Circuit Court for Montgomery County
Case No. 102152FL

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2363

September Term, 2024

ERIC R. PENNER

v.

JACQUELYN LESLIE

Arthur,
Friedman,
Getty, Joseph M.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Getty, J.

Filed: April 10, 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, Eric R. Penner ("Father"), and Appellee, Jacquelyn Leslie ("Mother"), are the parents of one minor child, J.,[1] who was born in March 2012. Litigation between Mother and Father began a mere eleven days after J. was born, when Father filed a complaint for joint legal custody and visitation in the Circuit Court for Montgomery County. The parties' legal battles continued until July 2017, when they entered into a consent order which vested Mother with sole legal and physical custody of J., and suspended Father's child support obligation.

This arrangement went unchanged until October 2023, when the Montgomery County Office of Child Support ("MCOCS") moved for modification of the Circuit Court's then-existing child support order. After more than a year of proceedings, the Circuit Court entered its Final Child Support Order in January 2025, in which the court ordered Father to pay $1,750 per month in child support for J.

On appeal, Father presents three questions for our review, which we have rephrased and renumbered as follows:[2]

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[1] To protect the privacy of the children discussed in this case, we identify each child only by his or her first initial.

[2] Father's verbatim questions presented are:

1. Where the Circuit Court conducted a further hearing on whether strict application of the child support guidelines would be "unjust or inappropriate" in the particular facts and circumstances presented, did the Court err or abuse its discretion by substantially restricting relevant evidence to Appellant's income, and expenses for the minor child in his household?

2. Where the Circuit Court determined that strict application of the child support guidelines would be "unjust or inappropriate," did the Court err or abuse its discretion by ordering modified child support with a "relatively downward

1. Did the court err in finding that there had been a material change in circumstances justifying a modification to the child support order?

2. Did the trial court abuse its discretion by considering only Father's income and extraordinary expenses for the child in his household when determining if strict application of the child support guidelines would be "unjust or inappropriate"?

3. Did the trial court abuse its discretion by rejecting Father's "alternate methodology" for calculating a downward deviation from the child support guideline amount?

As we shall explain, we answer all of the above questions in the negative and shall affirm the judgment of the Circuit Court.

BACKGROUND

The parties' minor child, J., was born on March 26, 2012. On April 6, Father filed a complaint seeking joint legal custody and visitation. In May, Mother, appearing self-represented, filed a countercomplaint in which she requested sole physical and legal custody of J. In July, she amended her countercomplaint to include a request for child support from Father. In October 2012, the parties entered into a consent order which granted them joint legal custody; Mother was granted primary physical custody and Father was granted access and visitation four times per week. Father was also ordered to pay child support to Mother in the amount of $654 per month through the end of September 2013,

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deviation," described as a "not a material departure," without an adequate explanation of such decision, as required by statute?

3. Did the Circuit Court properly consider and adjudicate the element of "materiality" in ordering modification of child support, based upon a change of circumstances, occurring since entry of the Consent Order entered on July 20, 2017?

and $224 per month thereafter. At that time, Father was earning approximately $55,000 annually.

This consent order seemingly did little to resolve the disputes between the parties, as the parties continued to litigate the matter from 2013 through 2017. During that timeframe, the court entered an additional six orders relating to Father's access and child support. In July 2017, the parties reached an agreement. They entered another consent order which vested Mother with sole legal and physical custody of J., who was then five years old. Mother, at that time, was planning to relocate with J. to Florida, and Father's visitation would thereafter be at Mother's discretion. Father's child support obligation was suspended effective June 1, 2017. The Circuit Court ratified this consent order and entered it on July 20, 2017.

Ultimately, Mother did not move to Florida, and she and J. continued to reside in Frederick, Maryland. Between 2017 and 2023, Father had no contact with Mother or J. and made no payments of any kind. In August 2023, Mother lost her job, which prompted her to seek modification of Father's suspended child support obligation. MCOCS filed a motion for modification on October 24, 2023, which explained that circumstances had materially changed since the entry of the 2017 consent order because the parties' incomes and expenses had materially changed, as had J.'s needs because he was now six years older. Father opposed, arguing that the motion failed to allege a "specific need or hardship to the minor child" and that he "relied upon his agreement with [Mother], and a modification will result in financial hardship for him and his family."

The parties convened for a hearing before a family magistrate on May 30, 2024. Mother testified that she had since found new employment as of January 2024, and that there were no extraordinary childcare costs for J., who attended public school and had no special needs. Father testified that he had been employed by the Montgomery County Police Department for fifteen years and worked several part-time side jobs. His adjusted gross income for 2023 was approximately $155,000.

Father also testified that, since J. was born, he had been married twice and had two other children. He had a daughter, H., who was born during the first of Father's two marriages and for whom Father was ordered to pay child support of $436 per month to his now ex-wife. After Father and H.'s mother divorced, Father remarried and he and his current wife had a son, F., in 2020. Father testified that F. "ha[d] special needs and behavioral issues," and "a lot of different medical appointments."

The magistrate issued oral recommendations on June 20, 2024. The magistrate concluded that there had been a material change in circumstances, particularly that the parties' incomes had changed, that J.'s needs were different from what they were when the 2017 order was entered, and that J. did not relocate to Florida. The magistrate found "that it [was] no longer in the best interest of the minor child to suspend [Father's] child support obligation." As a result, the magistrate recommended that Father be ordered to pay child support in accordance with the Maryland child support guidelines. The magistrate did "not find that the application of the guidelines would lead to an unjust or inappropriate result in this particular case."

Father filed exceptions to the magistrate's recommendations, and the Circuit Court held an exceptions hearing on September 13, 2024. At the exceptions hearing, Father's counsel argued that there had not been a material change in circumstances because there was no evidence presented as to J.'s needs, and that the magistrate inadequately considered Father's expenses related to his son, F.'s special needs. The court rejected Father's argument that there had not been a material change in circumstances, but agreed to set an evidentiary hearing for the parties to present evidence "on the special needs of [Father's] other child who lives with him and income if his income is more[.]" The parties were directed to file updated financial statements, to exchange updated tax returns, W-2s, 1099s, and pay stubs, and Father was directed to produce any exhibits that he wanted to use "to support the expenses that are paid to the child that lives with him."

The court held an evidentiary hearing on December 12, 2024. At the start of the hearing, MCOCS informed the court that Father's income was "significantly higher than what he testified to" before the magistrate. Father's counsel conceded that Father's financial statement omitted more than $30,000 in annual disability benefits Father received from the Veterans Administration. MCOCS introduced a summary exhibit, which the court received into evidence without objection, that projected Father's total income for 2024 to be approximately $232,000.

Father testified that his youngest child, F., had autism, behavioral issues, developmental delays, and attention-deficit/hyperactivity disorder. Father maintained that F. has been dismissed from multiple daycare centers because of his behaviors, and therefore Father's wife was unable to work full-time. He further testified that F. attended regular

behavioral therapy, as well as speech, occupational, and physical therapies, all of which charge a co-pay per visit.

The court issued a written order on January 27, 2025. The court denied Father's exceptions on whether there had been a material change in circumstances and granted MCOCS's motion to modify child support. The court determined that, under the child support guidelines, Father would owe monthly child support of $2,135 for November and December 2023, when Mother was unemployed; monthly child support of $2,294 in 2024; and monthly child support of $2,176 in 2025.[3]

The court then found that, "from the particular facts and circumstances of this case, the presumptive application of the Child Support Guidelines would yield an unjust or inappropriate outcome, albeit a relatively minor one[,]" because Father paid "certain extraordinary expenses" for F. "in the amount of approximately $900.00 per month." Accordingly, the court granted Father a downward deviation and ordered Father to pay $1,750 in monthly child support retroactive to the motion's October 2023 filing date.

Father timely noted his appeal on February 11, 2025.

STANDARD OF REVIEW

A trial court's determination that there has been a material change in circumstances warranting a child support modification is a finding of fact that we will not set aside unless clearly erroneous. *See Gillespie v. Gillespie*, 206 Md. App. 146, 170 (2012) ("When the

[3] Father's child support obligation decreased for 2025 because the parties stipulated that, effective January 1, 2025, J. would be added to Father's health insurance policy.

appellate court scrutinizes factual findings, the clearly erroneous standard of [Rule 8–131(c)] applies.") (quoting *In re Yve S.*, 373 Md. 551, 586 (2003)).

As to the court's decision to hear additional testimony at the evidentiary hearing, whether the circuit court will accept additional evidence following a magistrate's recommendations, and to what extent, rests within the sound discretion of the trial judge. *See* Md. Rule 2-541(g) ("The exceptions [taken from the magistrate's recommendation] shall be decided on the evidence presented to the magistrate unless: (1) the excepting party sets forth with particularity the additional evidence to be offered and the reasons why the evidence was not offered before the magistrate, and (2) the court determines that the additional evidence should be considered."); *see also Corry v. O'Neill*, 105 Md. App. 112, 123 (1995) ("'Whether a case shall be reopened for the taking of additional testimony rests within the sound discretion of the trial judge; and from [the trial judge's] grant or refusal to grant the request to reopen, ordinarily no appeal will lie.'") (quoting *Willey v. Glass*, 242 Md. 156, 163 (1966)).

Regarding the child support amount awarded, "[t]he trial court's decision as to the appropriate amount of child support involves the exercise of the court's discretion. A court can abuse its discretion when it makes a decision based on an incorrect legal premise or upon factual conclusions that are clearly erroneous." *Guidash v. Tome*, 211 Md. App. 725, 735 (2013). "Where a trial court uses the guidelines to award child support, that determination will not be disturbed but for a clear abuse of discretion." *Matter of Marriage of Houser*, 490 Md. 592, 605 (2025) (citing *Gladis v. Gladisova*, 382 Md. 654, 665 (2004)).

DISCUSSION

THE MARYLAND CHILD SUPPORT GUIDELINES

Before reaching the merits of Father's contentions, we find it helpful to briefly explain the statutory framework upon which this case rests. The Maryland Child Support Guidelines are set out in Sections 12-201 through 12-204 of the Family Law Article ("FL") of the Maryland Code. First enacted in 1989, the purpose of these guidelines was "(1) to remedy a shortfall in the level of awards that do not reflect the actual costs of raising children, (2) to improve the consistency, and therefore the equity, of child support awards, and (3) to improve the efficiency of court processes for adjudicating child support[.]" *Houser*, 490 Md. at 620 (quoting *Voishan v. Palma*, 327 Md. 318, 322 (1992)). Use of the guidelines became mandatory in 1990. *Id.*

The guidelines use the income shares model, which "establishes child support obligations based on estimates of the percentage of income that parents in an intact household typically spend on their children." *Voishan*, 327 Md. at 322–23. "The conceptual underpinning of this model is that a child should receive the same proportion of parental income, and thereby enjoy the standard of living, he or she would have experienced had the child's parents remained together. *Id.* at 322. Consistent with this model, the legislature created the schedule of basic child support obligations found in Section 12-204(e), which sets forth the basic obligation for any given number of children based on combined parental

income.[4] *Id.* at 323. The legislature further established that "[t]here is a rebuttable presumption that the amount of child support which would result from the application of the child support guidelines set forth in this subtitle is the correct amount of child support to be awarded." FL § 12-202(a)(2)(i) (1989, 2019 Repl. Vol., 2024 Supp.).

This presumption may be rebutted, however, "by evidence that the application of the guidelines would be unjust or inappropriate in a particular case." *Id.* § 12-202(a)(2)(ii). To determine whether application of the guidelines would be unjust or inappropriate, the court may consider: (1) the terms of any existing separation or property settlement agreement or court order; (2) the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing; and (3) whether an obligor's monthly child support obligation would leave the obligor with a monthly actual income below 110% of the 2019 federal poverty level for an individual.[5] *Id.* § 12-202(a)(2)(iii). Regarding the presence of other children, the legislature specified that, "[t]he presumption *may not* be rebutted *solely* on the basis of evidence of the presence in the household of either parent of other children to

[4] The present version of the schedule, last updated in 2020, sets forth the basic child support obligations for parents whose combined monthly income is $30,000 per month or less. *See* 2020 Md. Laws. Ch. 384; *see also* FL § 12-204(e) (1989, 2019 Repl. Vol., 2024 Supp.).

[5] On May 13, 2025, the Governor approved House Bill 275, which amended this section and removed presence of other children in either parent's household as a proper consideration. 2025 Md. Laws Ch. 532. This change did not go into effect, however, until October 1, 2025, *see id.*, and therefore was not in effect when the instant case was decided.

whom that parent owes a duty of support and the expenses for whom that parent is directly contributing."[6] *Id.* § 12-202(a)(2)(iv) (emphasis added).

If the court does find that strict application of the guidelines would be unjust or inappropriate in a particular case, the statute requires the court to make certain findings on the record stating the reasons for departing from the guidelines. The court's finding shall state:

> A. the amount of child support that would have been required under the guidelines;
> B. how the order varies from the guidelines;
> C. how the finding serves the best interests of the child; and
> D. in cases in which items of value are conveyed instead of a portion of the support presumed under the guidelines, the estimated value of the items conveyed.

Id. § 12-202(a)(2)(v).

Guided by this statutory framework, we now turn to the merits of Father's claims.

THE TRIAL COURT DID NOT ERR IN FINDING THAT THERE HAD BEEN A MATERIAL CHANGE IN CIRCUMSTANCES.

A court may modify a child support award "upon a showing of a material change of circumstance." FL § 12-104(a) (1988, 2019 Repl. Vol., 2024 Supp.). The family magistrate here found that there had been such a material change since the 2017 consent order was entered, saying:

> Okay. So in this matter, the motion for modification was filed on October 24th, 2023. There must be a material change of circumstance. I find in this matter that there is.

[6] This provision was similarly removed by House Bill 275. *See* n.5 *supra*.

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> I find that the plaintiff, [Father], is earning more money through his primary employment as a sergeant. Although I find that his expenses have increased, as well, the minor child's expenses have increased, in addition. And I find that it is no longer in the child's best interest that the child support obligation be suspended.
>
> More importantly, I find that the best interests of the minor child are not met by the continued suspension of [Father's] child support obligation.
>
> It's been too many years that [J.] has not received financial support from both parents, and there has been a material change in circumstance that indicate – circumstance that indicate the best interests are no longer met. The child has a need to be supported financially by both parents. The child has financial needs. The child's financial needs have changed from 2017.
>
> Although the Court order from 2017 indicated a relocation, the child is in Maryland. I find that the material change in circumstance is that the minor child's best interests are no longer served by an order suspending [Father's] child support obligation, and that this is a material change in circumstance. The child's best interest.

At the exceptions hearing, the circuit court judge stated that she "agree[d] that there's been a material change in circumstances," and, in her final order, sustained the magistrate's findings of a material change in circumstances.

Father, however, contends that "neither the Family Magistrate nor Circuit Court Judge articulated direct, coherent, and legally sufficient justification to find a specific material change of circumstances in this case." He argues that reference to his "greater income" is "not a persuasive ground to disturb the status quo[.]" He is incorrect.

A change is "material" when it meets two requirements: (1) it must be "relevant to the level of support a child is actually receiving or entitled to receive[;]" and (2) the change must be "of a sufficient magnitude to justify judicial modification of the support order."

Petitto v. Petitto, 147 Md. App. 280, 307 (2002) (quoting *Wills v. Jones*, 340 Md. 480, 488–89 (1995)). "Thus, the court must focus upon 'the alleged changes in *income or support*' that occurred after the child support award was issued." *Id.* (emphasis supplied) (quoting *Wills*, 340 Md. at 489). "A change 'that affects the income pool used to calculate the support obligations upon which a child support award was based' is necessarily relevant." *Id.* (quoting *Wills*, 340 Md. at 489). We have explained that, for the purposes of the modification of child support, a material change in circumstances may be based upon either a change in "'the needs of the [child] *or in the parents' ability to provide support*.'" *Smith v. Freeman*, 149 Md. App. 1, 20–21 (2002) (emphasis supplied) (quoting *Unkle v. Unkle*, 305 Md. 587, 597 (1986)).

Father focuses on the fact that there was no evidence that J.'s needs have materially changed since 2017 besides the fact that he has grown and gotten older. Father neglects, however, to acknowledge that his own ability to provide support for J. has substantially increased. When Father was first ordered to pay child support in 2012, his income was approximately $55,000 annually.[7] By 2023, that amount had nearly tripled to approximately $155,000, and, by 2024, Father was expected to earn upwards of $230,000. Even if Father's expenses had increased within that same timeframe, such a significant increase in the "income pool used to calculate the support obligations" may certainly be a basis for finding a material change in circumstances. *See Petitto*, 147 Md. App. at 307. The circuit court did not err when it sustained the magistrate's finding.

[7] The record is devoid of information pertaining to Father's income in 2017, when the consent order was entered.

THE TRIAL COURT DID NOT ABUSE ITS DISCRETION BY LIMITING THE TESTIMONY AT THE EVIDENTIARY HEARING.

As part of his exceptions to the magistrate's recommendation, Father claimed, among other things, that "there [was] no substantial evidence in the record to establish the present material needs of the minor child, and that such needs are not already met by the terms of [the 2017] Consent Order[,]" and that "the Magistrate failed to properly consider and weigh facts bearing on [Father's] current financial hardship, and of his minor child with special and developmental needs, to whom a support obligation is owed." At the hearing, the court agreed with Father that the record was underdeveloped as to his obligations to his other child, F., but stated that it was unnecessary for the court to consider J.'s specific needs because of the child support guidelines:

> THE COURT: So, I don't see this as [Mother] needing to put on any evidence of what the child's needs are because everybody agrees this is a below guidelines case, right? So, it doesn't matter what his needs are. If there are some sort of special needs, if he needs some work-related child care, if he has some extraordinary medical issues, of course we'd hear about that. But it doesn't sound like that's the case here.
>
> What I would hear testimony on is what [Father's] other obligations are that may merit a down—his—or may support his argument that it would be inequitable or unfair or unjust to have him pay what guidelines requires. It's—my understanding is that it's a rebuttable presumption that guidelines apply . . . and that he has the opportunity to rebut that.

The court thereafter reset the matter for an evidentiary hearing "on the special needs of [Father's] other child who lives with him and income if [Father's] income is more, you know . . . that they'll be able to put on evidence of that. And I can recalculate based on those numbers." Discovery was limited to documentation to support F.'s expenses and the parties' respective incomes.

Father contends that "the Circuit Court improperly narrowed the evidence available to determine reasonable child support, based on the health and material requirements of all three (3) of [Father's] children." He further argues that he should have been allowed to call Mother as a witness to question her concerning J.'s current needs and living expenses. We disagree.

As we have already explained, there is a presumption that the amount of child support awarded under the Maryland child support guidelines is "the correct amount of child support to be awarded." FL § 12-202(a)(2)(i) (1989, 2019 Repl. Vol., 2024 Supp.). This presumption limits the need to make factual findings concerning the child's particular needs because the determination of a parent's child support obligation is purely numerical. In *Gates v. Gates*, we reviewed the legislative history of Section 12-202 and held that "it was the intent of the legislature that the guidelines and accompanying statutory provisions limit the necessity of the court to make those findings of fact required in existing case law, . . . except to the extent they may be applicable under subsections (a)(2)(II), (III) and (IV) of § 12-202." 83 Md. App. 661, 666 (1990); *see also Petrini v. Petrini*, 336 Md. 453, 460 (1994) ("The purpose of the guidelines was to limit the role of the trial courts in deciding the specific amount of child support to be awarded in different cases by limiting the necessity for factual findings that had been required under pre-guidelines case law.") As such, the court correctly noted that "it doesn't matter what [J.'s] needs are" because this case was controlled by the guidelines, and therefore the trial judge did not abuse her discretion by not allowing testimony to that effect.

Father also introduced evidence concerning daily expenses for his son, F., including expenses for dining out and entertainment, such as Hulu, Amazon Prime, and Disney+ subscriptions. At the conclusion of the evidentiary hearing, the trial judge indicated that she would not consider those expenses when determining if a downward deviation from Father's child support obligation was necessary. She said plainly, "I don't think it's appropriate to include things like Hulu membership or dining out, which are not requirements[.]" Instead, the court considered only "extraordinary" expenses that were related to F.'s disabilities. Father now argues that "it was error and/or abuse of discretion for the Circuit Court to limit its consideration to 'extra expenses' for disability related costs of the minor child in [Father's] household. [F.], as [Father's] two (2) other children, is entitled to full material support, (not just those related to special needs)[.]"[8]

The trial judge's decision to reject Father's evidence as to F.'s daily expenses is entitled to our deference. *See Jones v. State*, 343 Md. 448, 460 (1996) ("In performing its fact-finding role, the trier of fact decides which evidence to accept and which to reject. . . . Moreover, it is the trier of fact that decides to what, if any, weight the evidence adduced is entitled."). We discern no clear error in the court's decision not to give any weight to Father's testimony concerning F.'s daily expenses, and instead to consider only extraordinary expenses related to F.'s disabilities and special needs.

[8] It is not lost on this Court the irony of Father arguing that F., as one of his three children, is entitled to "full material support," while simultaneously arguing that he should not have any obligation to support J., another of his three children.

THE CIRCUIT COURT DID NOT ABUSE ITS DISCRETION BY REJECTING FATHER'S "ALTERNATE METHODOLOGY" FOR CALCULATING A DOWNWARD DEVIATION FROM THE CHILD SUPPORT GUIDELINE AMOUNT.

After determining that there had been a material change in circumstances warranting a child support modification and applying the child support guidelines, the circuit court found that, "from the particular facts and circumstances of this case, the presumptive application of the Child Support Guidelines would yield an unjust or inappropriate outcome, albeit a relatively minor one[.]" As a result, the court deviated from the guideline amount and reduced Father's child support obligation to $1,750 per month, when it would have otherwise been approximately $2,200 per month.[9]

Despite being granted a downward deviation from his presumptively-correct child support obligation, Father laments that the amount he has been ordered to pay is still too high. He argues, based upon his own calculations using what he calls an "alternate methodology," that he should only be ordered to pay an amount between $700 and $900 per month. Father's primary contention is that the trial judge inadequately explained why she only ordered a deviation that was "not a material departure from the Guidelines" if she found strict application of the guidelines to be unjust or inappropriate. We see no deficiency in the judge's explanation.

[9] We note at the outset that we believe it was an error to grant Father a downward deviation at all in this case. In *Beck v. Beck*, we held that, "[b]ecause F.L. § 12-202(a)(2)(iv) precludes departing from the guidelines solely because of the presence of another child in the household of the non-custodial parent, it also precludes the court from granting a reduction . . . solely to benefit a half-sibling living with the non-custodial parent." 165 Md. App. 445, 456–57 (2005). As such, the circuit court was precluded from granting Father a reduction solely to benefit F., as it did here. However, neither Mother nor MCOCS filed a cross-appeal on this issue, so we will not address it further.

"A judge is not required to 'set out in intimate detail each and every step in his or her thought process.'" *Marquis v. Marquis*, 175 Md. App. 734, 755 (2007) (quoting *Kirsner v. Edelmann*, 65 Md. App. 185, 196 n.9 (1985)). If a judge finds that strict application of the guidelines would be unjust or inappropriate, the statute is very clear as to what is required. The judge must state on the record: (1) the amount of child support that would have been required under the guidelines; (2) how the order varies from the guidelines; (3) how the finding serves the best interests of the child; and (4) in cases in which items of value are conveyed instead of a portion of the support presumed under the guidelines, the estimated value of the items conveyed.[10] FL § 12-202(a)(2)(v) (1989, 2019 Repl. Vol., 2024 Supp.). The trial judge's explanation here met the statutory requirements.

The court's final child support order stated:

> The court further finds that in accordance with the Child Support Guidelines Calculations attached hereto as Exhibits A, B, and C (which include income numbers supported by the evidence [and] credit for the payment of child support by Father for a third child to a non-party), Father is obligated to pay Mother the following: $2,176 per month beginning January 1, 2025 and going forward; $2,294 per month for the period January 1, 2024 through December 31, 2024; and $2,135.00 per month for the period November 1, 2023 through December 31, 2023. The payment of child support for [J.] and the expenses paid by Father for [F.] as set forth above would not leave Father with monthly actual income below 110% of the federal poverty level for an individual. According to Father's testimony, he has not only been able to meet his family's needs, but also saves both for retirement ($1,643/month) and generally (Father has over $20,000 in regular savings). This order provides support for [J.] that deviates downward from the guidelines calculations to consider [F.'s] needs, although not on a dollar-for-dollar credit basis, and is mindful of arrearage. The court notes that Father has not been required to pay any amount to support [J.] between 2017 and November 2023, and did not make any voluntary contribution to his son's support

[10] This is not a case where items of value were conveyed instead of a portion of support, and therefore the fourth required finding is inapplicable.

> during that timeframe. This order is in [J.'s] best interests. It is not a material departure from the Guidelines and is established in an amount Father can afford on a net income basis without materially impacting the child in his household.

The judge was not required to explain why she rejected Father's "alternate methodology" or further explain her thought process. *See Marquis*, 175 Md. App. at 755.

Moreover, irrespective of the court's explanation, it would have been inappropriate for the circuit court to employ Father's "alternate methodology" because his methodology has no basis in law. Father set forth this methodology in his post-trial memorandum, in which he contended that "it would be just, fair and appropriate to reference [Mother's] income alone for determining the minor child's needs, and accordingly for the basic obligation to be shared by the parties' mutual support." Father further argued that, if his income were to be considered, only his police department compensation and veteran's benefits—not any of the compensation from any of his several side jobs—should be used to calculate his income. This methodology is wholly contrary to Maryland law.

Parents of a minor child are jointly and severally responsible for the child's support, care, nurture, welfare, and education. *Houser*, 490 Md. at 607 (quotations omitted). This is a legal obligation as well as a moral one and is a "well-settled" principle in Maryland law. *Id.* Based on this well-settled principle, the law is clear: the court "shall use" the guidelines in any proceeding to establish or modify child support. FL § 12-202(a)(1) (1989, 2019 Repl. Vol., 2024 Supp.). Under those guidelines, a parent's basic child support obligation is calculated using "the *combined* adjusted actual incomes *of both parents*[.]" *Id.* § 12-201(e) (emphasis added). That income may be "from any source[,]" *id.* § 12-201(b), not

just the sources that Father deems appropriate. Limiting the income pool used to calculate Father's child support obligation to only Mother's income or to Mother's income and a portion of Father's income would violate both the statute and J.'s right to support from both of his parents. *See Houser*, 490 Md. at 607 ("[C]hild support is a right held by, and obligation to, the minor child[.]").

CONCLUSION

For the foregoing reasons, the judgment of the Circuit Court for Montgomery County is affirmed. There was no clear error in the court's finding of a material change in circumstances warranting a child support modification, nor was there any abuse of discretion in the court's decision to limit what was presented at the evidentiary hearing and in the court's rejection of Father's "alternate methodology" to calculate his child support obligation.

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