

Circuit Court for Frederick County
Case No. C-10-FM-22-000355

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 2425

September Term, 2025

ANDRE GODDARD

v.

TAMIKA LINDA LOCKLEY

Graeff,
Leahy,
Friedman,

JJ.

Opinion by Graeff, J.

Filed: July 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 persuasive value only if the citation conforms to Md. Rule 1-104(a)(2)(B).

This case involves a child custody dispute between Andre Goddard (“Father”), appellant, and Timeka Lockley (“Mother”), appellee, regarding their children, Z. and A.¹ On December 16, 2025, the Circuit Court for Frederick County issued an order granting Mother sole legal and primary physical custody of A., but the Court declined to provide a parenting time schedule for A. and Father. The court ordered Father to pay Mother monthly child support, support arrearages, and a portion of attorney’s fees, as well as half of the children’s Best Interest Attorney’s fees.

On appeal, Father lists five issues for our review,² which we have consolidated and rephrased into the following questions:

¹ In the interest of privacy, we refer to the minor children using initials.

² Father presented the following questions:

1. Whether the circuit court abused its discretion and committed legal error in denying Appellant access to A.G. and conditioning any future contact on therapy, where the record contained no finding of abuse, no evidence of actual or likely harm to A.G. from contact with Appellant, and no specific findings adequately connecting the access restriction to the child’s best interests.
2. Whether the circuit court erred by relying on credibility disputes concerning matters involving Z.G. to deny Appellant custody or access as to A.G., where Appellant’s evidence of parental fitness as to A.G. was otherwise uncontradicted and the court’s order did not adequately analyze the relevant custody factors as applied to A.G.
3. Whether the circuit court erred in calculating Appellant’s child support obligation by using an incorrect annualized income figure for 2025 that was inconsistent with the paystubs in evidence.

1. Did the circuit court err in granting Mother sole legal and primary physical custody of A., without granting Father access?
2. Did the circuit court err in its child support calculation?
3. Did the circuit court err in ordering Father to pay attorney’s fees to Mother and the children’s best interest attorney?

For the reasons set forth below, we shall affirm the judgments of the circuit court.

FACTUAL AND PROCEDURAL BACKGROUND

Father and Mother are the parents of Z., born in June 2008, and A., born in February 2014.³ From the time Z. was born until she was approximately four years old, the parties did not live together. Father began co-parenting with Mother when Z. was four years old. The parties were never married. They moved in together and lived with their children from 2013 to 2022, at which time Father evicted Mother from the family home.

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4. Whether the circuit court erred in awarding attorney’s fees to Appellee where the record did not support the court’s finding that Appellant lacked substantial justification, where the court relied on an asserted discovery failure despite the denial of Appellee’s motion to compel and the absence of discovery sanctions, and where the required statutory analysis was not adequately supported by the evidence.
 5. Whether the circuit court erred or abused its discretion in awarding \$21,730.80 in attorney’s fees to the Best Interest Attorney where the record did not permit a reasonableness determination and the court failed to address Appellant’s objections that the BIA provided limited services, submitted insufficient fee justification, and did not fulfill the independent role contemplated by Maryland law.

³ The parties stipulated that Mother would have sole physical custody of Z. and all access between Z. and Father would be at Z.’s discretion. Mother’s custody of Z. is not being challenged in this appeal.

On March 5, 2022, Mother filed a petition for protection from domestic violence. She alleged that Father pushed his shoulder into Mother’s chest and she fell.

On March 7, 2022, Father filed a Petition for Custody, requesting primary physical custody and joint legal custody of A.⁴ Father alleged that Mother was fiscally irresponsible and unable to provide a stable home for A. during the school year, and she had removed A. from the state without Father’s knowledge or consent on numerous occasions.

On March 14, 2022, the court entered a final protective order by consent, without Father admitting the allegations in the petition or a judicial finding of abuse. The protective order was in effective through May 13, 2022.

On March 23, 2022, the parties filed a joint motion, requesting the court to appoint a Best Interest Attorney (“BIA”) for the minor children. The parties requested a particular person as the BIA, but the court appointed a different person. The court ordered that the cost of the BIA would be paid by the parties, and the parties were to make an initial contribution of \$3,000 toward the BIA’s fees.

On April 15, 2022, Mother filed a counter-complaint, seeking sole legal and primary physical custody of A. and asking the court to order Father to pay child support. Mother alleged that Father had not played an active role in A.’s life and regularly denigrated Mother in front of the children.

⁴ At the time of Father’s petition, there was a controlling Washington County custody order pertaining to Z.

On April 18, 2022, the court granted the parties’ joint motion to consolidate the custody matter of Z., transferred from Washington County, with the case involving A. On April 26, 2022, the court granted the parties’ joint motion to reconsider the person appointed to serve as BIA and assign the person they suggested. The court ordered the parties to make an initial contribution of \$3,000 towards the BIA’s fees, and that the costs of service would be paid by the parties, “the exact apportionment to be determined at a later date, after a hearing thereon, if necessary.”

On August 5, 2022, Mother filed a motion to compel discovery, alleging that Father failed to adequately respond to her interrogatories and request for documents. Mother made various requests for relief, including compelling Father to respond, enforcing any and all sanctions, preventing Father from introducing evidence related to her request, and ordering Father to pay Mother’s attorney’s fees. Father opposed the motion, alleging that it failed to comply with Maryland Rule 2-432(b)(2) because it did not list the discovery request, what response was given, and the reason why discovery should be compelled. On August 30, 2022, the circuit court denied Mother’s motion to compel discovery.

I.

Pendente Lite

On September 1, 2022, a magistrate judge held a pendente lite hearing. Mother sought primary physical custody, with Father having supervised visitation, and child support. Father sought joint legal and physical custody.

Based on the testimony, the magistrate found that Father had been verbally, physically, and/or emotionally abusive to Mother and the children. She found Mother to be a fit parent, whereas Father’s fitness was “questionable in light of his abusiveness towards [Mother] and the kids.” Although both parties were sincere in their requests, Father was aware of the children’s desire not to see him and did not give any consideration as to the underlying cause. The magistrate considered the children’s preference, which was to not see Father. The magistrate found that the parties lacked the ability to communicate and reach decisions together. Mother had a good relationship with the children, whereas Father’s relationship was significantly damaged. The magistrate recommended that Mother have sole legal and physical custody of the children and Father have therapeutic supervised visitation (“TSV”).

Father and Mother filed separate exceptions to the magistrate’s recommendations. They subsequently filed a joint motion to withdraw their respective exceptions.

On December 12, 2022, the court entered an amended pendente lite consent order awarding Mother primary physical custody of the children and Father weekly TSV. On January 26, 2023, the court issued a consent order for Father to participate in therapeutic supervised visitation at the Mental Health Association-Supervised Visitation Center “for the purpose of improving relationships within the family for the benefit of the parties’ minor child(ren).”

II.

Motions

On February 23, 2023, the BIA filed an interim petition for attorney's fees, requesting \$10,990.40 as of January 21, 2023. The petition noted that Father paid the BIA \$1,500 on May 24, 2022, and Mother made multiple payments totaling \$4,543,60. The BIA requested that the court enter an order requiring the parties to pay her the remaining balance of \$4,946.80. On March 21, 2023, the court ordered the parties to be jointly and severally liable to pay the BIA's attorney's fee.

On May 28, 2024, the parties filed a joint motion to postpone the custody merits hearing set for May 29 and May 30, 2024. The motion alleged that the parties had agreed on specific interim access provisions and were close to some resolution in the matter. The court granted the request and set the matter for a two-day custody merits hearing after May 1, 2025.

On July 9, 2024, the court entered a Consent Order providing that, on an interim basis, Mother would have primary physical custody of the children, and the parties would have joint legal custody, with Mother having tie-breaking authority. The court ordered Father to have TSV with the children once a week, and the BIA and the therapist would determine a progressive physical access schedule for Father on an interim basis. Father was to pay Mother child support of \$2,408 per month.

III.

Merits Hearing

On June 11, 2025, the court began the merits hearing. The BIA requested that the court speak with the children in chambers. Father objected, stating that the children had been controlled, trained, and mentally poisoned by Mother for three years, and it could be inferred that parental alienation had taken place. The BIA stated that the children wanted their voice to be heard, and she had repeatedly requested that Father reach out to the children, but he declined and refused to reach out to the children. Father alleged that Mother did not take the children to therapy, and he brought that up with the BIA, “[s]he was very ambivalent” and “[n]ever actually [took] action to make sure that the children follow the standard.” After hearing from the parties, the court found that it was appropriate to meet with the children, given their ages.

During opening statements, Father requested a graduated schedule over a period of a year, until the parties reached shared custody, with a “two to three schedule” for A. and custody with Z. to be left at her discretion. Father also requested joint legal custody and attorney’s fees.

Mother requested sole legal and primary physical custody, with Father having no access. Mother stated that, if the children’s therapist thought it was in their best interest to see Father, then the parties could work towards a graduated schedule in the future. Mother requested discovery sanctions and attorney’s fees, stating that Father’s “behavior and his failure to produce required documents, drove up the cost of litigation, and create[d]

unnecessary hardship.” Mother alleged that, in 2022, Father was ordered to pay medical expenses, but he had failed to do so. The children’s BIA argued that Father should not have access at that time, and the children should continue to participate in therapy.

A.

Father

Father testified that, before COVID, he would leave for work as Mother and the children were waking up, and he would return home between 5:00 and 7:00 p.m. Mother would help the children start and finish their homework, and Father would double-check it when he came home. Father made financial decisions for the family, and Mother provided for the family domestically. Mother was responsible for taking the children to the pediatrician.

In the two years leading up to the eviction, there was zero history of violence between Father and Mother. In mid-2021, Father travelled to Japan for work for eleven weeks. A month after Father returned from Japan, the parties began discussing living separately. Father testified that “[t]he environment in the house got extremely toxic to the point where [he] actually moved out of the master bedroom to downstairs.” Father stated that the instability was going on for years before the trip, but the trip was the final catalyst for the relationship. From approximately November 2021 to January 2022, Father lived in the basement and Mother lived in the master bedroom.

Father testified that, when Mother learned that she was going to be served with the eviction notice, she accused him of assault. He testified to the events leading up to the

protection order and related criminal charges. In March 2022, the parties were discussing A. possibly needing glasses, Mother approached him as he was walking to the kitchen sink and threatened him. When he tried to get out of the kitchen, his right shoulder made contact with her right shoulder, and she fell on the floor. When she fell, Mother stated, “why’d you push me” and Father stated, “nice try. What are you doing this for?” Father “was trying to end that conversation by saying, I will take care of it. I will take [A.] to the optometrist . . . that I did not need [Mother] to do this, and this was the crux of the aggression.” Father believed that the trigger to the incident in the kitchen was that Mother kept asking for the children’s health insurance card, but he declined to provide it because “the agreement” was that Father would take care of the medical appointments moving forward. Father took away the shared flexible spending card that covered extraordinary medical expenses in February 2022 because Mother “ha[d] been a wild card.”

When the eviction occurred, the parties agreed that the children would stay in the family home with Father. After the eviction notice was served, Father left the family home for 60 days, and the parties set up visitation between the children and Father. After 60 days, Father was supposed to move back into the family home and start a 2-2-5 schedule with Mother living at another location.⁵ When Father returned, however, Mother and the children were not living in the family home.

⁵ Father testified that Mother agreed to this arrangement through her original attorney via email.

After the pendente lite order, Father’s access with the children was contingent on therapy visits. At his first therapy visit, the therapist told Father that he did not need to return until the children had their own therapy visits. Father stopped receiving notifications for payment, which led him to believe that no therapy was happening. Father completed the intake process required to begin therapeutic supervised visits with the children. Father admitted into evidence records from Mental Health Association (“MHA”) where the parties were supposed to begin therapeutic supervised visits. On December 19, 2023, in response to Father’s subpoena, the Director of Family Support Services stated that Mother “was initially scheduled for an administrative intake on 02/03/23. However, [Mother] cancelled her appointment on 02/02/23. We have had no contact with [Mother] since that date.” According to the MHA records, Mother contacted MHA on December 22, 2023, to schedule an administrative intake, which she completed on January 2, 2024.

Father would send messages through the communication app that parties were required to use, but he was ignored. He texted Z. but he received no response. He tried to verify the legitimacy of the number at mediation, but the BIA told him not to talk to the children as “part of the process of healing.” Father testified that the period between when the BIA told him not to talk to the children to when she told him he needed to speak with them was three years.

Father believed that Z. “always got a privileged position” with him, noting that Z. had the bigger room and got “the best of everything.” To Father, the only difference between his children was that A. is the younger child, and he would carry her more.

Father physically disciplined Z. once, with Mother’s agreement. They both wanted to discipline Z., but they could not agree on the type of discipline. The next day, they agreed on Z. receiving lashes with the belt, but they disagreed on who should give them to her. At first, he insisted that Mother physically discipline Z., but she declined, so Father gave Z. “[l]ashes with a belt.” Mother was not present when Father physically disciplined Z. Afterwards, Mother had “buyer’s remorse.” Although A. never received lashes with the belt, she received “a slap across the butt more than her older sister.”⁶

On cross-examination, Father admitted that the parties did not make any agreements about the custodial schedule for the children after he returned from Japan. Father decided that he was going to handle all medical appointments and refused to provide Mother the insurance cards when she asked for them. This led to the incident in March 2022, which occurred in front of the children. Mother, through counsel, played a video of the incident for the court, during which Father told Mother, in front of A. to “[g]o fuck yourself. Get out!” and “[s]hut the fuck up.”

Father testified that he was constantly reaching out to his children, but the messages between him and the children, which were admitted into evidence, showed that he reached out once every four to six months. After 2024, Father did not initiate any communication with Mother on the communication app, not even to ask how the children were. Father did not follow-up with Mother after he received medical receipts from her for the children.

⁶ Legal custody and child support for Z. remained at issue.

At the time of the hearing, Father had not paid his 70% of the children's medical expenses as required by the July 2024 order. Father did not provide any information regarding his 2024 or 2025 income until the first day of the merits hearing. As of June 6, 2025, Father's year-to-date gross pay was \$90,821.64. In his 2023 financial statement, Father listed his gross pay per month as \$7,523. Based on his 2023 W-2s, however, his gross pay for 2023 was \$137,210, with an average of \$11,434 per month.

B.

The Children

Over Father's objection, the court spoke with the children separately in chambers.⁷

The court provided the following summary on the record:

I think -- and I think both girls would feel this way -- I think both of them would like their father to be proud of them. I think their perspective is, they feel like their father has been very, not proud of them, and has more focused on their faults throughout their childhood, and they wish that things had been different.

I think both of them would like to have their perspective validated in terms of how they perceive things happened in their childhood. They both talked about troubling episodes from their childhood. They have seen fights between mom and dad. They've seen some altercations. They have been afraid because of those altercations.

Neither one of them at this point, is really seeking out a relationship with dad. They are both very anxious. I think they were anxious to seeing dad here present at the courthouse. They are both aware that their father thinks that their mother is influencing them.

⁷ Father's counsel objected to Z. being interviewed because the parties already made an agreement as to physical custody of Z. In the alternative, Father requested for the court to question Z. only regarding legal custody. Father's counsel argued that it would be prejudicial for the court to interview the children together and requested that the interviews be separate. The court spoke with the children separately.

[Z.] especially wanted to stress that her thoughts are her own thoughts. I will note at the same time, though, that during those conversations, things came out and things that the kids know about, are things they should not know about, and should not have been discussed with them, near them, with, in any way, around them. They have too much knowledge of the Court system, and what’s going on. They should be kept separate from that as much as possible.

I didn’t ask either one of them point blank exactly what it is they wanted. I asked them what things would make them feel safer and ask them things of that sort. They didn’t really have a good plan in terms of what things would look like for them.

* * *

[Z. is] very protective of her younger sister and she wants to make sure that her younger sister is always safe. Emotionally, mostly, emotionally safe. There may be some physical fear as well. I think both of them shared that they had witnessed incidents of physical violence, and that did make them afraid. Neither one of them really disclosed -- the belt incident, for instance, did not come up.

They didn’t disclose anything about fear for themselves physically so much as emotionally and fear for their mother. And [Z.] was clear that she did not want her mother to feel responsible for being in this position. So I think they feel a little bit of -- really [Z.] does -- feels a little bit of protectiveness of her mom.

On the last day of the hearing, the BIA advised that A. wanted to speak with the court again. Father objected, stating that the BIA was attempting to redo the interview because “the children didn’t say what she wanted them to say.” The BIA stated that she did not know what A. wanted to say to the court, but she believed that it was appropriate for the court to speak with A. again because A. was more comfortable at that point than she was before the first interview.

The court spoke with A. via Zoom and provided the following summary:

So [A.] advised she did get to see dad last Thursday at that meeting at Dr. Abromson's office. It was, in some ways, an empowering meeting for her; in some ways, it was disappointing. She felt proud of herself that she was able to get off of her chest the feeling she had been having, and how she felt about things.

She was disappointed. She had thought her father would apologize to her. She had thought that he would listen to her, and that it would be more of a back-and-forth discussion. Instead, she felt that she was not heard. She was concerned that he was looking down at his phone from time to time. She suspected he was, perhaps, recording the session or otherwise that he was distracted.

She was disappointed because she felt her father spent time yelling at Dr. Abromson and [the BIA], blaming other people, interrupting, having very raised voice. Although she acknowledged she may have raised her voice at some point, she cannot recall. But she said her father had done that.

She did not find her father to be necessarily truthful. She believed that some of his statements about trying to have contact or work on a relationship with them were not necessarily honest, specifically with respect to [Z.]. She did not find his statements to be necessarily truthful about trying to make contact with [Z.] and keep up a relationship with [Z.]. There were statements about that dad acknowledged he had been driving by the house, in efforts, perhaps, that he tried to have a relationship by doing that.

She repeated some of the things that mom had said: That he kept insisting that he has notes; I have notes; that dad said he couldn't say what he needed to say; he didn't have time to say what he needed to say in the 30 minutes. Blaming the court, blaming mom. Saying that mom was poisoning them. Accusing that [Z.] must have blocked him from her phone. Accusing folks of putting words in their mouth.

She did acknowledge that dad expressed a desire for her to come back to the house, and he said that he still has her room up; it's still set up. But she described him as being defensive and not being able to take any ownership for his faults in where the relationship was.

* * *

I asked her, and she was adamant, that she does not want to spend time with her father at this time. I asked, I said, would you be willing to do one of -- if your dad worked on some things between now and when you came back, would you be willing to do another meeting like this with Ms. Elise and your

dad? And she indicated an unwillingness to do that. I said, well, what could your dad do, or what could I tell your dad that he could, perhaps, do to make this relationship better and put you in a place where you could do that? And she really indicated that she felt like her dad needed to work on her dad's issues.

She had been really hoping for an apology, some acknowledgment, of what her perspective is of what she has experienced. And she felt that he is not in a place that he can do that at this time. So she feels that he needs -- that she doesn't see a point or a purpose in having those types of meetings, if she doesn't feel as though she's being heard. When she came out there with, kind of, an open heart and being vulnerable and being able to express her perspective of the relationship.

C.

Mother

Mother testified that the parties met in college in approximately 1999, and they broke up because Father “displayed some violent activities.” They got back together six years later, and Mother moved in with Father in approximately 2007. Mother found out she was pregnant with Z., and when she told Father, he reacted negatively. Mother moved in with her mother.

When Z. was four, Mother reached out to Father. Mother and Father started going on dates, and after six months, Mother and Z. moved in with Father. Between the time the parties moved in together and the time when A. was born, Father had good and bad days. On a good day, Father was not yelling or blaming Mother for something. On bad days, Father would get angry, and if something did not go his way, he would punch walls. Before they moved in together, Father would do anything for Z., but afterwards, Father was short with Z. When A. was born, Mother stated that their relationship was “a little bit better.”

When Z. was approximately six, Mother told her to stop climbing on top of the counters, but Z. persisted. Father became upset and called Z. upstairs. Mother heard Z. screaming, and when she entered the room, she saw Father “whipping” Z. with a belt. Mother blocked Father and ended up getting hit by the belt. Z. had welts, and Mother had one on her arm.

When Z. was approximately seven, Mother asked Father to help Z. with her homework while Mother was attending to A. upstairs. Mother heard Father screaming and telling Z. that she was “so stupid” and “not college material.” When Mother came downstairs, she saw Z. crying, and Mother yelled at Father. Father left, stating “don’t you ever ask me to f[***]ing help you again.” Father would apologize, but he would say that he reacted that way because of something Mother did. Mother believed that Z. was scared to be near Father because Z. would try to avoid him by going to her room when he came home.

Mother believed that Father cared more for A., but he started getting aggressive and mean towards A. When A. was in second grade, she came in second place at a track meet and Father told her, “if you didn’t have that big belly, and you weren’t so fat, maybe you could come in first next time. You need to start working out with me.”

One time, when Mother was cooking, Father grabbed a nearby cookbook and hit her “upside the head with it” because the food was not how he told her to make it. Mother pushed him back, and Father pushed her against the wall and pinned her arm up. Mother told him that the children were watching, and he let her go. Mother did not call the police.

Father apologized and said that he would not have reacted that way if Mother had not put seasoning in the food.

Shortly before the parties separated, Father would tell Mother to get out of the house, and if she left with the children, he would call the police and tell them that she kidnapped the children. Mother was scared because she did not want anything to happen to the children. Father would tell A. that if she did not listen to Father, she would “be homeless just like your mom. I’m going to make sure that she’s homeless.”

At one point, Father told Z. that their relationship was broken, and he asked her how she was going to fix it. When Z. was 13, Father asked Z. if she wanted to know about his sexual relationships. Father also told Z. that she was not good enough for gymnastics, and she was not “Olympic material.”

At the beginning of 2022, A. started complaining about headaches, and Father would make her sit down to play video games, stating that his attorney told him that he had “to do activities with them, and she’s going to sit here, and she needs to play.” The next week, Mother received a call from A.’s teacher, stating that A. needed glasses. Mother requested the insurance information from Father, but he refused to provide it and told her to get away from him. Mother set up A.’s vision appointment and paid out of pocket for the visit and A.’s glasses.

When Father found out that A. had glasses, he became angry and aggressive. Father shoved Mother, and she fell down. Mother quickly got back up because she wanted to show

the children that she was not scared of him because they would start to become scared of him. At the time of this incident, A. was in the living room and could see what happened.

After this incident and the comments Father made to Z., Mother did not feel safe, so she called the police. Mother also called Father's parents and asked if the children could stay with them because the children were crying. Mother testified to the following:

So I called his parents to let them know . . . that we were on our way. Then he called, and he was, like, I'm calling the cops and saying that you kidnapped them. His parents live in West Virginia.

So we ended up . . . [at] his parents' house. And they were -- he was on the phone with them screaming, and they was on speakerphone. And then the kids walked in -- well, we walked in. And he was, like, you better not let them in. Tell them to get back. And if -- he said, if you -- if you let them in, you will never see them again.

So at that -- that point, the kids got -- they would just started bawling. And then his -- he was talking to his stepdad. And then his dad -- stepdad just hung up the phone on him.

Following this encounter, Mother filed for a protective order. Father then gave her an eviction notice. Mother did not have the financial means to move out at that time, so a family friend helped her get a realtor. Mother eventually found a place to rent, and the landlord offered an option to purchase the house, which she did. When Mother left the family home, the children went with her. At the time of the hearing, Mother was struggling financially.

During the children's first visitation with Father, the children refused to get in the vehicle with Father. Mother had to physically put A. in the car with Father. Z. refused to have visits with Father. When A. would return from her visits with Father, she was often

crying. A. had approximately three visits with Father. After that, the children refused to see Father and had not seen him since May 2022.

Mother would tell the children that they needed to speak with Father, but they refused. She did not tell the children not to call Father or prevent them from making or taking phone calls to or from him. When Mother told A. that Father was going to send an app for A. to communicate with him, A. got upset and stated that she would not respond. Father never sent any text or link.

Z. suffers from scoliosis and arthritis. In 2022, Father was covering the children's health insurance. In 2023, Mother received a call, informing her that the children's insurance has been cancelled. Mother reached out to all the attorneys in the case and requested a notice stating that the insurance was cancelled, so she could get the children insurance, but Father refused to provide the letter. Mother's company did not allow her to add the children to her current policy without the cancellation notice. Mother could not continue to send the children to medical or therapeutic appointments without insurance. She was not able to take the children to therapy because she did not have enough money.

Mother began paying for the children's health insurance between 2023 and 2024. Mother paid extraordinary medical expenses for Z.'s medical conditions. In 2024, Z. got braces. Both children wear glasses, which Mother paid. Mother sent Father screenshots of all of the children's medical expenses through the family communication app. Mother could see that Father read the messages through the app.

In 2025, Z. started driving and completed a private driver’s education class, for which Mother solely paid. Mother financially operated in the negative every month to cover her and the children’s expenses. Mother’s balance on her credit cards was approximately \$45,000.

Prior to the last day of the hearing, the children’s therapist facilitated a meeting between Father and the children. When Mother picked up the children, the children were sad. They said that Father was rude and had not changed. During the visit, Father was yelling and pointing at the therapist and the BIA. Mother was not invited to the visit.

The children saw Mother’s parents two to three times a year and spent one weekend a month with Father’s parents. Mother was concerned that Father would be mentally and physically abusive to the children if given access. Mother requested reimbursement of attorney’s fees, noting that Father “stated that he’s going to hire all women to take the kids from me. And he stated that he doesn’t care; he’s going to make sure I lose the little bit of money that I have, and I’m going to be homeless.”

D.

Father’s Rebuttal

On rebuttal, Father testified that, when Mother became pregnant with Z., the parties were not living together. Mother was staying with him at his apartment, and it was not a constant living arrangement. When Mother told him she was pregnant with Z., his response was: “I need to make sure that this child is mine.” When Mother refused to provide Father

with confirmation, Father asked her to leave his house. Father’s paternity was confirmed through testing by the time of Z.’s first birthday.

Four years later, Mother contacted Father, requesting Father’s help and stating that Z. had a medical condition. Father had already decided that, since he had proof that Z. was his child, he wanted Z. in his life, and the parties got back together.

Father stated that Mother’s testimony about Z. climbing on the cabinets was false. The only time Father disciplined Z. was when Mother caught Z. watching pornography, and the parties discussed the discipline for an entire day before Father disciplined Z. Father testified that he never hit Mother as he was beating Z.

As for the recent therapy session with the children, Father felt that the meeting was in bad faith because he expected to hear from his children, but “not to unpack 4 years of pain in 20 minutes.” A. did not directly ask Father to apologize, and the children’s therapist instructed him not to respond until the children were finished speaking. Father did not record the session and was not playing on his phone. Father stated that it was “impossible” for the children not to have been ready to have a therapy session with him from 2022 through 2024 if “everybody was doing what they’re supposed to be doing.”

IV.

BIA’s Final Petition for Fees

On December 1, 2025, the BIA filed a final petition for fees, stating that, from February 1, 2023, to November 21, 2025, she had performed 66 hours of service in this case, and her fees, plus legal assistant fees, totaled \$22,635.15. Subtracting payment of

\$904.35 from Mother, the parties owed the BIA \$21,730.80 in final attorney’s fees and costs. The BIA attached a statement of fees to the petition.

On December 11, 2025, Father filed an opposition to the BIA’s final petition, requesting the court to deny the petition or substantially reduce the fees awarded. Father alleged the following: (1) the petition was procedurally defective because it was filed after trial ended without a request to reopen the matter; (2) the fees were unreasonable, and the BIA failed to provide sufficient information for the court to determine reasonableness; (3) the BIA failed to fulfill her statutory duties; and (4) the BIA failed to maintain independence as required by Maryland law.

V.

Court’s Ruling

On December 12, 2025, the court issued its ruling on the record. The court noted that the parties had reached a stipulation with respect to Z., with Mother having sole physical custody of Z., and Father’s access being at Z.’s discretion.

With respect to custody of A., the court noted that there was a new statute codifying many of the child custody factors listed in *Montgomery County Department of Social Services v. Sanders*, 38 Md. App. 406 (1977), and *Taylor v. Taylor*, 306 Md. 290 (1986). The court considered a combination of all the factors in reaching its decision.

The court began by addressing credibility. It did not find Father to be credible, noting two examples: (1) what he said occurred when Mother told him she was pregnant

with Z. and when he finally acknowledged that he was the father; and (2) his story about disciplining Z. with a belt.

With respect to physical custody, the court addressed the statutory factors listed in Md. Code Ann., Fam. Law (“FL”) § 9-201 (2025 Supp.). In regard to stability and the foreseeable health and welfare of the children, the court noted that Father evicted Mother, which required change for the children, but Mother became the stability for the children. Father did not always act within the children’s best interest, but Mother ensured frequent contact with Father’s family, and she attempted to facilitate parenting time between Father and the children. The parties did not have a history of sharing rights and responsibility regarding the children, and Father was not involved in Z.’s life until she was almost five years old because he needed time to process it.

Father seemed out of touch with the children and did not even know A’s grade in school. The court found that Father kept “putting the blame on someone else or the responsibility on someone else to involve him.” The court took into consideration Father’s lack of relationship with his family, specifically as it related to his mother, who he did not speak with because she continued to be involved in Z.’s life when Father was not.

With regard to the children’s physical and emotional security and protection from exposure to conflict and violence, the court noted that Father agreed that he lashed Z. with a belt. The court found that Father was not credible in his testimony that Mother agreed with his action. The court found that the children were exposed to domestic violence by Father.

In determining the children’s development needs, the court found that Mother had been the parent who fostered the children’s physical safety, emotional security, positive self-image, interpersonal skills and intellectual and cognitive growth. The court noted that Father “underestimates or has a lack of understanding of how the fact that he really voluntarily chose not to have a role in [Z.]’s life for five years would have an impact on her emotional security, her positive self-image.”

With respect to whether the parent places the child’s needs above the parent’s needs, the court found that Father placed his needs over the children’s needs from the beginning, starting by failing to take affirmative steps to discover if he was Z.’s father and just waiting until Mother reached out to him. The court noted that, when A. needed glasses, Father unilaterally decided not to provide Mom with the health insurance flexible spending card. At therapy, Father showed an inability to see the children’s perspective and was more concerned with his status as a father and defending himself.

In its determination of the parties’ ability to protect the children from negative effects of any conflict between them, the court found Mother to be credible when she testified that Father told her to “get the f[***] out of his house” and “to shut the f[***] up” in front of the children. The court found that there was “a lot of toxicity” between Mother and Father. It did not find Father “100 percent responsible for that,” but the children had aligned with Mother.⁸

⁸ The court stated that it did not find that Mother had estranged or alienated the children, noting that they may see Mother “more as the victim in the case.”

The court noted that Z. was almost 18 and A. was almost 12. The court found no prior agreement existed regarding custody. It listed as another example of Father's lack of credibility his testimony that there was an agreement that the parties would share custody, but then finally admitting that there was never any agreement and that was just what he thought should happen.

The court found that there was a void in the parties' communication as they had only sporadically used the communication app. The parties did not show an ability to co-parent without disrupting the children's social and school life.

The court took into consideration the children's preferences, but it did not consider them over any other factor. The court stated the following:

This is a case where dad's asking for shared physical custody of [A.], when it's very clear that she's nowhere near in a position that that would be the case. And he has continued to kind of insist on that arrangement. Although then as trial went on, he was agreeable to ramping it up to that. But that really has been his position is that he should have 50 percent custody of her. And so it gives me a lot of pause with respect to insight and realistic expectations and ability to understand where your girls are and what their needs and desires are such that it would be able to take the court out of the equation.

The court stated that Father needed "to work on himself prior to having a healthy relationship with either of the" children. The court expressed concern

about dad's outright refusal to consider therapy for himself. He just decides he doesn't need it. And he's not going to do it. I'm concerned about his lack of true engagement at the one joint therapy session that had occurred. When asked if he offered an apology, he says, I am still the father. My vulnerability in front of my children was extremely sensitive to me. I am still the parent, but I couldn't unpack all of this in 20 minutes and that he had to still create the boundary of being a father and a parent.

The court noted that there was a lack of follow-through by Mother with completing the intake for TSV and taking the children to therapy. There were large gaps in between therapy sessions, and Mother “did not put forth the commitment that she should have put towards the relationship between the girls and their father.”

With respect to legal custody, the court found that the parties did not have a good track record of being able to communicate. It found that Father had been aggressive, there had been domestic violence, and Father had taken “decision type actions” that were not in the children’s best interest, such as failing to provide Mother with the health insurance cancellation letter.

The court awarded Mother primary physical and sole legal custody of A., noting that the parties had agreed with respect to custody of Z. The children were to continue to attend therapy, with a focus on working on the children’s “issues with their father.” The therapist would determine if it would be helpful to include Father in the therapy sessions. The court declined “to pass a parenting time schedule with [A.],” stating that this could “be revisited if progress is made with dad individually and then therapy that involves both [A.] and Dad.” At that point, however, visits with Father before the children worked through those issues would not be helpful.

For child support, the court stated that it looked at the May 1, 2025 paycheck that Father submitted as evidence of his income, which consisted of 19 weeks. The court stated that, extrapolating that amount indicated earnings of \$228,298 a year, or \$19,025.84 per month. The court found that Mother made \$5,931 per month. The court ordered child

support in the amount of \$3,200 a month for 2025, with a total of \$38,400 owed in 2025. For 2024, the court found that Father made \$189,728.93, or \$15,810.74 per month, and Mother made \$5,931 per month. For 2024, the court ordered child support to be \$2,920 a month, for a total of \$35,040 in arrears. For 2023, the court found that Father made \$11,434 per month, and Mother made \$4,580 per month, resulting in child support of \$2,230 a month, for a total of \$26,760 in arrears. For 2022, the court found that Father made \$12,464 per month, Mother made \$4,580, and child support should have been \$2,500 a month, with arrearages of \$22,500 for nine months. The total child support that should have been paid from April 1, 2022 to December 30, 2025 was \$122,700.

The court ordered child support, beginning January 1, 2026, in the amount of \$3,300 per month, with arrears payments of \$300 a month, for a total of \$3,600 per month. As for extraordinary medical expenses, the court divided these costs, with 75% paid by Father and 25% paid by Mother, and it ordered Father to pay \$4,626.89 for his share through November 1, 2025.

As discussed *infra*, the court ordered Father to pay a portion of Mother’s attorney’s fees pursuant to FL § 12-103.

On January 9, 2026, the court addressed the BIA’s final petition for attorney’s fees in a written order. It found “the attorney’s fees to be fair, reasonable and necessary based upon the Best Interest Attorney’s experience in these matters and reputation in the legal community.” The court ordered that the parties shall be jointly and severally liable to the BIA for \$21,730.80, crediting Mother \$904.35 in previous payments.

This appeal followed.

DISCUSSION

I.

Standard of Review

In reviewing child custody determinations, we employ three interrelated standards of review. *Velasquez v. Fuentes*, 262 Md. App. 215, 227 (2024); *see also Gillespie v. Gillespie*, 206 Md. App. 146, 170 (2012). We review factual findings under the clearly erroneous standard, and we review matters of law *de novo*. *Kadish v. Kadish*, 254 Md. App. 467, 502 (2022); *In re R.S.*, 470 Md. 380, 397 (2020). The ultimate conclusion of the court based on sound legal principles and factual findings that are not clearly erroneous we review for an abuse of discretion. *Id.*

Where there is no clear error, we will uphold the court’s findings unless there is an abuse of discretion, meaning that “no reasonable person would take the view adopted by the [trial] court,” or the court acts “without reference to any guiding rules or principles.” *Santo v. Santo*, 448 Md. 620, 625-26 (2016) (quoting *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 312 (1997)). Discretion is vested in the circuit court because it sees the witnesses, hears the testimony, and “is in a far better position than is an appellate court, which has only a cold record before it, to weigh the evidence and determine what disposition will best promote the welfare of the minor.” *In re Yve S.*, 373 Md. 551, 586 (2003).

The above standards of review also apply to monetary awards. *See Kaplan v. Kaplan*, 248 Md. App. 358, 385 (2020) (standard of review for child support awards); *Henriquez v. Henriquez*, 185 Md. App. 465, 475-76 (2009), *aff'd*, 413 Md. 287 (2010) (standard of review for attorney’s fees).

II.

Custody

Father contends that the court abused its discretion and committed legal error by denying him access to A. without a finding of actual or likely harm. Father argues that, under *Boswell v. Boswell*, 352 Md. 204 (1998), “access restrictions require a factual showing of actual or potential harm and a clear nexus between the harm and the restriction.” Father also alleges that the court improperly relied on credibility disputes concerning Z. to resolve custody and access for A. without adequately analyzing A.’s best interest.

Mother contends that the court correctly ruled that it was in A.’s best interest for her to have primary physical and sole legal custody. She argues that “the court found that the children had been abused by [Father] and had been exposed to his abuse of” her. Mother asserts that, because the court did not make an express determination that there was no likelihood of future abuse, “the court had no other choice” but to deny Father access. Mother argues that the circuit court appropriately addressed credibility concerns when addressing what was in A.’s best interest.

“Decisions as to child custody and visitation are governed by the best interests of the child.” *Gordon v. Gordon*, 174 Md. App. 583, 636 (2007). In determining the best interests of the child in custody disputes, the court may consider the following factors:

- (1) stability and the foreseeable health and welfare of the child;
- (2) frequent, regular, and continuing contact with parents who can act in the child’s best interest;
- (3) whether and how parents who do not live together will share the rights and responsibilities of raising the child;
- (4) the child’s relationship with each parent, any siblings, other relatives, and individuals who are or may become important in the child’s life;
- (5) the child’s physical and emotional security and protection from exposure to conflict and violence;
- (6) the child’s developmental needs, including physical safety, emotional security, positive self-image, interpersonal skills, and intellectual and cognitive growth;
- (7) the day-to-day needs of the child, including education, socialization, culture and religion, food, shelter, clothing, and mental and physical health;
- (8) how to:
 - (i) place the child’s needs above the parents’ needs;
 - (ii) protect the child from the negative effects of any conflict between the parents; and
 - (iii) maintain the child’s relationship with the parents, siblings, other relatives, or other individuals who have or likely may have a significant relationship with the child;
- (9) the age of the child;
- (10) any military deployment of a parent and its effect, if any, on the parent-child relationship;
- (11) any prior court orders or agreements;
- (12) each parent’s role and tasks related to the child and how, if at all, those roles and tasks have changed;

(13) the location of each parent’s home as it relates to the parent’s ability to coordinate parenting time, school, and activities;

(14) 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;

(15) the child’s preference, if age-appropriate; and

(16) any other factor that the court considers appropriate in determining how best to serve the physical, developmental, and emotional needs of the child.

FL § 9-201.⁹

Although “a parent has a fundamental right to raise his or her own child,” this right is not absolute, and “the best interests of the child may take precedence over the parent’s liberty interest in the course of a custody” or visitation dispute. *Boswell*, 352 Md. at 219. Visitation may be restricted or denied when a court finds, based on the evidence, that actual or potential harm to the children may occur. *Id.* at 227-28. Applying a best interest standard, courts have “denied visitation in situations involving sexual abuse, physical abuse, and/or emotional abuse by a parent.” *Id.* at 221.

In cases involving abuse, FL § 9-101 applies. “[I]f the court has reasonable grounds to believe that a child has been abused or neglected by a party to the proceeding, the court

⁹ In 2025, the Maryland General Assembly enacted Family Law (“FL”) § 9-201(a) (2025 Supp.), which lists sixteen factors for a court to consider when making a custody decision to ensure that the decision is in the child’s best interest. This statute codified many of the *Taylor* and *Sanders* factors, see *Taylor v. Taylor*, 306 Md. 290 (1986), *Montgomery Cnty. Dep’t of Soc. Servs. v. Sanders*, 38 Md. App. 406 (1977), and it became effective October 1, 2025, 2025 Md. Laws Ch. 484, while the merits hearing was pending.

shall determine whether abuse or neglect is likely to occur if custody or visitation rights are granted to the party.” FL § 9-101. The court is required to deny custody or visitation rights “[u]nless the court specifically finds that there is no likelihood of further child abuse or neglect,” although “the court may approve a supervised visitation arrangement that assures the safety and the physiological, psychological, and emotional well-being of the child.” FL § 9-101(b). When deciding custody or visitation issues, the court is required to consider “evidence of abuse by a party against . . . the other parent of the party’s child . . . [or] any child residing within the party’s household, including a child other than the child who is the subject of the custody or visitation proceeding.” FL § 9-101.1(b). “If the court finds that a party has committed abuse . . . the court shall make arrangements for custody or visitation that best protect: (1) the child who is the subject of the proceeding; and (2) the victim of abuse.” FL § 9-101.1(c).

Father argues that the circuit court abused its discretion because the record did not establish that Father abused A. Section 9-101 of the Family Law Article, however, establishes a presumption “‘that a child’s best interest is not served by placing the child in the custody of someone with a history’ of child abuse or neglect.” *Gizzo v. Gerstman*, 245 Md. App. 168, 193 (2020) (quoting *In re Adoption No. 12612 in Cir. Ct. for Montgomery*, 353 Md. 209, 238 (1999)). Section 9-101.1 “obligates the court, when it receives evidence of a party’s history of violence against certain household members, ‘to give due consideration to such violence in determining what is in a child’s best interest.’” *Id.* at 199 (quoting *In re Adoption No. 12612*, 353 Md. at 237). Evidence “of any domestic violence

within the home, including the abuse of adults and other children” is a relevant consideration, “whether or not those victims are related to the child whose custody or visitation is at issue.” *Id.* at 193 (quoting *In re Adoption No. 12612*, 353 Md. at 236-37). This is based on “the greater likelihood, statistically demonstrated, that violence directed against others, including adults in the home, will eventually be directed against [the children] as well.” *Id.* at 194 (quoting *In re Adoption No. 12612*, 353 Md. at 237).

Here, the circuit court found that A. had been exposed to domestic violence by Father. The record supports this factual finding. There was evidence that Father hit Z. on her bottom with a belt, which resulted in welts, Father told Mother “get the f[***] out of his house” and to “shut the f[***] up” in front of the children, and there was a physical altercation between the parties, which was captured on video and admitted into evidence. The court found that Father had been aggressive and took actions that were not in the children’s best interest. The court also noted the emotional harm that Father had inflicted on the children and A.’s firm desire not to spend any time with him.

We defer to the trial court’s credibility determinations, as the trial court “has the opportunity to gauge and observe the witnesses’ behavior and testimony during the trial.” *C.M. v. J.M.*, 258 Md. App. 40, 58 (2023) (quoting *Barton v. Hirshberg*, 137 Md. App. 1, 21 (2001)). The court was in the best position to assess the evidence and determine what disposition would best promote the welfare of A. *In re Yve S.*, 373 Md. at 586.

Although it would have been better practice for the court to make a specific finding that Father had abused A. emotionally and others in the household physically, “the court

need not articulate every step of the judicial thought process in order to show that it has conducted the appropriate analysis.” *Gizzo*, 245 Md. App. at 195-96. The court recited, in its ruling, instances of the emotional and physical harm that Father had inflicted on Mother and the children. To the extent that Father contended otherwise, the court found that his testimony was not credible.

On this record, we cannot conclude that the court abused its discretion in finding that it was in the best interest of A. for Mother to have primary physical custody of A. and Father to have no specified access schedule until progress was made in therapy, at which time the issue could be revisited.¹⁰

III.

Child Support

Father contends that the circuit court erred in its child support calculations. He argues that the court calculated his 2025 income to be \$228,298 based on 19 weeks of earnings, but the paystub evidence that he cited showed biweekly income of \$7,568.47, or \$3,784.23 weekly, which amounts to an annual income of \$196,780.05. Mother disagrees, as do we.

Family Law § 12-204 sets forth child support guidelines. In determining child support, a court must determine the income of each party. *John O. v. Jane O.*, 90 Md. App. 406, 419-20 (1992). The amount owed by each parent is adjusted in

¹⁰ If Father takes steps to show that he is ready to have a positive relationship with A., he can ask the court to modify custody based on a material change of circumstance.

proportion to each parent’s income minus expenses, such as childcare, health care, and medical expenses. FL § 12-204 (a), (e), (g), (h). A party’s “actual income” includes salaries, wages, commissions, and bonuses. Fl § 12-201(b)(3). A court’s determination of a parent’s actual income is a factual finding, and as such, “[i]f there is any competent evidence to support the factual findings . . . , those findings cannot be held to be clearly erroneous.” *St. Cyr v. St. Cyr*, 228 Md. App. 163, 180 (2016).

The record here reflects that the court calculated Father’s income as \$228,298 based on the evidence supplied by Father. The court divided the amount Father made from January 1, 2025 through May 17, 2025, as indicated on his May 23, 2025 paycheck, by the number of weeks up until that point and multiplied his average weekly income by 52 weeks. The year-to-date total up until May 17, 2025, reflecting 19 weeks, was \$83,416.60. Using these numbers, Father had a weekly income of \$4,390, a monthly income of \$19,024.84, and a yearly income of \$228,298. Based on this evidence, we cannot conclude that the court erred or abused its discretion in calculating Father’s income for 2025 as \$228,298.

IV.

Attorney’s Fees

Father contends that the court abused its discretion in ordering him: (1) to pay \$8,000 of the \$33,518.81 in attorney’s fees incurred by Mother; and (2) the parties to pay \$21,730.80 to the BIA. As explained below, we disagree.¹¹

A.

Mother’s Attorney’s Fees

An award of attorney’s fees in the context of custody and visitation proceedings is governed by FL § 12-103. That statute provides, in pertinent part, that the court may award to a party costs and counsel fees after considering: “(1) the financial status of each party; (2) the needs of each party; and (3) whether there was substantial justification for bringing, maintaining, or defending the proceeding.” FL § 12-103(a), (b). Substantial justification “is measured by the issues presented and the merits of the case.” *Davis v. Petito*, 425 Md. 191, 202 (2012).

¹¹ Mother contends that the court acted within its discretion when determining to award her attorney’s fees, but she argues that the court was required by statute to “shift” all of her attorney’s fees when it found Father to be without substantial justification. Md. Code Ann., Fam. Law (“FL”) § 12-103(c) (2025 Supp.). Mother, however, did not file a cross-appeal, and therefore, we will not consider this contention. *See Walston v. Sun Cab Co.*, 267 Md. 559, 564 (1973) (“Even if a judgment or decree is prejudicial to an appellee, such prejudice will be disregarded by this Court if there was no cross-appeal filed by the appellee. Moreover, such appellee cannot obtain any affirmative relief by way of reversal, amendment or modification of the judgment or decree under review.”). *Accord Kunda v. Morse*, 229 Md. App. 295, 302 n.4 (2016) (limiting review to questions presented by appellant when appellee failed to file a notice of a cross-appeal).

The court has “significant discretion in applying the factors” set forth in § 12-103(b), but the failure to consider those factors constitutes legal error. *Ruiz v. Kinoshita*, 239 Md. App. 395, 438 (2018). Nevertheless, the court does not need “to recite any ‘magical’ words so long as its opinion, however phrased, does that which the statute requires.” *Horsely v. Radisi*, 132 Md. App. 1, 31 (2000) (quoting *Beck v. Beck*, 112 Md. App. 197, 212 (1996)).

Here, the court specifically noted the factors it was required to consider. With respect to the financial resources and needs of the parties, the court found that Father was “in a superior financial position” to Mother. Although Mother had some money in savings, it was insufficient to cover her counsel’s fees, and Mother had “been kind of operating -- doing this by herself for a great deal of the time.” With regard to substantial justification, the court noted that Father’s discovery failures made trying the case much more difficult and costly for Mother, and Father’s position with respect to custody was one “he knew or should have known was unrealistic.” After considering the bills provided and Mother’s counsel’s affidavit, the court ordered Father to pay Mother \$8,000 of the \$33,518.81 in attorney’s fees she incurred.

Although FL § 12-103 “does not expressly mandate the consideration of reasonableness of the fees, . . . evaluation of the reasonableness of the fees is required.” *Sczudlo v. Berry*, 129 Md. App. 529, 550 (1999). In *Lieberman v. Lieberman*, 81 Md. App. 575, 601-02 (1990), this Court guided trial courts to consider the following four factors in determining whether the amount awarded for attorney’s fees was reasonable: “(1) whether

the [award] was supported by adequate testimony or records; (2) whether the work was reasonably necessary; (3) whether the fee was reasonable for the work that was done; and (4) how much can reasonably be afforded by each of the parties.” *Accord Fitzzaland v. Zahn*, 218 Md. App. 312, 333 (2014). A court’s discretionary decision to award counsel fees is afforded deference on appeal. *Lemley v. Lemley*, 109 Md. App. 620, 633 (1996), *cert. denied*, 344 Md. 567 (1997).

Here, as indicated, the court looked “at the ordinary factors of labor, skill, time and benefit” when reviewing Mother’s counsel’s fees. After reviewing the requisite factors, the court ordered Father to pay Mother \$8,000 of the \$33,518.81 she incurred in attorney’s fees. Based on the record here, we perceive no error or abuse of discretion.

B.

Best Interest Attorney’s Fees

Father also contends that the circuit court abused its discretion in awarding the BIA \$21,730.80 in fees. He asserts multiple errors, including that the court did not make “a meaningful reasonableness determination,” did not address Father’s objections that the BIA provided limited services and insufficient fee justification, and failed to determine whether the BIA “fulfilled the independent role Maryland law contemplates.” Mother disagrees, as do we.¹²

¹² The BIA filed an amicus brief stating that the court properly awarded her fees based on her three and a half years of work in this case.

Section 1-202(a)(1)(ii) of the Family Law Article authorizes the court to appoint a BIA to represent the minor children. Section 1-202(a)(2) provides that the court may “impose counsel fees against one or more parties to the action.” In considering whether to award counsel fees for a BIA, the factors set forth in FL § 12-103(b) are relevant to the analysis. *Meyr v. Meyr*, 195 Md. App. 524, 555 (2010). As Father acknowledges, however, if the court has already considered those factors, it need not restate them in the analysis of BIA fees. *See id.* at 554.

Father suggested in his opening brief that the court erred in failing to consider his objection to the fees on the ground that the BIA filed her request after the case had closed without moving to reopen. In his reply brief, however, he acknowledges that “a BIA may submit a fee request after trial if the parties have an opportunity to challenge reasonableness.”

Here, Father had the opportunity to challenge the reasonableness of the BIA’s request. Father alleged that the BIA “did not present an itemization that explained why more than \$21,000 in fees was reasonable given the limited services reflected in the case.” Although the court did not hold a hearing on the BIA fees, as the BIA notes and Father concedes, no one requested a hearing. *See Gillespie v. Gillespie*, 206 Md. App. 146, 179 (2012) (“A hearing is not always required before a court determines the apportionment of fees.”).

Moreover, the record shows that the BIA’s petition for fees was supported by 12 pages of itemized charges, which included a brief description of the task, date associated

with the task, rate and time spent, and total amount per task. Based on the record, the court found the BIA’s fees to be “fair, reasonable and necessary based upon the Best Interest Attorney’s experience in these matters and reputation in the legal community.” We perceive no abuse of discretion in the court ordering the parties to be jointly and severally liable for the BIA’s fees. *Accord Van Schaik v. Van Schaik*, 200 Md. App. 126, 138 (2011) (“Given the discretion accorded by [FL] § 1-202(a)(2) . . . we see no error or abuse of discretion by the trial court in imposing joint and several liability on the parties for [the BIA]’s outstanding fees.”).

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