. In Maryland, the right to appeal is entirely statutory and is set forth, generally, in § 12-301 of the Courts and Judicial Proceedings Article (“Cts. & Jud. Proc.”) of the Maryland Code. Under that statute, a party in a civil or criminal circuit court case may appeal from a final judgment, “[e]xcept as provided in § 12-302 of this subtitle[.]” *Id.* Section 12-302 of the subtitle states, in relevant part, that § 12-301 “does not apply to appeals in contempt cases, which are governed by § 12-304 of this subtitle[.]” Cts. & Jud. Proc. § 12-302(b). Under § 12-304 of the subtitle, “[a]ny person may appeal from any order or judgment passed to preserve the power or vindicate the dignity of the court *and adjudging him in contempt of court*[.]” Cts. & Jud. Proc. § 12-304(a) (emphasis added). Consequently, “the statute ‘clearly and unambiguously limits the right to appeal in contempt cases to persons adjudged in contempt.’” *Kadish v. Kadish*, 254 Md. App. 467, 508 (2022) (quoting *Pack Shack, Inc. v. Howard Cnty.*, 371 Md. 243, 254 (2002)).

Here, Father has no right to appeal the court’s denial of his contempt petition, given that he is “the party who unsuccessfully sought to have the other adjudged in contempt.” *Id.* at 509 (quotation marks and citations omitted). Accordingly, Father’s appeal of the court’s contempt decision is not before this Court properly.

## **II.**

### *Father’s Contentions*

Father’s next complaints appear to be aimed at the court’s decision to modify custody. First, Father contends that the court, in continuing to restrict his access to A.H.,

“penalized” him for “delays and noncompliance” caused by “institutional failures” beyond his control. By way of example, Father insists that he was “punished” for failing to provide timely therapy reports, even though any delay in the court’s receipt of said reports was caused by the BIA and the court, not him. Second, Father contends that he “was deprived of visitation and parental rights, including medical, educational, and custodial authority, in violation of his constitutionally protected rights[.]”

### *Standard of Review*

Appellate review of a trial court’s decision regarding child custody involves three interrelated standards. *Azizova v. Suleymanov*, 243 Md. App. 340, 372 (2019). First, any factual findings are reviewed for clear error. *Id.* Second, any legal conclusions are reviewed *de novo*. *Id.* Finally, if the court’s ultimate conclusion is “founded upon sound legal principles and based upon factual findings that are not clearly erroneous, the [court’s] decision should be disturbed only if there has been a clear abuse of discretion.” *Id.* (quoting *In re Yve S.*, 373 Md. 551, 586 (2003)). Under the abuse of discretion standard, “we will not reverse the trial court unless its decision is ‘well removed from any center mark imagined by the reviewing court.’” *Santo v. Santo*, 448 Md. 620, 626 (2016) (cleaned up) (quoting *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 313 (1997)).

### *Analysis*

A trial court’s consideration of a motion for modification of custody involves a two-step process. Md. Code, Family Law Article (“Fam. Law”) § 9-202(a). “First, the [court] must assess whether ‘there has been a material change in circumstances.’” *Kadish*, 254 Md. App. at 503 (quoting *Green v. Green*, 188 Md. App. 661, 688 (2009)). “Second, should the

court find a material change in circumstances, ‘the court then proceeds to consider the best interests of the child as if the proceedings were one for original custody.’” *Id.* at 503-04 (cleaned up) (quoting *Gillespie v. Gillespie*, 206 Md. App. 146, 170 (2012)).

In determining legal and physical custody of a child, a court should consider several factors. Fam. Law § 9-201(a); *see also J.A.B. v. J.E.D.B.*, 250 Md. App. 234, 253 (2021). Those factors include, but are not limited to: the child’s health and welfare; the parents’ ability to coparent; the child’s relationship with each parent; the child’s physical and emotional security; the child’s developmental and day-to-day needs; the child’s age, and the parents’ relationship with each other. Fam. Law § 9-201(a). In addition, the court is required to “articulate its findings of fact on the record or in a written opinion, including the consideration of each factor listed in subsection (a) of this section and any other factor that the court considered.” Fam. Law § 9-201(b).

That said, “[t]he primary goal of access determinations in Maryland is to serve the best interests of the child.” *Conover v. Conover*, 450 Md. 51, 60 (2016); *see also* Fam. Law § 9-201(a) (outlining the factors a court should consider “in determining what legal custody and physical custody is in the best interest of a child”). “Indeed, ‘[t]he best interest of the child is [] not considered as one of many factors, but as the objective to which virtually all other factors speak.’” *E.N. v. T.R.*, 474 Md. 346, 397 (2021) (quoting *Taylor v. Taylor*, 306 Md. 290, 303 (1986)). “In this regard, trial courts are endowed with great discretion in making decisions concerning the best interest of the child.” *Bussell v. Bussell*, 194 Md. App. 137, 157 (2010) (quoting *Petrini v. Petrini*, 336 Md. 453, 469-70 (1994)).

We hold that the court did not err or abuse its discretion in modifying custody. The record makes plain that the court found properly a material change in circumstances, analyzed exhaustively the relevant statutory factors, weighed conscientiously those factors in light of the totality of the circumstances, and reached a fair and reasonable decision based on A.H.’s best interests. In so doing, the court articulated clearly its reasons for modifying custody and mustered carefully a substantial evidentiary foundation to justify that decision. There is no indication that the court “penalized” Father or deprived him of visitation in violation of his rights.

### III.

#### *Father’s Contentions on Recusal*

Father contends finally that the trial judge should have granted his motion for recusal. Father argues that the trial judge’s “repeated rulings against [him]” demonstrated “at minimum an appearance of bias[.]” He advances also that the trial judge’s “extensive custody orders,” the last of which stripped Father “of all legal rights, including medical, educational, and decision-making authority[.]” demonstrated “animus toward [him] and disregard for the child’s interest in equal access.” (Emphasis omitted.)

#### *Standard of Review*

“We review a judge’s decision to recuse or not to recuse under an abuse of discretion standard.” *Matter of Russell*, 464 Md. 390, 403 (2019). Under that standard, we ask “[w]hether a reasonable member of the public knowing all of the circumstances would be led to the conclusion that the judge’s impartiality might reasonably be questioned.”

*Karanikas v. Cartwright*, 209 Md. App. 571, 580 (2013) (quoting *In re Turney*, 311 Md. 246, 253 (1987)).

### *Analysis*

“Maryland law guarantees litigants the right to a judge who is, and has the appearance of being, unbiased and impartial.” *Harford Mem’l Hosp., Inc. v. Jones*, 264 Md. App. 520, 541, *cert. denied*, 490 Md. 640 (2025). Ordinarily, “[a] judge must disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned.” *In re K.H.*, 253 Md. App. 134, 153-54 (2021) (cleaned up) (quoting *Conner v. State*, 472 Md. 722, 737 (2021)).

That said, “[t]here is a strong presumption ... that judges are impartial participants in the legal process, whose duty to preside when qualified is as strong as their duty to refrain from presiding when not qualified.” *Id.* at 154 (quoting *Jefferson-El v. State*, 330 Md. 99, 107 (1993)). Overcoming that presumption is a “heavy burden” and requires the party requesting recusal to “prove that the trial judge has a personal bias or prejudice concerning him or personal knowledge of disputed evidentiary facts concerning the proceedings.” *Id.* at 154 (cleaned up). “Unless there is palpable and demonstrable indicia of judicial bias, evidentiary calls and actions taken by the trial judge in the conduct of a trial are more appropriately reviewed in the context of whether the judge’s rulings comport with applicable law[.]” *Harford Mem’l*, 264 Md. App. at 547 (quoting *Reed v. Baltimore Life Ins. Co.*, 127 Md. App. 536, 552 (1999)). Moreover, “[b]ald allegations and adverse rulings are not sufficient to overcome this presumption of impartiality.” *Id.* at 541-42.

We hold that the trial judge did not abuse her discretion in refusing Father’s recusal request. Aside from his bald allegations of bias regarding the judge’s various “adverse rulings,” Father highlights for us no evidence suggesting any appearance of impropriety, much less any palpable and demonstrable indicia of judicial bias. That is not surprising, as the record makes clear that the judge was nothing but fair and impartial throughout the entirety of the proceedings. Equally unavailing is Father’s claim that the judge’s custody orders demonstrated animus toward him. If anything, the judge’s custody orders exhibited thoughtfulness and compassion regarding everyone involved, including Father. Our succinct recitation of the judge’s most recent custody order, as highlighted above, fails to capture the extent to which Father’s claims of animus are belied by the record, as that order is replete with examples of the judge’s empathy for the parties and her reasoned judgment in reaching a result that was not only fair, but was consistent wholly with A.H.’s best interest. In short, no reasonable person would conclude that the judge’s impartiality could be questioned reasonably.

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