Circuit Court for Prince George's County
Case No. CAD 16-07808

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 2569

September Term, 2017

MONICA JERBI

v.

JAMES G. TITUS

Wright,
Kehoe,
Friedman,

JJ.

Opinion by Wright, J.

Filed: March 20, 2019

Monica Jerbi, appellant, challenges a judgment of the Circuit Court for Prince George's County to maintain the existing child support and child custody arrangements that she had with James G. Titus, appellee. On appeal, appellant presents the following questions for our review, which we have consolidated and reworded for clarity:[1]

> 1. Did the circuit court abuse its discretion by awarding shared physical and joint legal custody?

[1] Appellant presented her questions to the Court as follows:

> 1. Was it legally correct to issue a backdated *pendente lite* awarding joint custody that was inconsistent with the court's ruling and the Appellant or her counsel did not sign?
>
> 2. Was it legally correct to fail to provide the Appellant's attorney the court ordered custody evaluator's reports in a timely manner?
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> 3. Did the trial court err by failing to make a custody determination in a reasonable time – postponing the [January] 17, 2017, hearing for six months based on false information past the March 3, 2017, deadline – and then failing to make findings of fact to show just case to ignore the court ordered custody evaluator's recommendation that Appellant be awarded physical and legal custody before issuing a custody determination?
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> 4. Whether the circuit court abused its discretion and denied the Appellant due process in the manner in which it calculated child support in and above guidelines cases and opted against awarding attorney's fees without examining tax returns, statement of expenses, childcare receipts, arrangements for dividing joint property, the income and financial agreement history during the time the parties cohabitated, etc., in a case involving allegations of financial abuse?
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> 5. Whether the court abused its discretion by failing to hear testimony or examine documentation about the Appellee's refusal to follow first a court agreement and later a court order to use a parenting coordinator and consider whether this refusal represented a material change?

2. Did the circuit court abuse its discretion in calculating child support pursuant to extrapolated guidelines?

3. Did the delayed release of the custody evaluator's supplemental report deny appellant due process of law?

4. Did the circuit court abuse its discretion or deny appellant due process of law by issuing a *pendente lite* order following the June 6, 2017 hearing?

Motion to Supplement Record

As a preliminary matter, we first discuss appellant's motion to correct the record. In her brief and on December 16, 2018, appellant filed a motion to correct the record. The exhibits to the motion included the following:

1. The February 9, 2016 transcript from district court before the Honorable Ann Wagner Stewart (Case No. 0501SP0003242016).

2. Custody evaluator Dana Thompson's October 24, 2016, and May 24, 2017 custody evaluations.

3. An email from Anthony Marsh II, Esq., Law Clerk to the Honorable Hassan El-Amin, with *pendente lite* attached dated July 13, 2017.

4. January 22, 2018 subpoena to appellee and January 11, 2017 subpoena to appellee.

5. Appellant's September 6, 2016 Answers to Interrogatories.

6. Appellee's January 16, 2018 financial statement and W-2.

7. Appellant's hearing exhibits from January 31, 2018.

The motion to correct the record is denied as to the exhibits that were not in the record below, as well as to exhibits that simply amplify any exhibits, testimony, or documents already in the record.

BACKGROUND

K.T., born March 24, 2007, is the eleven-year-old biological child of appellant and appellee. At the time of K.T.'s birth and up until January 2016, appellant and appellee were in a committed relationship and lived in appellee's residence in Glenn Dale, Maryland.

In January 2016, an argument ensued between appellant and K.T. and eventually escalated to an altercation between appellant and appellee. K.T. called 9-1-1, and the police responded to the home. Appellee subsequently filed, and was granted, a temporary protective order against appellant. Appellant was ordered to vacate the home for ten days until the final protective order hearing. At this hearing, the parties resolved to exercise a week-on, week-off nesting agreement at appellee's home, and appellee agreed to dismiss the pending protective order. That arrangement remained in place until October 2016, when the parties began an alternating week-on, week-off schedule, where each party's parenting time would take place at their separate residences.

On March 3, 2016, appellant filed a Complaint for Custody in the circuit court. Appellee answered the Complaint, and on September 27, 2016, the circuit court ordered a custody evaluator, Dana Thompson ("Ms. Thompson"), to conduct a custody evaluation. Ms. Thompson completed her initial evaluation on October 24, 2016. As part of this

evaluation, Ms. Thompson interviewed appellant, appellee, and K.T., and reviewed school records from Friends Community School, records from Child Protective Services, medical records for K.T., and mental health records for appellee and for K.T. After her review, Ms. Thompson recommended that the parties continue exercising the week-on, week-off physical custody schedule that was already in place. It was also her opinion that both parents were fit, but she expressed concern about the clutter in appellee's home.

Merits Hearings

The merits hearing was initially scheduled for January 17, 2017, but was rescheduled because Ms. Thompson had a family emergency. The circuit court reset the merits hearing for June 5, 2017, and ordered Ms. Thompson to complete a supplemental home study in the interim. Ms. Thompson conducted and completed the home study on May 29, 2017.

At the June 5, 2017 hearing, Ms. Thompson testified that there were no concerns of mental health problems for appellee or appellant, that appellee had made substantial improvements to the condition of the home, and that the home was appropriate for custody and visitation. Ms. Thompson also testified that appellant and appellee were open to co-parenting, consistently communicated through phone, email, or in-person, and that both had a good relationship with K.T. However, Ms. Thompson noted that while appellee was willing to share custody, appellant did not seem as willing. Ms. Thompson recommended that the week-on, week-off schedule remain the same, but that appellant and appellee

should work with a parenting coordinator to mediate and to help them negotiate through the co-parenting process.

At the June 6, 2017 hearing, appellant's lawyer withdrew as counsel, citing a breakdown in communication. Appellant attributed the communication breakdown to a Child Protective Services ("CPS") report dated February 2016 and to the 50/50 custody arrangement. The circuit court acknowledged that the communication between appellant and her counsel had disintegrated, accepted counsel's motion to withdraw, and encouraged appellant to seek new counsel.

Appellee's lawyer then requested that the circuit court clarify the existing *pendente lite* order as to the schedule between the parents, and asked the court to add in a clause directing the parties not to disparage each other. The court entered a *pendente lite* order to track the existing *pendente lite* order, stating that the current order was temporary and that "it's just in a holding pattern until we set this matter[.]" On the issue of child support, the court ordered appellee to pay appellant $275.00 biweekly. As to custody, the court ordered that the week-on, week-off visitation remained unchanged. The court also ordered appellee to pay 75% of the cost for Ms. Thompson's evaluation, with appellant paying the remainder. Lastly, the court referred the parties to Our Family Wizard[2] to

[2] "Our Family Wizard is a subscription-based website which is designed as a medium for divorced or separated parents to communicate and manage issues regarding shared parenting." *Wilcoxon v. Moller*, 132 So. 3d 281, 284 n.1 (Fla. Dist. Ct. App. 2014).

streamline their communication. The court reset the trial date to September 11, 2017, to afford appellant ample time to retain new counsel.[3]

On September 11, 2017, appellant appeared again with new counsel and filed several motions. Those motions were all denied, except appellant's motion for a continuance to allow her new counsel time to become competent in the facts of the case. The circuit court reset trial for January 31, 2018.

On January 31, 2018, appellant appeared with counsel for the final merits hearing. At the hearing, the circuit court heard testimony from appellant's brother, Wesley White ("Mr. White"). Mr. White testified that during the time appellant and appellee lived together, appellee's home was a mess, that he disagreed with appellee's parenting style, and that appellant was a "loving mother." Appellant testified as to her income, her opinions related to a 70/30 custody split with appellee, and her communication with appellee. The court issued an oral opinion ordering that appellant and appellee would continue to share joint physical and legal custody of K.T., the subject of this appeal. We will include additional facts as necessary, below.

STANDARD OF REVIEW

Appellant asks multiple questions regarding monetary issues and the custody schedule. Generally, Md. Rule 8-131(c) governs non-jury cases and states:

> When an action has been tried without a jury, the appellate court will review the case on both the law and the evidence. It will not set aside the judgment of the trial court on the evidence unless clearly erroneous, and will give due

[3] The *pendent lite* order was issued on June 17, 2017.

> regard to the opportunity of the trial court to judge the credibility of witnesses.

"A finding of a trial court is not clearly erroneous if there is competent or material evidence in the record to support the court's conclusion." *Lemley v. Lemley*, 109 Md. App. 620, 628 (1996). "As long as the trial court's findings of fact are not clearly erroneous and the ultimate decision is not arbitrary, we will affirm it, even if we might have reached a different result." *Malin v. Miniberg*, 153 Md. App. 358, 415 (2003).

Our review of a circuit court's custody determination uses the abuse of discretion standard. *Petrini v. Petrini*, 336 Md. 453, 470 (1994). This is because circuit courts have the ability "to observe the demeanor and the credibility of the parties and the witnesses." *Id.* Although we afford great deference to the trial court, abuse of discretion arises when "no reasonable person would take the view adopted by the [trial court]' or when the court acts 'without reference to any guiding rules or principles.'" *Santo v. Santo*, 448 Md. 620, 626 (quoting *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 312 (1997) (internal citations omitted)). We look to the court's ruling to discern whether it is "clearly against the logic and effect of facts and inferences before the court[.]" *Santos*, 448 Md. at 626 (quotations and citation omitted). We will not disturb the trial court's ruling unless its decision is "well removed from any center mark imagined by the reviewing court." *Id.* (quotations and citation omitted). In reviewing the circuit court's determination, the governing standard is "the best interest of the child standard," which is determinative in child custody disputes. *Ross v. Hoffman*, 280 Md. 172, 178 (1977).

DISCUSSION

I.

At the January 31, 2018 hearing, after observing testimony from both parties, the circuit court awarded the parties joint physical and legal custody of K.T. The court denied appellant's request for tie-breaking legal authority.

Appellant makes several due process claims which she failed to preserve below. First, she claims that the circuit court denied her due process by issuing a "questionable *pendente lite*." Second, she claims that the court displayed a "positive bias" towards fathers. Third, she argues that the court acted on appellee's fraudulent misrepresentations. Finally, appellant claims that the circuit court failed to produce key evidence, like the February 2016 CPS report, and violated Md. Rule 9-205.2(g)(7). In response, appellee concedes that the court deviated from Ms. Thompson's recommendation regarding legal custody but argues that it correctly assessed the factors outlined in *Taylor v. Taylor*, 306 Md. 290, 296 (1986), and properly weighed the evidence before it.

We first decline to address the merits of appellant's due process claim, as she did not raise a due process violation in the circuit court below. We also decline to address appellant's claims that the court had a potential bias toward fathers and created a "new status quo" by issuing a "questionable *pendente lite*," because she failed to raise these arguments below. *See* Md. Rule 8-131(a) (except as to jurisdiction, "[o]rdinarily, the appellate court will not decide any . . . issue unless it plainly appears by the record to have been raised in or decided by the trial court.") Accordingly, we will only address whether

the circuit court abused its discretion in awarding joint physical and legal custody to the parties.

In custody disputes, the "overarching consideration" is the best interest of the child. *Michael Gerald D. v. Roseann B.*, 220 Md. App. 669, 680 (2014) (quoting *Baldwin v. Baynard*, 215 Md. App. 82, 108 (2013)). This standard varies with each case, and "what is in the child's best interest equals the fact finder's best guess." *Karanikas v. Cartwright*, 209 Md. App. 571, 590 (quoting *Montgomery Cty. Dep't of Soc. Servs. v. Sanders*, 38 Md. App. 406, 419 (1977)).

Custody disputes involve determinations of both physical and legal custody. The Court of Appeals has explained:

> "Legal custody carries with it the right and obligation to make long range decisions" that significantly affect a child's life, such as education or religious training. *Taylor*, 306 Md. at 296. "Physical custody, on the other hand, means the right and obligation to provide a home for the child and to make daily decisions as necessary while the child is under that parent's care and control." *Id.*

Santo, 448 Md. at 627 (2016).

When a court awards joint custody, "both parents have an equal voice in making [long range] decisions, and neither parent's rights are superior to the other." *Taylor*, 306 Md. at 296. There are a variety of factors courts consider when determining the best interest of the child in custody disputes. This Court has explained:

> The criteria for judicial determination [of child custody] includes, but is not limited to: 1) fitness of the parents; 2) character and reputation of the parties; 3) desire of the natural parents and agreements between the parties; 4) potentiality of maintaining natural family relations; 5) preference of the

> child; 6) material opportunities affecting the future life of the child; 7) age, health and sex of the child; 8) residences of parents and opportunity for visitation; 9) length of separation from the natural parents; and 10) prior voluntary abandonment or surrender.

Gordon v. Gordon, 174 Md. App. 583, 637 (2007) (quoting *Sanders*, 38 Md. App. at 420). When the court is considering whether to grant joint custody, the following factors are relevant:

> (1) capacity of the parents to communicate and to reach shared decisions affecting the child's welfare; (2) willingness of parents to share custody; (3) fitness of parents; (4) relationship established between the child and each parent; (5) preference of the child; (6) potential disruption of child's social and school life; (7) geographic proximity of parental homes; (8) demands of parental employment; (9) age and number of children; (10) sincerity of parents' request; (11) financial status of the parents; (12) impact on state or federal assistance; (13) benefit to parents; and (14) other factors.

Taylor, 306 Md. at 304-11.

This list, though extensive, will not necessarily meet the demands of every specific case. *Santo*, 448 Md. at 630 (quoting *Taylor*, 306 Md. at 303). Upon review, this Court will only disturb the circuit court's custody award if "the judicial discretion the [court] exercised was clearly abused," for "[t]his is the principle which controls the review of any matter within the sound discretion of a [circuit] court[.]" *Ross*, 280 Md. at 186.

Here, the circuit court properly considered the *Taylor* factors and focused its attention on the best interest of the child. *See Maness v. Sawyer*, 180 Md. App. 295, 313-14 (2008) (explaining that in its custody determination, the circuit court correctly analyzed the *Taylor* factors and focused on the best interests of the child). Regarding the parents'

ability to communicate, the circuit court found that the parents successfully used "Our Family Wizard" to communicate and found that the parents could communicate on a relative basis. The court noted that appellant was willing to accept joint legal custody but wanted tie-breaking authority. As to the fitness of the parents, the court found that appellant's accusations against appellee were "not proven creditworthy," and it found that appellee did not dodge the court's questions, responded appropriately, and that appellee's testimony was "10x as effective" as appellant's. Turning to K.T.'s relationships with her parents, the circuit court stated, "I have a very strong memory of the love that [K.T.] has for [appellee]." The court indicated that it believed K.T. had a challenging relationship with the appellant and that her relationship with appellee was "easier to digest."

Turning to whether the circuit court's decision would disrupt K.T.'s life, the court found that joint parenting would pose no disturbance. The court found that K.T. had a suitable age and discretion but did not explicitly discuss its preference. The court found no issue with the proximity of the parental homes. The court stated that, on the issue of the demands of parental employment, it would "come back to that later." The court also took notice that K.T. was ten years old at the time of the hearing. Further, the court found that both parents were sincere in their requests, but also found that appellant seemed to be obsessed with appellee's assets. Discussing the benefit to the parents, the court found that it benefits both parents to have K.T.'s love and affection.

Finally, the circuit court properly considered the other factors in making its determination. The court looked at who would be the better custodian and found that the

"present vision" of the week-on, week-off arrangement appeared to be what worked best. In other words, the court found that the status quo was working. The court then looked to the character and reputation of each parent and found that it "[saw] nothing that would cause the [c]ourt to decide in either parent's favor." The court stated that if it saw the parents slandering one another, it would modify custody and take away the joint privileges. The circuit court found that appellee had most of the family resources, but that appellant wanted most of the authority in the custodial arrangement. The court conceded that it did not ask K.T. directly whom she wanted to live with, but that it was clear that appellee was "easier on her." The court directly addressed Ms. Thompson's recommendation and noted that, while the condition of appellee's home impacted her initial recommendation, appellee had acknowledged and improved the home's condition. The court also found it would be unfair to appellee and K.T. if he were just a "weekend dad."

The circuit court found that both parents offered K.T. material opportunities, both residences were suitable, and that K.T. needed to be "subject" to both homes. The court took notice of K.T.'s participation in appellee's religion, finding it fruitful. Lastly, addressing the contact and bond between K.T. and her parents, the court found that it had fashioned the appropriate modality in the *pendente lite* order and that it would continue that modality with changes.

Considering the requisite factors and the circuit court's findings, the court did not abuse its discretion in making this custody determination. The court concluded that joint

physical and legal custody was in K.T.'s best interest, and this arrangement, which tracked the *pendente lite* order, does not amount to an abuse of discretion.

II.

At the January 31, 2018 hearing, the circuit court found that the parents had a total adjusted monthly income of $18,167.00, which exceeded the Child Support Guidelines' maximum combined adjusted income of $15,000.00. The court then ordered appellee to pay appellant $285.00 biweekly, an increase of $10.00 from the amount appellee was paying under the *pendente lite* order.

Appellant avers that the circuit court abused its discretion in calculating child support. Specifically, appellant claims that the court set the final child support without appellee's financial information, and that the court's lack of knowledge about the parties' finances inhibited its ability to award attorney's fees. In support of her claim, appellant cites to *Voishan v. Palma*, 327 Md. 318 (1992). Appellee responds that appellant's argument misrepresents the Court of Appeals' holding in *Voishan*.

We will not overturn a circuit court's child support determination absent an abuse of discretion. *Walker v. Grow*, 170 Md. App. 255, 266 (2006) (citing *Tucker v. Tucker*, 156 Md. App. 484, 492 (2004)). Maryland's Child Support Guidelines are intended to (1) ensure that awards "reflect the actual costs of raising children;" (2) "improve the consistency, and therefore the equity, of child support awards;" and (3) "improve the efficiency of court processes for adjudicating child support . . . ." *Voishan*, 327 Md. at 322 (quoting U.S. Dep't of Health & Human Servs. Office

of Child Support Enf't, *Development of Guidelines for Child Support Orders: Advisory Panel Recommendations and Final Report*).

In reviewing a circuit court's award of child support, we presume that the court calculated the correct child support award. *Voishan*, 327 Md. at 323-24. However, that presumption may be rebutted "by evidence that the application of the guidelines would be unjust or inappropriate in a particular case." *Voishan*, 327 Md. at 324 (citing Md. Code (1984, 2012 Repl. Vol.), Family Law Article ("F.L.") § 12-202(a)(2)(i)-(ii)). Appellant bears the burden of overcoming this presumption. *Voishan*, 327 Md. at 324.

Under the Child Support Guidelines, if the parents' combined adjusted actual monthly income is higher than $15,000.00, the court then has discretion in setting the amount of child support. F.L. § 12-204(d). In the instant case, the total adjusted monthly income of $18,167.00, exceeded the Guidelines.

At the January 31, 2018 hearing, appellant testified about her income. She indicated that she was a consultant who did not make a fixed income consistently. Appellant conceded that appellee paid K.T.'s health insurance, and that she had not paid any of K.T.'s tuition payments from 2016 to 2017. Appellant also informed the circuit court that she had not applied for a full-time job within the past six months.

In her financial statement, which she signed thirteen days before trial, on January 18, 2018, appellant listed her monthly income at $3,488.00, with daycare

payments of $119.00 listed as the only expense. The circuit court asked appellant whether she was continuing to bill her clients at $64.27 an hour; she failed to answer the question. When questioned about her 1099s tax forms, which she did not provide, appellant stated that she had not received 1099s tax forms for 2017. Notably, when the court informed appellant that it was going to attribute her income as $42,000.00 annual, she did not object:

> THE COURT: Okay. Let's say – okay. Here's the deal. [I'm putting] her income at $42,000 a year, all right? That's what I'm going to go with. Now, do you have an objection to that Ms. Jerbi?
>
> [APPELLANT]: No, I don't.

When addressing appellee's income, the circuit court found that appellee's wages were $108,3861.13 annual, and that he had additional investment income of approximately $30,000.00 annual. The court also found that appellee paid $191.04 for K.T.'s health insurance, $242.29 for child care related expenses, and $724.00 a month for school tuition, which appellee indicated he "would pay no matter what."

The circuit court ultimately determined that appellant "voluntarily impoverished herself," presumably because she testified to not seeking full-time work. Thereafter, the court determined that appellee's child support payment would only increase by $10.00 under the Child Support Guidelines. With nothing presented to the contrary as to what the extrapolated figures should be, we presume that the court was correct in that determination and find no abuse of discretion. "If

the combined adjusted income exceeds the highest level specified . . . the court may use its discretion in setting the amount of child support." F.L. § 12-202(b).

III.

Ms. Thompson issued her first custody evaluation in October 2016. After Ms. Thompson could not appear for the January 17, 2017 trial, and after appellant requested a continuance, the court ordered Ms. Thompson to conduct a supplemental home study of appellee's residence due to concerns she raised in her report about the cleanliness of the home. Ms. Thompson conducted that home study and filed a written report with the court on May 29, 2017.

Appellant argues that the circuit court violated Md. Rule 9-205.3(i)(B) because it failed to provide her attorney with Ms. Thompson's report in a timely manner.[4] Appellant avers that this occurred for both the June 5, 2017 merits hearing and the November 2, 2016 settlement conference. Appellee concedes that "due to a clerical error, neither counsel for [a]ppellant nor counsel for [a]ppellee were

[4] Md. Rule 9-205.3(i)(B) states in relevant part:

> If an oral report is not prepared and presented pursuant to subsection (i)(1)(A) of this Rule, the custody evaluator shall prepare a written report of the custody evaluation and shall include in the report a list containing an adequate description of all documents reviewed in connection with the custody evaluation. The report shall be furnished to the parties at least 30 days before the scheduled trial date or hearing at which the evaluation may be offered or considered. The court may shorten or extend the time for good cause shown but the report shall be furnished to the parties no later than 15 days before the scheduled trial or hearing.

notified of the completed report," and that the parties only learned of Ms. Thompson's report on the Friday preceding the trial date.

In this case, appellant did not request a continuance, nor did she object to the testimony of Ms. Thompson's references to the supplemental report. Ms. Thompson issued the report on May 29, 2017, seven days before the June 5, 2017 hearing. Both parties had the opportunity to immediately file a motion for continuance which would have allowed them additional time to review the report. There being no request for a continuance or no objection to the testimony of Ms. Thompson, we need not address this claim. *See* Md. Rule 8-131(a) (except as to jurisdiction, "[o]rdinarily, the appellate court will not decide any . . . issue unless it plainly appears by the record to have been raised in or decided by the trial court.")

IV.

On June 6, 2017, appellant's attorney made a motion to withdraw as her legal counsel citing communication concerns. The circuit court accepted counsel's motion and directed appellant to retain new counsel. Based on its interview with K.T. and the testimony of Ms. Thompson, the court issued an oral *pendente lite* order to maintain the status quo between the parties between June 6, 2017, and September 11, 2017, the new hearing date. On September 11, 2017, after appellant's motion to postpone, the circuit court reset the hearing for January 31, 2018.

Appellant avers that the circuit court's *pendente lite* order on June 6, 2017, does not "match the court's ruling," and she further argues that the court's order violated her due

process rights by "checkmat[ing] her from filing exceptions because the deadline had already passed." Appellee responds that appellant's legal arguments are without merit because she is conflating two separate and distinct legal arguments. We agree with appellee.

Appellant argues that the circuit court did not follow Md. Rule 9-208(e). We disagree. Pursuant to Md. Rule 9-208(e)(1),[5] a standing magistrate is required to inform each party of its recommendations on the record at the conclusion of the hearing or by written notice. This is plainly not the posture of the case on June 6, 2017, and Md. Rule 9-208(e)(1) simply has no relevance here.

At the close of the hearing, the circuit court ordered appellee to continue paying appellant $275.00 biweekly for child support, and stated that it would "make the week-on, week-off residential custody firmer." The court also stated:

> All right. Well, hold on. The father will continue to pay health insurance, and continue to pay private tuition for the Friends daily school. And the parenting coordinator costs money, but the parenting coordinator agrees to not overcharge. Her fees are limited by the applicable rule, 75 percent of the fee will be payable by [appellee], 25 percent by you.

[5] Md. Rule 9-208(e) **Findings and recommendations**. (1) Generally. Except as otherwise provided in section (d) of this Rule, the magistrate shall prepare written recommendations, which shall include a brief statement of the magistrate's findings and shall be accompanied by a proposed order. The magistrate shall notify each party of the recommendations, either on the record at the conclusion of the hearing or by written notice served pursuant to Rule 1-321. In a matter referred pursuant to subsection (a) (1) of this Rule, the written notice shall be given within ten days after the conclusion of the hearing. In a matter referred pursuant to subsection (a) (2) of this Rule, the written notice shall be given within 30 days after the conclusion of the hearing. Promptly after notifying the parties, the magistrate shall file the recommendations and proposed order with the court.

The court's written *pendente lite* order, dated June 19, 2017, was precisely the same as its recommendations on the record at the close of the June 6, 2017 hearing. The *pendente lite* order issued was akin to an injunction designed to maintain the status quo. *See State Dept. of Health and Mental Hygiene v. Baltimore County*, 281 Md. 548, 556 n.9 (1977) (citation omitted). (There is nothing objectionable in maintaining "the last, actual, peaceable, non-contested status that preceded the pending controversy.").

CONCLUSION

For the foregoing reasons, we hold that the circuit court did not abuse its discretion in awarding the parties shared physical custody and joint legal custody of K.T. Additionally, we hold that the court did not abuse its discretion in calculating child support or in issuing a *pendente lite* order following the June 6, 2017 hearing.

JUDGMENTS OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY AFFIRMED; COSTS TO BE PAID BY APPELLANT.