

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1618

September Term, 2015

BETH B. HOGANS

v.

ALEXANDER MURINSON

Wright,
Kehoe,
Arthur,
JJ.

Opinion by Kehoe, J.

Filed: October 18, 2016

*This is an unreported opinion, and it may not be cited in any paper, brief, motion or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. *See* Md. Rule 1-104.

Beth Hogans appeals from a judgment of absolute divorce entered by the Circuit Court for Baltimore City. The appellee is her former spouse, Alexander Murinson. Dr. Hogans presents four issues, which we have consolidated and restated:

- (1) Did the trial court abuse its discretion by granting Mr. Murinson a monetary award and a portion of Dr. Hogan's retirement benefits?
- (2) Did the trial court err in determining the amount of Mr. Murinson's child support obligation?
- (3) Did the trial court err and abuse its discretion by failing to order that Mr. Murinson pay retroactive child support?

We will affirm the judgment of the trial court.

Background

Beth Hogans, M.D., Ph.D., and Alexander Murinson, Ph.D., were married in 1999, a little less than a year after they met. Dr. Hogans is a physician with board certifications in neurology and pain medicine. After her residency at the Yale School of Medicine, Dr. Hogans began a fellowship at The Johns Hopkins Hospital, which brought the couple to Baltimore. Dr. Hogans purchased a home for the family which she later retitled in the parties' names, although she remained the sole obligor on the mortgage. The family spent a year in England, where Dr. Hogans researched and taught as part of a clinical fellowship. Dr. Hogans then joined the faculty at Johns Hopkins. She worked there until 2010. During that time, the parties had two children, both of whom were minors at the time of trial.

In 2010, the family moved to Israel and Dr. Hogans began working as a senior physician and teaching there. Upon the family's return to the United States, Dr. Hogans

worked as a co-director of the District of Columbia VA Medical Center's pain program and then as a neurologist with the MedStar hospital system. All the while, she continued her work at Johns Hopkins. In short, Dr. Hogans has established a successful professional career and has seen a substantial increase in her income, making over \$200,000 a year for the past several years.

Mr. Murinson is an international relations scholar with a focus on politics, energy, and security in the Middle East and the former Soviet republics. Before the couple married, he received a master's degree in comparative politics from the London School of Economics. When the parties married, Mr. Murinson was working in information technology doing computer programming and networking. He continued this for a time before returning to school and earning his Ph.D. from the University of London School of Oriental and African Studies. His career goal was, and is, entering academia as a college professor. Unfortunately, he has struggled to find success professionally, and for most of the marriage, Dr. Hogans supported the family financially.

Relations between the parties grew difficult as time went on. Mr. Murinson's inability to obtain long-term full time employment commensurate with his academic achievements was a source of tension. There also were significant disagreements between the parties as to appropriate parenting methods. The couple separated in November 2013.

Dr. Hogans filed a complaint for absolute divorce in January 2014. After a two day trial, the Circuit Court for Baltimore City granted the parties an absolute divorce. The trial court awarded Mr. Murinson one year of rehabilitative alimony in the amount of

\$1,000 a month as well as a \$37,594.50 monetary award, which is half the value of the equity in the family home. The trial court also ordered Dr. Hogans to transfer 40 percent of one of her retirement accounts to Mr. Murinson. Dr. Hogans was granted legal and physical custody of the children. Mr. Murinson was ordered to pay \$500 a month in child support. Dr. Hogans challenges the monetary award and the transfer of her retirement funds as well as the amount of the child support award and the date it went into effect.

Analysis

The Standard of Review

We will reverse the decisions of the trial court as to a monetary award and child support only if we conclude that the court abused its discretion. A trial court can abuse its discretion by basing its decisions upon clearly erroneous findings of fact or incorrect legal premises. *Guidash v. Tome*, 211 Md. App. 725, 735 (2013).

We defer to the trial court’s ability to weigh the credibility and persuasiveness of witnesses and set aside its factual determinations only when we conclude that the trial court’s findings were clearly erroneous. Maryland Rule 8-131(c). Contentions that the trial court erred as to matter of law are reviewed on a de novo basis. *In re Adoption/Guardianship of Ta’Niya C.*, 417 Md. 90, 100, 8 A.3d 745 (2010).

Finally, as we explained in *Guidash*, 211 Md. App. at 736, abuse of discretion may occur where the trial court arrives at an “unreasonable or unjust result, even though it has correctly identified the applicable legal principles and applied those principles to factual findings that are not clearly erroneous.” This scenario is best described by Judge Wilner

in *North v. North*, 102 Md. App. 1, 14 (1994), in which he surveyed a number of cases defining the concept of “abuse of discretion” and concluded:

The decision under consideration has to be well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable. That kind of distance can arise in a number of ways, among which are that the ruling either does not logically follow from the findings upon which it supposedly rests or has no reasonable relationship to its announced objective.

I. The Distribution of Marital Property

The record shows that the parties have only in recent years seen a substantial increase in their income, and that they have made their children’s private school education a financial priority. Therefore, their material assets are relatively straightforward. The Joint Statement of Marital Property the parties filed with the trial court shows that the main asset is the family home, which had a fair market value of \$150,000 with an outstanding mortgage balance of \$58,000. Both parties have their own automobiles and checking and savings accounts; these are not matters of dispute on appeal. Finally, the parties have retirement accounts. Dr. Hogans’ main retirement account is an Internal Revenue Code § 403(b)¹ account-t with Johns Hopkins that she accumulated during the marriage. She also has a smaller thrift savings plan and a pension through the Federal Employees Retirement System (FERS) that she has established through her post-separation employment. Mr. Murinson has an IRA account worth just under \$15,000. The trial court

¹ Section 403(b) accounts are tax-sheltered annuities available to employees of non-profit and educational organizations.

granted Mr. Murinson a monetary award of \$37,594.50. This sum is half of the value of the equity in the family home, minus the *Crawford* credit granted to Dr. Hogans in recognition of her having paid the mortgage on the home since the separation without any contribution from Mr. Murinson.² The trial court also awarded Mr. Murinson 40 percent of the marital portion of Dr. Hogans' Johns Hopkins § 403(b) account.

Dr. Hogans requests that we vacate the trial court's distribution of martial property to Mr. Murinson. In particular, she takes issue with the monetary award and challenges the trial court's determination of the award on numerous grounds, including clearly erroneous findings of fact and abuse of discretion in granting Mr. Murinson any award at all.

Monetary awards are made to balance what would otherwise be an inequitable "division of property by title." *Flanagan v. Flanagan*, 181 Md. App. 492, 519 (2008). When a party requests a monetary award, as Mr. Murinson did in this case, the trial court must follow a three-step process. First, the trial court must determine whether disputed property is martial or nonmarital. Then the trial court must value all of the marital property. Finally, the trial court weighs 11 factors to determine whether a monetary

² *Crawford* credits derive their name from *Crawford v. Crawford*, 293 Md. 307, 311-12 (1982), which held that one spouse is entitled to contribution from the other for payments made for property the parties own as tenants by the entireties, as the presumption that such payments are a gift evaporates upon the parties' separation. This Court has since outlined the situation as such: "A married, but separated, cotenant is, in the absence of an ouster (or its equivalent) of the nonpaying spouse, entitled to contribution for those expenses the paying-spouse has paid." *Baran v. Jaskulski*, 114 Md. App. 322, 332 (1997).

award is appropriate to rectify any inequity that might otherwise occur as a result of how the property is titled between the parties.³ Md. Code Ann. (1984, 2012 Repl. Vol.), § 8-205 of the Family Law Article (F.L.); *Flanagan*, 181 Md. App. at 519-20; *Brown v. Brown*, 195 Md. App. 72, 109 (2010).

Dr. Hogans raises numerous contentions of error in the trial court's findings for each monetary award factor. We have carefully considered each argument but cannot address all of them. The issues were hotly contested issues, and the evidence conflicting. We find that there is sufficient evidence to support the trial court's conclusions in this case. We will address what we consider to be Dr. Hogans' more important contentions.

³ According to F.L. § 8-205(b), when a trial judge is considering whether and how to make a monetary award, he or she must consider all of the following factors:

- (1) Contributions, monetary and nonmonetary, of each party to the well-being of the family;
- (2) The value of all property interests of each party;
- (3) The economic circumstances of each party at the time the award is to be made;
- (4) The circumstances that contributed to the estrangement of the parties;
- (5) The duration of the marriage;
- (6) The age of each party;
- (7) The physical and mental conditions of each party;
- (8) How and when specific marital property or interest in property... was acquired, including the effort expended by each party in accumulating the marital property or the interest in property... or both;
- (9) The contribution by either party of property described in § 8-201(e)(3) of this subtitle to the acquisition of real property held by the parties as tenants by the entirety;
- (10) Any award of alimony and any award or other provision that the court has made with respect to family use personal property or the family home; and
- (11) Any other factor that the court considers necessary or appropriate to consider in order to arrive at a fair and equitable monetary award or transfer of an interest in property described in subsection (a)(2) of this section, or both.

The Parties' Monetary and Nonmonetary Contribution

Dr. Hogans contests the trial court's findings with regard to "the contributions, monetary and nonmonetary, of each party to the well-being of the family," F.L. § 802(b)(1), were clearly erroneous. Although she couches her arguments in different terms, they boil down to the following points:

First, she argues that the trial court's assessment of Mr. Murinson's role in the marriage was clearly erroneous. She believes that Mr. Murinson is best understood as a passive beneficiary of her hard work, rather than a dedicated parent, handyman, or helpmate whose nonmonetary contributions enhanced the family's wellbeing, her career, or the family's ability to acquire marital assets.

Second, Dr. Hogans argues that the trial court failed to give appropriate weight to her own contributions to the family. From her perspective, the trial court undervalued her singlehandedly financially supporting the family in addition to caring for the children and the home, while excusing Mr. Murinson's lack of financial contribution for almost the entire time of their marriage.

Third, Dr. Hogans takes the position that, even if we conclude that the trial court's findings were not clearly erroneous, the court's ultimate result was an abuse of discretion. She contends that a monetary award should be based on an evaluation of "the parties' actual contributions, not the parties' *excuses for not making contributions*."

The Court of Appeals has held that appellate courts must give deference to the trial court judge's ability to assess witness credibility, and therefore, "we must consider the

evidence in the light most favorable to the prevailing party and decide not whether the trial judge's conclusions of fact were correct, but only whether they were supported by a preponderance of the evidence." *City of Bowie v. Mie Properties, Inc.*, 398 Md. 657, 676-77 (2007) (internal quotation marks and citations omitted). We recognize that the evidence Dr. Hogans presented conflicted with that presented by Mr. Murinson for many issues. For example, Dr. Hogans certainly testified that Mr. Murinson's efforts at caring for the children were deficient, while he testified to the contrary. Dr. Hogans' appellate contentions in this regard boil down to the proposition that the trial court erred in it found, as it effectively did, that Mr. Murinson was a more credible witness. However, we are not free to disregard the trial court's credibility-based findings, and we conclude there was sufficient evidence in the record to support the trial court's findings. *See* Md. Rule 8-131(c).

Finally, there is no basis for us to conclude that the trial court abused its discretion, as Dr. Hogans argues it did in its weighing of the parties' economic contributions. When the parties first married, Mr. Murinson was employed in New England. The parties relocated to Baltimore so that Dr. Hogans could complete a fellowship at Johns Hopkins. The fellowship increased her earning capacity and professional options, but Mr. Murinson had to leave his employment. Then the parties relocated to England so that Dr. Hogans could further enhance her professional credentials which, again, increased her earning capacity and professional options. Mr. Murinson was unable to work in England. There was

substantial evidence to support the trial court's conclusion that Dr. Hogans' pursuit of her career opportunities had a negative effect on Mr. Murinson's efforts to pursue his.

The Parties' Economic Circumstances

Dr. Hogans takes the position that the trial court erred in disregarding a number of facts related to her economic circumstances and ability to make payments to Mr. Murinson. First, she argues that the trial court erred when it properly made findings about her substantial credit card debt but then disregarded that debt during the analysis of her economic situation. She also contends that the trial court erred in concluding that there was no evidence of what the debt was before the separation as opposed to what was accrued after the parties separated. Additionally, Dr. Hogans asserts that the trial court erred by disregarding the substantial tuition debt she owes to the children's school. Finally, she argues that it was an error for the trial court to disregard the legal fees she had incurred. She points out, correctly, that a substantial portion of those fees were incurred as a result of Mr. Murinson's ultimately unsuccessful attempts to regain custody of their children. As of the time of trial, those fees totaled over \$90,000, with \$60,000 outstanding.

Nonmarital debt, that is, debt that is not directly traceable to the acquisition of marital property, does not reduce the overall value of marital property, but the Court of Appeals has noted that it may be considered when the trial court is determining "the amount and method of payment of the award. The amount outstanding on a nonmarital debt of a party

clearly reflects on that party's economic circumstances at the time the award is to be made." *Schweizer v. Schweizer*, 301 Md. 626, 636-37 (1984).

The trial court did not explicitly state how it factored Dr. Hogans' debts into its analysis, but it did recite a list of her debts in the discussion of this factor, including the home mortgage and the credit card debt, which suggests that it did take them into consideration. As this Court held in *Malin v. Mininberg*, 153 Md. App. 358, 429-30 (2003), a judge is presumed to know the law and is not required to provide a detailed written analysis of each and every factor, so long as he or she states that the statutory factors were considered. The trial court did not list the school tuition debt or the legal fees Dr. Hogans owes, but, it is not required to list every detail it considers. *Id.* at 429-30 (noting that a judge "is not required to enunciate every factor he considers on the record, as long as he or she states that the statutory factors were considered." (internal citations omitted))

More significantly, however, Dr. Hogan's argument does not take into account the very significant discrepancy in the parties' current income. At the time of the trial, Dr. Hogans was earning approximately \$200,000 annually. In contrast, Mr. Murinson had no steady employment and the trial court found that minimum wage was an appropriate income to use for him. While that figure was sharply contested, like many other facts in this case, there is sufficient evidence in the record for us to conclude that this determination by the trial court was not clearly erroneous. Dr. Hogan's income was an

order of magnitude greater than Mr. Murinson's, and the trial court did not err by taking that into account.

Dr. Hogans also asserts that it was unfair for the trial court to order her to pay a monetary award that necessitates her selling the house or going further into debt. Ultimately, however, the decision to grant a monetary award and the amount of that award is within the trial court's discretion, subject to the requirement that the trial court apply the correct legal standards. *Alston v. Alston*, 331 Md. 496, 504 (1993). Both the manner of payment and the amount of a monetary award are within the trial court's discretion. *Innerbichler v. Innerbichler*, 132 Md. App. 207, 243 (2000). It is not inherently harsh or inequitable to grant a monetary award that requires the payor to borrow money to make the payment, as long as the court makes an assessment of the party's ability to pay. *Cf. Rosenberg v. Rosenberg*, 64 Md. App. 487, 522-523 (1985) (remanding case not because award would require payor to borrow funds, but rather because chancellor failed to make findings regarding payor's ability to borrow the money required). Nor is it inherently harsh or inequitable for a court to make an award that would require the parties to sell the home. In fact, the statute provides the trial court with exactly that remedy, in the form of ordering the sale of the property and division of the proceeds during the marital property distribution process. F.L. § 8-202(b)(2). Based on our review of the record, neither the trial court's decision to grant the monetary award nor the manner of payment of the award constitutes an abuse of discretion.

The Circumstances of the Parties' Estrangement

Dr. Hogans argues that the trial court's findings about the parties' estrangement and the dissolution of the marriage were clearly erroneous. We do not agree. There was substantial evidence, largely in the form of the parties' sharply conflicting testimony, as to those matters. Some of the trial court's findings necessitated assessments of credibility, which is precisely what it is tasked with doing. We will not set aside trial court findings or find clear error where the issue involved a ruling based on a credibility determination. *Collins v. Collins*, 144 Md. App. 395, 413 (2002). We see no basis to conclude that the trial court's findings were clearly erroneous.

The Parties' Roles in and Contributions to Acquisition of Real Property

Dr. Hogans challenges the trial court's findings of fact and ultimate determination regarding the role of each party in acquiring marital property. The eighth factor of the monetary award statute focuses on "how and when specific martial property . . . was acquired, including the effort expended by each party," while the ninth factor considers "the contribution of nonmarital property by either party . . . to the acquisition of real property held by the parties as tenants by the entirety." F.L. § 8-205 (b)(8)-(9). Dr. Hogans asserts the trial court erred in this portion of the analysis and points to her use of money she inherited to partially fund the down payment on the family home as evidence of her contribution. She also highlights her efforts as the sole financial supporter of the family, which the trial court recognized in finding that Dr. Hogans had paid for the mortgage, taxes, and maintenance, while Mr. Murinson contributed "little to no money to

the mortgage or to the maintenance of the property since the parties purchased it and contributed no money to the mortgage since the parties separated.”

Mr. Murinson does not dispute that Dr. Hogans’ inheritance helped with the down payment, but asserts, correctly, that the source of funds was not reflected on the Joint Statement of Marital and Nonmarital Property, and that neither party provided testimony or evidence of the details of the purchase or the percentage of the down payment that the non-marital funds constituted. We are ultimately unpersuaded by Dr. Hogans’ arguments.

The evidence provided at trial was insufficient to allow the trial court to fully account for the role the inheritance played in purchasing the family home. If a party claims that property is nonmarital, they have the burden of tracing it to a nonmarital source. *Malin v. Mininberg*, 153 Md. App. At 428. Dr. Hogans testified that she had contributed about \$13,000 of inherited assets to the down payment, but there was no additional information provided regarding the total amount of the down payment, how much the down payment was in relation to the overall purchase price, or other information that would have provided the trial court with the full picture and allowed it to properly make findings in this regard. Alternately, the trial court could have considered Dr. Hogans’ use of inherited funds to purchase the house during its analysis of other relevant factors, but this Court has held that it is not compelled to do so. *Malin*, 153 Md. App. at 433.

Dr. Hogans is correct that she was the primary, and often the sole, financial contributor to the family and we accept that her earnings were, for all practical purposes, the source of the parties’ accumulated equity. But the same can be said for many, if not

most, economically-dominant spouses, and how marital property was acquired is just one of eleven factors set out in F.L. § 8-205. The trial court is not required to afford this factor significantly more weight than the others.

Our review of the record finds nothing sufficient to support a conclusion that the trial court was clearly erroneous in its findings of fact. That the issues are hotly contested is not in and of itself a basis to overturn findings by the trial court, as Dr. Hogans urges us to do. The trial court found, undisputed by the parties, that the family home was purchased during the marriage and held by both parties as tenants by the entirety, making it marital property. While a 50/50 division is not required, it certainly does not constitute an abuse of discretion by the trial court that must be vacated.

Based on the trial court's non-erroneous findings—essentially, that Dr. Hogans played an important role with the children and served as the sole breadwinner, but Mr. Murinson was also an active participant in caring for the children—the resulting decision to grant an award does not constitute an abuse of discretion. Therefore we affirm the monetary award.

The Retirement Accounts

Dr. Hogans requests us to vacate the trial court's decision to grant Mr. Murinson 40% of her § 403(b) Johns Hopkins retirement account, which she accumulated during the marriage. She also notes that this award was in addition to Mr. Murinson's keeping the IRA that he had accumulated during the marriage. Mr. Murinson points out that he received less than half of the Johns Hopkins retirement account, and he received no share

of retirement accounts Dr. Hogans established after the separation but prior to the divorce.

The Johns Hopkins retirement account was accumulated during the marriage and therefore is marital property subject to distribution if equity so requires. *Robinette v. Hunsecker*, 439 Md. 243, 245-46 (2014). Mr. Murinson, who has less in the way of assets and a less stable employment situation, leaves the marriage with retirement funds equal to just under half of the Johns Hopkins account, once his IRA account is included. Dr. Hogans has a far greater earning potential, has additional time before retirement, and even with the division of the Johns Hopkins account is leaving the marriage with more in retirement funds once her post-separation accounts are included in the analysis. The trial court's decision to award a portion of retirement funds to Mr. Murinson was not an abuse of discretion.

II. Child Support

The trial court ordered Mr. Murinson to pay child support in the amount of \$500 a month, a figure the trial court arrived at by following the Child Support Guidelines and using minimum wage for Mr. Murinson's income. The award was ordered to begin as of the divorce decree which was issued in August 2015, rather than retroactively dating back to when Dr. Hogans first filed a request for child support with her complaint for divorce in January 2014.

As an initial matter, Mr. Murinson contends that the child support issues Dr. Hogans raises are not properly before this Court because the judgment of divorce stated that the

child support determination was made “pending further orders of this court,” and therefore it was not a final judgment able to be appealed. He is not correct. *See Pappas v. Pappas*, 286 Md. 455, 463 (1980) (holding that a child support order, even if interlocutory, may be appealed.).

The Calculation of the Child Support Amount

When a trial court arrives at the amount of child support by applying the Child Support Guidelines, “[t]here is a rebuttable presumption that the amount of child support which would result from the application of the child support guidelines set forth in this subtitle is the correct amount of child support to be awarded.” F.L. § 12-202(a)(1). An award resulting from following the Guidelines is not to be disturbed unless the trial court abused its discretion. *Gladis v. Gladisova*, 382 Md. 654, 665 (2004). The trial court’s interpretation of law is reviewed by the appellate court, which “must determine whether the trial court’s conclusions are ‘legally correct’ under a de novo standard of review.” *Knott v. Knott*, 146 Md. App. 232, 246 (2002) (quoting *Walter v. Gunter*, 367 Md. 386, 392 (2002)).

Dr. Hogans asserts that the trial court erred in its process of arriving at the child support award. She contends that the trial court was incorrect to use minimum wage for Mr. Murinson’s income even though she contends that he makes more than that amount. During the trial, she presented several income scenarios as a basis for the trial court’s income calculations but the court declined to use any of them.

When making a child support determination, the trial court must ascertain the parties' actual incomes. *Ley v. Forman*, 144 Md. App. 658, 669 (1999). The trial court then determines the basic child support obligation by finding the monthly support obligation resulting from the combined parental income listed in the Child Support Guidelines and dividing that amount between the parents based on their proportion of the combined income. *Gladis*, 382 Md. at 663; *Voishan v. Palma*, 327 Md. 318, 322-23 (1992). The trial court then calculates any additional expenses, including the children's education and transportation, work-related child care, and the children's extraordinary medical expenses, and allocates those between the parents proportionally based on their adjusted actual income. *Gladis*, 382 Md. at 663-64; *Voishan*, 327 Md. at 323; F.L. § 12-204 (g)-(h). With the exception of cases where parental income exceeds the Guidelines, this process is mandatory.

We conclude that the trial court did not abuse its discretion in making the child support award. Mr. Murinson's income fluctuates and at the time of trial, he was still seeking a career foothold. Dr. Hogans is correct that Mr. Murinson's bank records showed that approximately \$27,000 moved through his account during 2014, but a portion of that was a gift from his brother and the trial court has discretion over whether to include gifts as actual monthly income. *Reynolds v. Reynolds*, 216 Md. App. 205, 223-24 (2014); *Petrini v. Petrini*, 336 Md. 453, 461-62 (1994). Mr. Murinson listed his monthly net income as \$2,442.00 on the financial statement that he filed with the trial court in early 2014, but he later stated that this was an aspirational figure, and that it was

based on prior employment that had since ended. Additionally, at the time of the divorce decree, Mr. Murinson had completed the contract he had to work as a fellow for the NATO Defense College and had not yet secured another position. A trial court does not have the authority to impute a potential income, either its own version or Dr. Hogans', to Mr. Murinson absent a finding of voluntary impoverishment. *Lorincz v. Lorincz*, 183 Md. App. 312, 335 (2008). Dr. Hogans does not contend that Mr. Murinson has voluntarily impoverished himself. Based on the prior decade and half of income data, where for many years Mr. Murinson either made no money or only a nominal amount, the trial court's decision to use minimum wage was a reasonable one.

Dr. Hogans also contends that the trial court erred when it found that she had failed to satisfy the *Witt v. Ristaino*, 118 Md. App. 155, 169-72 (1997), factors and therefore declined to include the cost of the children's tuition to their religious private school in the child support calculation. Private school expenses may be divided between parents where the schooling meets the "particular education needs of the child." F.L. § 12-404(i)(1). In *Witt*, this Court provided a non-exhaustive list of factors for considering the needs of the child, which include the child's educational history, need for stability, performance in school, family history and religious affiliation, prior decisions including the parents' intentions before the separation, any factor that might impact the child's best interests, and parental financial ability to contribute. *Id.* at 169-172. Dr. Hogans points to the children's need for stability, the importance of their shared religion to the family, the fact that both parents initially supported the idea and signed the contract for the children to

attend. As for the ability to contribute financially, Dr. Hogans argues that this is a reasonable request as it is sought as a set off from the monetary award. She also notes that Mr. Murinson never objected to the children attending after the separation, and that he continued to attend school events.

These are valid points, and we certainly respect the parties' commitment to their faith and to their children's education. But that is not the entire picture. The trial court found that Mr. Murinson currently has a limited ability to contribute financially to education costs, although this may change in the future. The trial court did not err in declining to assign Mr. Murinson responsibility for tuition at this time.⁴

Retroactive Child Support

Dr. Hogans asserts that the trial court made a reversible error in failing to award retroactive child support, as she requested both *pendente lite* and permanent child support in her January 21, 2014 complaint for absolute divorce, and the merits hearing in 2015 was the first time the issue was able to be ruled on. Dr. Hogans points to F.L. § 12-101 as requiring the trial court to grant child support beginning from the date the first pleading requesting it was filed unless it finds that doing so would produce an inequitable result.

⁴ Dr. Hogans also argues that Mr. Murinson should be estopped from refusing to pay for a portion of the tuition because he agreed to do so at earlier points in the litigation. Once again, she has a point but the trial court did not abuse its discretion in not ordering Mr. Murinson to pay part of the tuition in light of the very significant discrepancy in the parties' incomes. When Mr. Murinson's income increases, she is free to revisit the matter.

Here, she argues, the trial court made no such finding, and it was therefore required to order the retroactive child support.

In the alternative, Dr. Hogans argues that, even if the trial court was not required to make the child support award retroactive, its failure to do so was an abuse of discretion. She argues it was wrong to give Mr. Murinson a free pass, as he has by his own admission contributed nothing financially since the separation, leaving her to support the children singlehandedly.

Mr. Murinson retorts that child support issues are not final and therefore are not properly before this Court. Even if that is not the case, he states that the trial court did not err in declining to make the award retroactive because Mr. Murinson had still not achieved full time employment while Dr. Hogans continues to make a healthy salary. He also argues that retroactive child support is not mandatory if the court finds that the amount of the award will produce an inequitable result.

The language at issue is in F.L. § 12-101, which provides the following guidance for when child support awards should begin (emphasis added):

(a) (1) unless the court finds from the evidence that the amount of the award will produce an inequitable result, for an initial pleading that requests child support pendente lite, the court will award child support for a period from the filing of the pleading that requests child support.

In *Caccamise v. Caccamise*, 130 Md. App. 505, 517-18 (2000), this Court noted that, while the trial court may award retroactive child support dating back to the filing of the pleading requesting child support, it has discretion not to do so. We held that it was not an abuse of discretion for the trial court to deny a request for retroactive child support

because even though the requesting party had custody of the child, he also made significantly more money than the other party and “his financial situation was not so dire that he could not support his child for those few months on his own.” *Id.* at 518.

Although the trial court included no specific discussion of retroactive child support in its memorandum, the judgment of absolute divorce stated that no retroactive child support would be awarded. A trial court is not required to spell out every detail of its reasoning. The trial court’s decision was not, in our view, an abuse of discretion—there was a considerable difference in the parties’ respective incomes. As in *Caccamise*, Dr. Hogans’ “financial situation was not so dire” that she could not support the children on her own.

**THE JUDGMENT OF THE CIRCUIT
COURT FOR BALTIMORE CITY IS
AFFIRMED. APPELLANT TO PAY
COSTS.**