

Circuit Court for Baltimore City  
Case No.: 24-P-23-000566

UNREPORTED\*

IN THE APPELLATE COURT

OF MARYLAND

Nos. 683 & 2133

September Term, 2025

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KEISHAUN SHAMIR WATSON

v.

ANTHONY RASHAD HIGGS

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Friedman,  
Kehoe, S.,  
Kenney, James A., III  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: June 4, 2026

\*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

In February 2024, the Circuit Court for Baltimore City entered an order requiring appellant Keishaun Shamir Watson to pay child support to appellee Anthony Rashad Higgs and establishing arrears. Later that year, Higgs petitioned the circuit court to hold Watson in contempt for her failure to pay child support. Then, in January 2025, Watson petitioned the court to modify her support obligation. After a hearing in May 2025, the court found there had not been a material change in circumstances and denied Watson’s petition. After another hearing in October 2025, the court found Watson in constructive civil contempt for failing to pay child support. Watson timely appealed from both orders, which this Court then consolidated.

### **I. Modification of Child Support**

In reviewing the denial of a petition to modify child support, we will defer to “the sound discretion of the [circuit] court, so long as the discretion was not arbitrarily used or based on incorrect legal principles.” *Smith v. Freeman*, 149 Md. App. 1, 21 (2002).

At the hearing on her petition, Watson explained that she was working reduced hours based on her doctor’s recommendation following certain pregnancy and post-partum health issues. The court noted that Watson was already working reduced hours at the time the support order was entered and that, in any event, her “temporary part-time work would not be a material change in circumstance for actually modifying [the] support order permanently.” On appeal, Watson contends that the court “appl[ied] an incorrect legal

standard requiring permanence rather than a material change in circumstances[.]”<sup>1</sup> We disagree.

Under Md. Code Ann., Family Law § 12-104(a), a “court may modify a child support award . . . upon a showing of a material change of circumstance.” To be “material,” a change must meet two requirements. *First*, it “must be relevant to the level of support a child is actually receiving or entitled to receive.” *Wheeler v. State*, 160 Md. App. 363, 372 (2004) (cleaned up). *Second*, it “must be of sufficient magnitude to justify judicial modification of the support order.” *Id.* (cleaned up).

Here, the court described Watson’s reduced income—to the extent it had, in fact, changed since the support order was entered—as “a temporary setback[.]” In other words, the change was not “of sufficient magnitude to justify judicial modification of the support order.” *Id.* (cleaned up). *Cf. Stansbury v. Stansbury*, 223 Md. 475, 478 (1960) (noting that, historically, a decrease in income that “appeared merely temporary” would not justify a change in alimony). The court’s decision was thus based on correct legal principles, and it did not abuse its discretion in denying Watson’s petition.<sup>2</sup>

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<sup>1</sup> At the end of the hearing, Watson waived her right to file exceptions to the magistrate’s recommendations. In doing so, she also waived any claim that the magistrate’s findings are clearly erroneous, but she may still challenge the circuit court’s “adoption of the magistrate’s application of the law to the facts.” *Barrett v. Barrett*, 240 Md. App. 581, 587 (2019) (cleaned up).

<sup>2</sup> In her brief, Watson also argues that “the court improperly relied on imputed income without a required finding of voluntary impoverishment[.]” but she seems to focus on the calculation of her income for the original support award, which is not before us in this appeal. *See* Md. Rule 8-202(a). To the extent she contends that the court was required to make a finding of voluntary impoverishment before denying her modification petition,

(continued)

## II. Contempt

Generally, we “will not disturb a contempt order absent an abuse of discretion or a clearly erroneous finding of fact upon which the contempt was imposed.” *Breona C. v. Rodney D.*, 253 Md. App. 67, 73 (2021) (cleaned up). “A trial court abuses its discretion when its decision encompasses an error of law, which [we] review[] without deference[.]” *Id.* (cleaned up).

In the context of enforcing support orders, the petitioner must “prove[] by clear and convincing evidence that the alleged contemnor has not paid the amount owed, accounting from the effective date of the support order through the date of the contempt hearing.” Maryland Rule 15-207(e)(2). The court may then make a finding of contempt unless the defendant establishes by a preponderance of the evidence “either (1) that limitations has run, or (2) that, during that period, the defendant never had the ability to pay more than was actually paid and that [they] made reasonable efforts to become or remain employed or otherwise lawfully obtain the funds necessary to make additional payments.” *Bryant v. Howard Cnty. Dep’t of Soc. Servs. ex rel. Costley*, 387 Md. 30, 48 (2005).

The court here found that Higgs had met his burden, and that Watson had failed to meet hers. She does not dispute these findings on appeal. Instead, Watson contends that the court erred by including a purge provision in the contempt order without making a finding that she had the present ability to pay. We disagree.

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she is incorrect. “[V]oluntary impoverishment’ should not be addressed until after the court determines that a material change in circumstance has occurred[.]” *Wills v. Jones*, 340 Md. 480, 490 (1995). The court here did not find a material change in circumstance, so it was not required to address voluntary impoverishment.

In support cases, “[i]f the contemnor does not have the present ability to purge the contempt,” Maryland Rule 15-207(e)(4) authorizes the court to “include directions that the contemnor make specified payments on the arrearage at future times and perform specified acts to enable the contemnor to comply with the direction to make payments.” Here, the court directed Watson to make three specified monthly payments on her arrearage before the next hearing. The order also accounted for the possibility that Watson might not have the present ability to meet the purge and provided that

[i]f [Watson] loses her employment between [the date of the order] and the date of the next hearing or *if [Watson] is unable to pay* all amount[s] due under th[e] order each month through funds earned through current employment, [Watson] shall apply for five jobs per month in an effort to find full-time employment and bring to court written proof of job applications (not just logs or printouts-must be verifiable)[.]

(Emphasis added.)

The court was, therefore, not required to make a specific finding about Watson’s present ability to pay because, as authorized by Rule 15-207(e)(4), its order included alternative directions for her to follow in the event that she could not afford the payments. *See Bryant*, 387 Md. at 49–50. Thus, the court did not err or abuse its discretion in holding Watson in contempt.

**JUDGMENTS OF THE CIRCUIT  
COURT FOR BALTIMORE CITY  
AFFIRMED. COSTS TO BE PAID BY  
APPELLANT.**