

Circuit Court for Howard County
Case No. C-13-FM-23-001071

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2275

September Term, 2025

BRANDON JOHNSON

v.

COCONUT JACOBS

Berger,
Arthur,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Berger, J.

Filed: June 1, 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).

Brandon Johnson (“Father”) and Coconut Jacobs (“Mother”) are the unmarried parents of one child, C. On November 4, 2025, Father and Mother appeared before the Circuit Court for Howard County for a one-day trial regarding Father’s Petition to Modify Custody. After hearing testimony from both parents, the circuit court delivered its order on the record on November 13, 2025. Therein, the circuit court found there was a material change in circumstances; continued the parties’ joint legal custody but granted Father tie-breaking authority; granted Mother sole legal custody regarding C.’s health care; ordered that C.’s primary residence be with Father; modified the holiday schedule; and declined to order Mother to submit to a mental health evaluation. A corresponding written order was entered on April 7, 2026.¹

Father noted a timely appeal and presents three questions for our review, which we have recast and rephrased as follows:

- I. Whether the circuit court erred by ordering that Mother shall have sole legal custody with respect to decisions involving C.’s health care.
- II. Whether the circuit court erred by altering the holiday schedule in the custody order.
- III. Whether the circuit court erred by declining to order Mother to submit to a mental health evaluation.

For the reasons herein, we affirm.

¹ Father filed the notice of appeal on December 19, 2025. Pursuant to Maryland Rule 8-602(f), this appeal is properly before us. (“A notice of appeal filed after the announcement or signing by the trial court of a ruling, decision, order, or judgment but before entry of the ruling, decision, order, or judgment on the docket shall be treated as filed on the same day as, but after, the entry on the docket.”).

BACKGROUND

*Procedural History*²

On December 29, 2023, the circuit court entered a Consent Order for custody (“Original Order”), granting Mother and Father joint legal and physical custody of C. Among other things, the Original Order mandated that Mother and Father communicate regarding all aspects of C.’s welfare via OurFamilyWizard (“OFW”), a parenting application. The circuit court entered a second Consent Order on September 23, 2024, pertaining to the exchange of C. in the event that the minor child cannot be taken to daycare due to illness or inclement weather.

Thereafter, on September 26, 2024, Mother filed a Petition to Modify Custody Due to Relocation, citing a job transfer to Florida. In that petition, Mother proposed a month-on-month-off custody schedule, under which C. would spend January, March, May, July, September, and November in Florida with Mother and the remaining six months in Maryland with Father. No court order was entered regarding Mother’s petition.

On January 16, 2025, Father filed a Petition to Modify Custody (“Petition to Modify”). In that petition, Father alleged that Mother had relocated to another state and had left C. in his custody since January 1, 2025. Accordingly, Father requested sole legal and physical custody of C.

A month later, on February 14, 2025, Father filed a request for an emergency hearing, alleging that Mother picked C. up from daycare on February 12, 2025, during

² Rather than address the litany of motions filed by the parties, we address only those that are pertinent to the issues on appeal.

Father’s parenting time, and expressing concern that Mother had left the state with C. An emergency hearing was held on March 3, 2025. The sitting Family Magistrate recommended that Father be granted sole physical custody of C. on a temporary basis and that Mother be ordered to return C. to Father by 5:00 p.m. on Sunday, March 9, 2025. An order to that effect was entered thereafter.

Subsequently, Mother filed a Motion to Terminate Temporary Custody Order on March 17, 2025, and a hearing was held on May 15, 2025. The sitting Family Magistrate recommended, among other things, “[t]hat, on a temporary basis, Father be granted tie-breaking authority in the event of impasse, following full discussion, on all legal custody decisions.” Additionally, the Family Magistrate recommended that a merits trial be held on the Petition to Modify after the completion of a custody evaluation. An order to that effect was entered thereafter (“Temporary Custody Order”).

Merits Trial on the Petition to Modify

A one-day trial on Father’s Petition to Modify was held on November 4, 2025. At the trial, Father asked the circuit court to make the Temporary Custody Order permanent. Pertinent here is testimony related to C.’s medical care, the proposed holiday schedule, and the court appointed social worker’s recommendation that Mother undergo a mental health evaluation.

During Father’s testimony, the circuit court inquired about C.’s medical care and the following transpired:

THE COURT: Who takes the child to the doctor?

[FATHER]: We both take him to the doctor. I just took him to the doctor like a couple of weeks ago, like two weeks ago.

THE COURT: Is [Mother] informed of all sorts of medical issues, actual activities?

[FATHER]: Yes, it's on our chart. It's on [MyChart through the doctor].

On cross examination, Mother's counsel elicited the following:

[MOTHER'S COUNSEL]: Prior to January 2025, who made the doctor's appointments for [C.]?

[FATHER]: He's only been . . . Whoever called, the mother did.

[MOTHER'S COUNSEL]: Okay. And how are you informed of those doctor's appointments?

[FATHER]: I've only been to two. Anything outside of those was . . . Like I said, that was prior to 2024 before we even had a custody agreement in place.

Thereafter, Mother testified:

[MOTHER'S COUNSEL]: . . . Since December of 2023 until, I guess, March of 2025, who made appointments, who made doctor's appointments for [C.]?

[MOTHER]: I've always made his doctor's appointments until just recently.

[MOTHER'S COUNSEL]: Okay. And what doctor was he going to?

[MOTHER]: When he's here, he went to [a doctor in Maryland], and when he was with me in Florida, he had a doctor down there in Florida.

[MOTHER'S COUNSEL]: Okay. Okay. When in Maryland, did you give [Father] notice about the appointments?

[MOTHER]: Yes, I gave him notice on [OFW].

[MOTHER'S COUNSEL]: Okay. And how did you do that?

[MOTHER]: I put it on the calendar.

[MOTHER'S COUNSEL]: The shared calendar?

[MOTHER]: Yeah, the shared calendar. I mean, I don't know. Sometimes I message him, but it was always -- I told him what it was.

[MOTHER'S COUNSEL]: Okay. Did he attend?

[MOTHER]: Some of them he did, and some of them he didn't.

Additionally, there was significant testimony about how the Original Order did not work well for the parties. Father testified that he and Mother “don't see each other, . . . [w]e can't get along.” Further, Father highlighted that he and Mother had “a track record of going to Court” since the Original Order and stated that “traditionally, when it comes to decision-making, you know, . . . we can't get on the same page[.]” According to Father, portions of the Original Order, such as where C. was to be exchanged, had “been long violated.”

Despite his general disfavor of the Original Order, Father testified that there were portions that had “work[ed] well”:

[FATHER]: . . . We previously had a snow day clause in our initial, initial Court Order. So I would like to kind of keep some of those things from the Court Order because they actually work well.

THE COURT: So which Court Order are you referencing?

[FATHER]: The original, the original. Where, like I said, when we had the holiday schedule, like this year, I'll have him

for Thanksgiving. She has him for Christmas. Last year I had him for Christmas. So some of those things I would like to keep in place.

...

THE COURT: . . . What are you proposing in terms of what should happen on certain holidays, birthdays?

[FATHER]: Yeah, I would like, again, like I said, we had that. She'd get him for Mother's Day. I'd get him for Father's Day. Like I said, last year I had him for Christmas. She had him for Thanksgiving. So this year is my turn for Thanksgiving. And, you know, she'll have the Christmas schedule. . . .

THE COURT: All right. So what are holidays that are important to you, or at least what you believe are important to [Mother]?

[FATHER]: For me, Christmas, Thanksgiving are the big ones. Like I said, I had him for last year for Christmas and, you know, didn't have him for, she had him for Thanksgiving. So, you know, this year I have him for Thanksgiving. She'll have him for Christmas. So as long as there's a rotation in which he actually sees both of us, like I said, my family's in Georgia. So we might travel sometimes. Sometimes they may come here. So it depends. . . .

Mother did not testify regarding the holiday schedule of the Original Order or what she would propose for the holiday schedule in the Modified Custody Order.

Finally, Father requested that the circuit court adhere to the court appointed social worker's recommendation, which was part of the custody evaluation admitted into evidence, that Mother undergo a mental health evaluation. Specifically, the social worker recommended that Mother "submit to a mental health evaluation and begin mental health treatment to address any underlying obstacles to engaging productively in coparenting."

At the trial, Father clarified why he had requested that Mother undergo a mental health evaluation:

[FATHER]: . . . There's been time I picked up my son and he had his fingernails painted. I didn't agree with that. I didn't say anything to the mother, but, you know, I just took him home and cleaned it off. But, you know, we have a son and I just, you know, it's, I don't understand why you would paint a little boy's fingernails at that age. And also some of his hairstyles, they've been done in a very feminine manner for a two-year-old. And that was something that I brought up to, you know, the social worker's attention.

THE COURT: What's the correlation between painting the child [sic] fingernails and certain hairstyles with [Mother's] mental health?

[FATHER]: Oh, well, he's a son. She has two other kids that are girls. So like I said, to me, if a child wants to grow up as an adult and engage in a certain lifestyle, that's their prerogative. But for a woman to paint a child's son, a little boy's nails and do his hairstyle in a specific feminine manner, I just don't think that's, something isn't registering with that. I just don't think that makes sense to me. I don't know. Like I said, I brought it up to the social worker. I don't know what the reason were. I don't know if it was done to, it could have been done to spite me as a father, being that I'm a father, I have a son. It could have been done to piss me off, but I didn't say anything to her. I don't know why it was done. I just brought it up.

THE COURT: So you don't have any evidence to make any correlation between that and a mental health evaluation?

[FATHER]: No.

THE COURT: Other than you disagree with the painting of the hairs and the fingernails?

[FATHER]: Correct.

Regarding Mother’s mental health, Father later testified:

[O]ne of the things that I brought up to the social worker’s attention that, you know, in regards to the mental health evaluation, um, you know, you can say one thing and something will come to mind. Now, like I said, I’m not a mental health professional, but like in the past, I’ll say something to [Mother] and something completely different will register, like the furthest thing possible. You know what I mean? So that was one of the things, like, you know, like I said, that will help with the communication barrier.

Father also sought to testify about other custody suits that Mother had been involved in as evidence that Mother should be required to submit to a mental health evaluation. The circuit court, however, sustained Mother’s objection on the ground that such evidence was irrelevant.

The Modified Custody Order

On November 13, 2025, the circuit court delivered its ruling on the record and a corresponding written order was entered on April 7, 2026. The circuit court determined that both parties are “fit and proper parents.” The circuit court concluded, however, that “[t]he previous order was not going well. I believe that [Father] and [Mother] both testified to that, where there was a shared schedule, a 50-50 schedule. That schedule was not going well, and that’s the testimony of the parties.” To that end, the circuit court determined that “[a] new schedule must be developed for the benefit of the child.” The circuit court explained:

One part of my ruling is that the previous orders were not working. And the hope is that . . . the Court puts this order going forward to make sure it’s something that can be at least for a period of time as the child develops.

But you guys tried 50-50. You tried three weeks over the summer. You tried this. You tried that. And both of you testified credibly that it wasn't working.

The circuit court ordered that the parties be granted joint legal custody of C. with Father “having tie-breaking authority in the event of an impasse after full discussion, save for discussions regarding the child’s health. That will be the primary, and by that I mean decision-making regarding the child’s health care, shall be the sole province of [Mother].” The circuit court explained that it found credible Mother’s testimony that she was the primary parent handling C.’s health care and Father’s testimony that he went to some of C.’s doctor’s appointments, but did not go to others.

As for holidays, the circuit court determined:

[I]t’s [] ordered that on Mother’s Day, independent of this Order, [Mother] shall have parenting time with the child from 9 a.m. to 7 p.m. It’s further ordered that on Father’s Day, [Father] shall have parenting time with the child from 9 a.m. to 7 p.m.

...

I shall also order the parties shall alternate the Thanksgiving holiday with [Father] having odd years and [Mother] having even years. The parties shall alternate Christmas Eve and Christmas Day with [Father] having even years and [Mother] having odd years.

Finally, regarding Father’s request that Mother submit to a mental health evaluation, the circuit court explained:

The social worker made certain recommendations. I don’t need to go through it as the parties are well aware of the recommendations and that particular evaluation.

Ultimately, [Father] testified he’s requesting a mental health evaluation because [Mother] paints the child’s nails and styles his hair in what he describes as a feminine way. The Court does not believe that’s appropriate in terms having [Mother] do a mental health evaluation. I understand there may be cultural issues, issues which are important to the parties in terms of how they wish the child to have their nails and hair styled, but we believe our decision functionally remains in the best interest of the child. And I don’t believe a mental health evaluation is appropriate here, despite what the evaluation says.

Father noted a timely appeal. We shall include additional details as necessary in our forthcoming analysis.

STANDARD OF REVIEW

We review a circuit court’s child custody determinations under “three interrelated standards of review.” *Kadish v. Kadish*, 254 Md. App. 467, 502 (2022) (citing *In re Yve S.*, 373 Md. 551, 586 (2003)). Indeed,

[w]hen the appellate court scrutinizes factual findings, the clearly erroneous standard of [Maryland Rule 8-131(c)] applies. [Second], if it appears that the [circuit court] erred as to matters of law, further proceedings in the [circuit] court will ordinarily be required unless the error is determined to be harmless. Finally, when the appellate court views the ultimate conclusion of the [circuit court] founded upon sound legal principles and based upon factual findings that are not clearly erroneous, the [circuit court’s] decision should be disturbed only if there has been a clear abuse of discretion.

Id. at 502 (quoting *In re Yve S.*, 373 Md. at 586).

When reviewing a circuit court’s child custody determinations, “we give ‘due regard . . . to the opportunity of the [circuit] court to judge the credibility of the witnesses.’” *Gillespie v. Gillespie*, 206 Md. App. 146, 171 (2012) (quoting *In re Yve S.*, 373 Md. at

584). Moreover, “[w]e recognize that ‘it is within the sound discretion of the [circuit court] to award custody according to the exigencies of each case[.]’” *Id.* (quoting *In re Yve S.*, 373 Md. at 585-86).

DISCUSSION

I. We discern no error in the circuit court’s modified child custody order.

When presented with a request to modify an existing custody order, “[o]ur courts engage in a two-step process.” *Kadish*, 254 Md. App. at 503 (citing *Gillespie*, 206 Md. App. at 170). The circuit court must first determine whether “there has been a material change in circumstances.”³ *Id.* (quoting *Green v. Green*, 188 Md. App. 661, 688 (2009)). Should the circuit court find a material change in circumstances, the court must “then proceed[] to consider the best interests of the child as if the proceedings were one for original custody.” *Id.* at 503-04 (quoting *Gillespie*, 206 Md. App. at 170). The animating principle underlying our analysis, therefore, is the best interest of C. Sixteen non-exhaustive factors for a circuit court to consider when making a custody determination to ensure the child’s best interests are listed in Md. Code (1984, 2019 Repl. Vol., 2025 Suppl.), § 9-201 of the Family Law Article (“FL”).⁴

³ “A material change of circumstances is a change of circumstances that affects the welfare of the child.” *Gillespie*, 206 Md. App. at 171. Father does not contend that the circuit court erred in finding a material change of circumstances. We, therefore, do not address this step further.

⁴ Because not all factors are relevant to this appeal, we address the factors only as they are relevant in our forthcoming analysis.

A. The circuit court did not err in ordering that Mother shall have sole legal custody with respect to C.’s health care.

The circuit court awarded Mother sole legal custody with respect to C.’s health care. On appeal, Father argues that this determination was erroneous because Mother “has a track record of not including [him] in the health procedures and medical documentation regarding [C.],” which has the result of alienating him. Father asserts that he attended all of C.’s doctors’ appointments in Maryland that he was made aware of. Further, Father cites a medical appointment that he made for C. in June 2025 that Mother allegedly cancelled because she had taken C. to the doctor in March 2025 during her temporary relocation to Florida. Father contends that Mother did not inform him of the March 2025 appointment and that, in any event, he would not have been able to attend because it was in another state. Additionally, Father cites an incident in November 2023 in which C. suffered a broken foot while in Mother’s custody and Mother allegedly did not adequately communicate the emergency with Father. Finally, Father contends that, because he is now the primary custodial parent, he should be granted sole legal authority to make decisions regarding C.’s health care.

The circuit court engaged with the FL § 9-201 factors in reaching its custody determination, considering three relevant factors when making the challenged determination. First, the circuit court addressed “whether and how parents who do not live together will share the rights and responsibilities of raising the child.” FL § 9-201(a)(3).

With respect to that factor, the circuit court concluded:

[Father] testified that the parties split their responsibilities[.] . . . Both parties are fit and proper, so when

[C.] was in [Mother's] care, the Court finds that [Mother] can care for the child appropriately. And when [C.] was in [Father's] care, he can care for the child appropriately.

And we find the testimony of [Mother] credible that she [bore] the responsibility, the primary responsibility of the child's health care. She was the one making those decisions. She was the one primarily going to doctor's appointments. [Father] testified credibly that he went to some, he didn't go to others.

Second, the circuit court assessed "each parent's role and tasks related to the child and how, if at all, those roles and tasks have changed." FL § 9-201(a)(12). Regarding this factor, the circuit court explained:

I believe, I think father states a very [tautological] explanation. He says he wants to be a father. He wants [sic] the child to the doctor and to school and things of that nature. And I believe [Mother] is the same sort of feeling. She wants to be a mom. And she wants to be engaged in all those things between herself and [C.]

Third, the circuit court considered "the parents' relationship with each other, including: (i) how they communicate with each other; (ii) whether they can co-parent without disrupting the child's social and school life; and (iii) how the parents will resolve any disputes in the future without the need for court intervention." FL § 9-201(a)(14). The circuit court concluded that, although both Father and Mother are fit parents, the court was "not terribly convinced" that they could work together. The circuit court then granted Mother sole legal custody to make decisions regarding C.'s health care.

We discern no error in the circuit court's determination. We first observe that the circuit court's findings of fact were not clearly erroneous. Although Father testified that both he and Mother took C. to the doctor, Father also testified -- contrary to his assertion

on appeal that he attended all doctors’ appointments in Maryland that he was aware of -- that prior to 2024, he had only been to two of C.’s doctors’ appointments. Although it is true that the circuit court concluded that “the parties do not communicate well[,]” there was testimony that information regarding C.’s doctors’ appointments and health care is readily accessible to both parties on MyChart, an application that both parties have access to. Notably, the circuit court also concluded that the November 2023 incident involving C.’s broken foot was an accident and that it “was [not] malicious.”

The circuit court applied the appropriate legal standard, namely the relevant factors in FL § 9-201(a). Applying the findings of fact to the “best interest” factors, we discern no abuse of discretion in the circuit court’s ultimate conclusion that it is in C.’s best interest for Mother to have sole legal custody with respect to health care decisions, notwithstanding the fact that C.’s primary residence is now with Father. To be sure, Mother previously made and attended all of C.’s doctors’ appointments. Moreover, the circuit court concluded that Father and Mother were not working well together, and it was “not terribly convince[ing]” that they would be able to work together. In such circumstances, we cannot say that the circuit court’s decision, which maintains the share of responsibility as it was prior to Mother’s temporary relocation to Florida, was an abuse of discretion.

B. The circuit court did not err in amending the holiday schedule in the custody order.

As part of the written order memorializing the Modified Custody Order, the circuit court provided the following holiday schedule:

[Mother] shall have access with the Minor Child on Mother’s Day and the [Father] shall have access with the Minor Child on

Father's Day. Mother's Day and Father's Day shall be defined as 9:00am to 7:00pm on Mother's/Father's Day; and . . .

the parties shall alternate Thanksgiving with the [Mother] having the minor child for Thanksgiving in the even years and the [Father] having the minor child for Thanksgiving in odd years; and . . .

the parties shall alternate Christmas Eve and Christmas Day, with the [Mother] having the minor child for Christmas Eve and Christmas Day in the odd years and the [Father] having the minor child for Christmas Eve and Christmas Day in even years[.]

Father challenges this amended holiday schedule and asserts that the holiday schedule in the Original Order, which defined holidays as more than just the individual day, worked well.⁵ Accordingly, Father requests that the Modified Custody Order be amended in such a way so as to revert back to the holiday schedule of the Original Order.

This portion of the Modified Custody Order was not erroneous. Although Father did testify that he would like to keep the holiday schedule of the Original Order, there was also significant testimony that the Original Order did not work well. To be sure, the circuit court included as part of its ruling “that the previous orders were not working” and that a new arrangement was needed. Given such a finding, it is clear that there is no error in the holiday schedule encapsulated in the Modified Custody Order. This is especially so when the amended holiday schedule splits holidays evenly, thereby providing C. equal access to both parents for important holidays.

⁵ The Original Order defined Thanksgiving as “the Wednesday before Thanksgiving until the Monday after Thanksgiving”; Christmas as “December 22nd to December 29th”; Mother's Day as “10 a.m. on Mother's Day to Monday morning at daycare drop off”; and Father's Day as “10 a.m. on Father's Day to Monday morning at daycare drop off.”

Finally, we address Father’s confusion regarding the Modified Custody Order to the extent that it provides for the parties to “alternate Christmas Eve and Christmas Day.” In our view, this provision means that the Christmas holiday is defined as December 24th *and* December 25th. To be sure, the written order provides that Mother will have C. “for Christmas Eve *and* Christmas Day in the odd years” and Father will have C. “for Christmas Eve *and* Christmas Day in even years[.]” (emphasis added). This is consistent with the circuit court’s oral order.

We empathize with Father’s disagreement regarding this amended holiday schedule. We note, however, that the circuit court added a provision that, “the parties shall have custody at all other times that the parties mutually agree.”⁶ Pursuant to this provision, therefore, Father and Mother may arrange with one another for either parent to have an extended holiday period with C.

C. The circuit court did not err by declining to order Mother to submit to a mental health evaluation.

The circuit court admitted into evidence the custody evaluation in which the court appointed social worker recommended that Mother “submit to a mental health evaluation and begin mental health treatment to address any underlying obstacles to engaging

⁶ We note that there appears to be a minor discrepancy between the circuit court’s November 13, 2025 oral order and the subsequent written order. Although the circuit court stated orally that “the *parties* shall have custody at all other times that the parties mutually agree,” the written order states “*Plaintiff* [(Mother)] shall have access with the minor child any other time as the parties mutually agree.” (emphasis added). Although Father does not raise this apparent discrepancy on appeal, we observe that it is well established that if there is a discrepancy between an oral and written order, “unless it is shown to be in error, it is the transcript that prevails.” *Savoy v. State*, 336 Md. 355, 360 n.6 (1994) (citation omitted).

productively in coparenting.” On appeal, Father challenges the circuit court’s rejection of this recommendation. Father contends that Mother’s behavior -- leaving C. with family while she was on vacation during Father’s court allocated Father’s Day weekend, recommending a month-on-month-off custody schedule to accommodate her relocation to Florida, and filing for contempt alleging that Father refused her court ordered video calls with C. -- are indicative of Mother’s poor mental health and the need for a mental health evaluation.

Although the circuit court admitted the custody evaluation into evidence, it was not required to accept the recommendations therein. To be sure, it is the duty of the circuit court to make its own independent assessment of the best interest of the child by analyzing the relevant “best interest” factors. *See, e.g., J.A.B. v. J.E.D.B.*, 250 Md. App. 234, 258-59 (2021) (concluding that the trial court did not abuse its discretion “with respect to its custody determination” where it “did not simply adopt the recommendation of any party or of the custody evaluator,” and instead explained its own reasoning while engaging with the relevant factors).

At trial, Father’s request that Mother be required to undergo a mental health evaluation rested on three things: Mother painting C.’s fingernails on one occasion and doing C.’s hair in “feminine” hairstyles; Mother’s “communication barrier,” which Father characterized as an obstacle to effective co-parenting; and separate custody suits involving Mother’s two other children, each of whom has a different father.

As to Mother’s painting of C.’s fingernails on one occasion and doing C.’s hair in “feminine” hairstyles, Father expressly conceded at the trial that there was no correlation

between the challenged behavior and Mother’s mental health. Indeed, Father agreed with the circuit court that he merely disagreed with Mother’s conduct. The circuit court concluded that the challenged conduct did not warrant requiring Mother to submit to a mental health evaluation:

Ultimately, [Father] testified he’s requesting a mental health evaluation because [Mother] paints the child’s nails and styles his hair in what he describes as a feminine way. The Court does not believe that’s appropriate in terms of having [Mother] do a mental health evaluation. I understand there may be cultural issues, issues which are important to the parties in terms of how they wish the child to have their nails and hair styled, but we believe our decision functionally remains in the best interest of the child. And I don’t believe a mental health evaluation is appropriate here, despite what the evaluation says.

Moreover, the circuit court considered the challenged conduct when assessing “the child’s developmental needs, including physical safety, emotional security, positive self-image, interpersonal skills, and intellectual and cognitive growth.” FL § 9-201(a)(6). Specifically, the circuit court explained:

The child, as I can tell, does not have any developmental issues. [Father] noted personal issues concerning the child’s fingernails and hairstyle being in an effeminate manner. I don’t find that particularly relevant or persuasive here. I understand that there are, as I said before, there may be cultural things in different environments where fingernail painting or certain hairstyles may not be appropriate to some people.

We don’t find that moves the needle one way or the other. I don’t find that painting the child’s fingernails is abusive to the child. I don’t think certain hairstyles are abusive to the child at this part of the child’s development.

We find no error in this conclusion. As noted, Father acknowledged at the trial that his disagreement with Mother's conduct was not correlated to the request that Mother undergo a mental health evaluation. In such circumstances, we find no error in the circuit court's findings of fact and no abuse of discretion in its ultimate conclusion that Mother's conduct -- painting C.'s fingernails and doing his hair in a manner described by Father as "feminine" -- did not necessitate a mental health evaluation.

Regarding Mother's alleged "communication barrier" and its effect on co-parenting, we similarly find that there was no error in the circuit court's conclusion that such allegations did not warrant a mental health evaluation. At trial, Father testified: "in the past, I'll say something to the [Mother] and something completely different will register, like the furthest thing possible. You know what I mean? So that was one of the things, like, you know, like I said, that will help with the communication barrier."

The circuit court concluded that "the parties do not communicate well" and observed that the parties were "trying to effectively hurt one another[.]" Further, the circuit court characterized Father's request that Mother undergo a mental health evaluation as an attempt to disparage Mother: "And I heard from [Father], he said that [Mother] is a somewhat fit and proper parent, that she needs a mental health evaluation. And going forward, I'm going to put this in the Order, it's probably best you don't disparage one another in front of the child." The circuit court went on to note that "functionally, it looks like [Mother and Father are] communicating via [OFW], and that's something that should continue."

The circuit court, therefore, concluded that any communication problems between Father and Mother were caused by both parties. Moreover, the circuit court clearly viewed Father’s request that Mother undergo a mental health evaluation as a tactic to disparage Mother. In our review, we must “give ‘due regard . . . to the opportunity of the [circuit] court to judge the credibility of the witnesses.’” *Gillespie*, 206 Md. App. at 171 (quoting *In re Yve S.*, 373 Md. at 584). We cannot say that such findings were in error.

As to Mother’s other custody actions, our review of the record leads us to conclude that the circuit court properly excluded such evidence and did not consider it in its ultimate custody determination. Father asks us to consider the fact that Mother has been a party to multiple custody actions in the Circuit Court for Howard County involving her other two children, each of whom has a different father. Because Mother is “46 years old with 3 children by 3 separate men,” and her eldest daughter is 23 years old, Father opines that “a large majority of [Mother’s] adult life she’s been a single parent[] [w]hich could lead to Parental Estrangement or Parental Burnout.”

As an initial matter, we note that we disagree with the notion that, by virtue of being a single mother of three children each having a different father, a mother should be required to undergo a mental health evaluation as part of a custody dispute. Our disagreement with this notion is even more pronounced in a situation where, as is the case here, the circuit court expressly finds that the mother is a fit parent who wants to care for her child. In any event, the circuit court properly excluded testimony concerning Mother’s other custody cases as irrelevant and prudently did not consider such facts in making its ultimate custody determination. We, accordingly, decline to consider Mother’s other custody disputes here.

Father’s other arguments regarding why Mother should be required to undergo a mental health evaluation are similarly unavailing. Each piece of evidence raised by Father on appeal was addressed by the circuit court. First, regarding Father’s assertion that Mother left C. with her family while she went on vacation during Father’s court ordered Father’s Day weekend, the circuit court noted:

[Mother] stated that she informed [Father] 45 days before [her requested] vacation. A vacation that was scheduled in June, and [Mother] informed [Father] beforehand. In June 24, [Father] reached out to [Mother] . . . requesting or asking where the child was. [Father] sent a message in [OFW] that he was going to call the police and that he was going to inform the authorities that [Mother] was going to kidnap the child.

Second, the circuit court discussed Father’s disagreement with Mother’s proposed month-on-month-off custody schedule, which ultimately was abandoned by Mother as she would no longer be able to relocate to Florida, or elsewhere, because she had “burned all her bridges with her employment,” and is no longer able to relocate. Third, the circuit court heard testimony from Mother regarding Father’s alleged refusal to initiate video calls between Mother and C. and took judicial notice of the previous recommendations and custody orders filed after the Original Order, in which Mother’s Petition for Contempt regarding the video calls was expressly denied.

Notably, Father did not argue at trial that these facts have any bearing on Mother’s mental health or that such facts would warrant a mental health evaluation. To the extent that Father’s arguments on appeal merely encapsulate his argument below that Mother’s “communication barrier” warrants a mental health evaluation, we are not persuaded that the circuit court erred in declining to order such an evaluation. As noted, the circuit court

found both parties to be fit parents with a desire to care for C. Further, the court determined that the parties continually attempt to disparage one another and that, although the parties do not communicate well, they have been able to communicate regarding C. via OFW. Given all the surrounding circumstances, we cannot say that the circuit court erred in rejecting the social worker's recommendation that Mother be required to submit to a mental health evaluation.

CONCLUSION

For the foregoing reasons, we conclude that the circuit court did not err in granting Mother sole legal custody with respect to health care decisions concerning C. Further, we conclude that the amended holiday schedule as part of the Modified Custody Order is proper and not erroneous. Finally, we conclude that the circuit court did not err by rejecting the court appointed social worker's recommendation that Mother undergo a mental health evaluation. We, therefore, affirm the Modified Custody Order.

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