Circuit Court for Prince George's County
Case No. C-16-FM-23-008088

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 0016

September Term, 2025

IVAN O. HARDNETT

v.

SHAMEENA FELIX

Graeff,
Ripken,
Eyler, Deborah S.,
(Senior Judge, Specially Assigned),

JJ.

Opinion by Ripken, J.

Filed: October 21, 2025

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

In the Circuit Court for Prince George's County, Shameena Felix ("Mother"), appellee, filed a complaint for custody, child support, and other relief against the father of her child, Ivan Hardnett ("Father"), appellant. Father filed a counter complaint, likewise seeking custody and child support. The parties resolved the issues of custody and access by consent. Following an evidentiary hearing on the unresolved issues, the court—based on the incomes at the time the counter complaint was filed—ordered Mother to pay Father child support retroactive to the date he filed the counter complaint and set a monthly amount to be paid toward the resulting arrearage. Additionally, because Mother testified that she was preparing to start a new job at a decreased income, the court determined there had been a change in circumstances from the time the complaint was filed. Using the anticipated reduced salary as Mother's income, the court calculated a different child support amount and ordered Father to pay Mother the modified amount of child support beginning on a future date specified by the court. The court ordered that the modified child support amount which Father owed Mother would initially be set off against the arrearage which it found Mother owed Father until the arrearage was paid in full.

Father appeals from the judgment posing a single issue:

Whether the trial court erred in its child support determination.

For the following reasons, we vacate the judgment of the circuit court.

FACTUAL AND PROCEDURAL BACKGROUND

Mother and Father share a daughter, now five years old. On October 30, 2023, Mother filed a complaint for custody, child support and other relief. Contemporaneous to her filing, she submitted a financial statement reflecting gross monthly wages of

$14,330.45. Mother did not amend this financial statement at any point during the pendency of this matter.

Father answered the complaint and filed a counter complaint, seeking primary custody and child support retroactive to the date of his request. His financial statement reflected gross monthly wages of $8,500.00.

The case was set for a hearing on the merits on December 16, 2024. On that date, the parties placed an agreement on the record regarding custody, agreeing to share joint legal custody and to share physical custody on an equal basis. The parties had not reached an agreement on the issue of child support; hence, the court took testimony on that issue.

Mother testified that she has a master's degree. For the three years prior to the hearing, she had been employed by USAA as a catastrophe specialist. That job was entirely remote; however, it required some travel if warranted by weather events. Tax documents that were entered into evidence showed that Mother earned $130,158 in 2022 and $160,190 in 2023. Her year-to-date earnings for 2024 were $175,895.46, which included overtime pay in excess of $58,000. Mother's 2024 income was documented by paystubs from USAA. Two months prior to the hearing, Mother began looking for a new job "for [her] mental health" because "[t]he job [at USAA] was very, very demanding, and the environment was toxic."[1] Mother quit her job at USAA at the beginning of December 2024, approximately two weeks prior to the hearing.

[1] In response to questions from the trial court, Mother noted that she was not suffering from a mental disease or defect, and that she was not seeing a counselor, psychologist, or psychiatrist. Mother had also noted that her work environment was fully remote.

One week before the hearing, Mother accepted a position at Erie Insurance Company ("Erie") as a property adjuster. Mother expected to commence work at that company two weeks following the hearing. She stated that "I got the offer a week ago. I start officially on the 30th." Mother testified that her new job would be entirely remote with some travel opportunities. She also testified that she anticipated her base salary at her new job would be $90,000.00 per year; however, her income could fluctuate due to opportunities for overtime. Because Mother's start date was not until December 30, 2024, she had received neither pay nor pay stubs from Erie.

On the afternoon of the hearing, Mother's counsel forwarded Father's counsel the offer letter Mother had received from Erie a week earlier. The letter was not introduced into evidence. During cross-examination, Father's counsel asked Mother: "And so you literally [came] into court today without a new financial statement, without one document showing your current income at Erie, and you're asking us to accept that you decided voluntarily to reduce your income by literally [fifty] percent, correct?" Mother responded, "Whether you accept it or not, that's what it is. Yes, sir."

Mother did not offer any documentation verifying her anticipated future income.

Father testified that he also has a master's degree. He testified that he owned a business, Total Worksite Solutions, and his work for that company as a cleaning and remediation specialist resulted in an annual income of approximately $102,000.00.

At the conclusion of the hearing, the court issued an oral opinion from the bench.[2] With respect to child support, the court found that at the beginning of the case, Mother was working at USAA, where she was earning between $160,000.00 and $180,000.00 per year. The court also found that Mother had recently "elected to leave that position and move on to another job earning $90,000 per year." The court noted that Mother's new income differed from that which was listed on the financial statement that she submitted, and that therefore "[t]here's been a change in circumstance. Her income has changed at this point."

As to the calculation of Mother's income, the court observed that there was some implication of voluntary impoverishment on Mother's part based upon Father's counsel's cross-examination of Mother which highlighted her reduction of income by half. The court stated: "Of course, if I make a finding that she voluntarily impoverished herself, then I have to impute her at minimum wage, which would be far less than the $90,000 that she indicates that she earns at this point in time." The court indicated that Mother's income could not be based on what she had made at USAA because "[s]he's not at the same job, so we can't take a figure from somewhere that she's not working anymore."

As to the calculation of Father's income, the court found that Father earned $102,000.00 annually and that his income remained the same throughout the case.

The court determined that Mother owed Father past child support for the period between January 1, 2024 and November of 2024. There having been no child support order in place, the court calculated child support and determined that for this period, Mother

[2] The court did not offer counsel the opportunity to present argument.

owed Father $623.00 per month. As a result of that determination, the court set an arrearage sum for Mother at $6,853.00. However, due to the anticipated reduction in Mother's income, the court also calculated a future child support order, determining that Father would owe Mother child support in the sum of $99.00 per month commencing in January of 2025. The court ordered Mother to pay the arrearage the court set at that same rate—$99.00 per month—which had the practical effect of negating both parties' obligations to pay child support for a period exceeding five years. On January 11, 2025, the court entered a written order encompassing these rulings.

Within ten days, Father moved to alter or amend the judgment. He argued that the court erred in calculating Mother's income. He asserted that Mother's testimony concerning her new employment was not corroborated by any documentary evidence. To the extent the court accepted Mother's testimony regarding her new salary, Father asserted that the court erred by not finding that Mother had voluntarily impoverished herself. Father further argued that the court erred by calculating Mother's child support arrearages based upon her 2023 income rather than her 2024 income.

Mother opposed Father's motion to alter or amend. She did not address the absence of documentation verifying her new salary, asserting only that the "testimony and exhibits regarding her employment" had been deemed credible by the circuit court. Mother argued that the evidence did not support a finding of voluntary impoverishment because her election to obtain new employment did not render her "without adequate resources" to support her child. While Mother acknowledged Father's position that the arrearages should have been calculated based on her 2024 income, she did not respond to that argument.

On February 4, 2025, the court entered an order granting, in part, and denying, in part, Father's motion to alter or amend. The court ruled that the argument that Mother "voluntar[ily] impoverished herself [wa]s not supported by the evidence adduced at the hearing." The court granted Father's request to amend the order to increase the amount of child support arrears owed by Mother to $9,152.00 based on Mother's 2024 income. The court determined that Father's obligation to make regular ongoing child support payments to Mother would commence "after such time as the arrears have been satisfied in full[.]" The court ordered that all other previous order provisions that were consistent with the amended order would remain in effect.

On March 3, 2025, Father noted this timely appeal.

DISCUSSION

A. Party Contentions

Father contends that the circuit court erred in calculating Mother's income based on her testimony alone without any verifying documentation. He further contends that the circuit court erred in concluding that Mother had not voluntarily impoverished herself. He asserts the court committed error when it applied incorrect law to its voluntary impoverishment analysis as the court incorrectly indicated that such a finding would have required the court to attribute income to Mother in the amount of minimum wage.

Mother contends that there was evidence of her new income based on her testimony. As we understand her argument, she asserts that because she had not yet received pay from Erie, she could not have provided documentary evidence to verify her new income. She also asserts that Father likewise did not present any documentation to verify his income.

Mother claims that the court was correct to conclude that Mother had not voluntarily impoverished herself because Mother was employed and there was not sufficient evidence adduced at the hearing to suggest she was underemployed or without sufficient resources to provide financial support to the parties' child.

B. Standard of Review

Child support orders are ordinarily "within the sound discretion of the trial court." *Reichert v. Hornbeck*, 210 Md. App. 282, 316 (2013). A trial court "can abuse its discretion when it makes a decision based on an incorrect legal premise or upon factual contentions that are clearly erroneous." *Houser v. Houser*, 262 Md. App. 473, 490 (2024), *aff'd sub nom. Matter of Marriage of Houser*, 490 Md. 592 (2025) (quoting *Guidash v. Tome*, 211 Md. App. 725, 735 (2013)). When the child support order "involves an interpretation and application of Maryland statutory and case law," this Court must determine "whether the lower court's conclusions are 'legally correct' under a *de novo* standard of review." *Reichert*, 210 Md. App. at 316 (quoting *Walker v. Grow*, 170 Md. App. 255, 266 (2006)).

C. Analysis

"[P]arents have a legal obligation to support their children." *Houser*, 262 Md. App. at 490. In recognition of that legal obligation, the General Assembly enacted child support guidelines, with the goal being that "a child should receive the same proportion of parental income, and thereby enjoy the same standard of living, he or she would have experienced had the child's parents remained together." *Reichert*, 210 Md. App. at 315 (quoting *Voishan v. Palma*, 327 Md. 318, 322 (1992)).

Under the child support statute, "in any proceeding to establish or modify child support, whether pendente lite or permanent, the court shall use the child support guidelines[.]" Md. Code Ann., (1984, 2019 Repl. Vol., 2024 Supp.) § 12-202(a) of the Family Law Article ("FL"). When calculating support under the guidelines, the circuit court must divide the obligation between parents "in proportion to their adjusted actual incomes." FL § 12-204(a)(1). This necessarily means that "the central factual issue" for the circuit court to consider "is the actual adjusted income of each party." *Reichert*, 210 Md. App. at 316 (quoting *Johnson v. Johnson*, 152 Md. App. 609, 615 (2003)) (internal quotation marks and further citation omitted).

When a trial court makes an actual income determination, "[t]he court **must verify** the parents' income statements 'with documentation of both current and past actual income.'" *Id.* at 318 (quoting *Walker*, 170 Md. App. at 269, in turn quoting FL § 12-203(b)(1)) (emphasis in original). FL section 12-203(b)(2) provides information regarding the types of documentation that may be suitable to verify a parent's income. *Walker*, 170 Md. App. at 269. Suitable documentation of income "includes pay stubs, employer statements otherwise admissible under the rules of evidence, or receipts and expenses if self-employed, and copies of each parent's [three] most recent federal tax returns." FL § 12-203(b)(2)(i). In addition, "[i]f a parent is self-employed or has received an increase or decrease in income of 20% or more in a [one]-year period within the past [three] years, the court may require that parent to provide copies of federal tax returns for the [five] most recent years." FL § 12-203(b)(2)(ii).

Although it is not necessary for parents to produce each of the documents listed in FL section 12-203(b)(2)(i) to verify their income, they must produce some form of suitable documentation from the list. *Tanis v. Crocker*, 110 Md. App. 559, 572 (1996) (noting that in establishing actual income, "a party to a child support case could produce any one, two or all" of the categories of documents listed in FL section 12-203(b)(2)(i)). This Court has noted that "[t]he clear intention of the legislature" in enacting the child support guidelines—which was to fulfill a mandate of establishing criteria and computation-based guidelines that result in consistent and equitable awards—"requires the trial court to consider actual income and expenses based on the evidence." *Ley v. Forman*, 144 Md. App. 658, 669–70 (2002). Therefore, when determining parents' actual income, "[t]he court must rely on the verifiable incomes of the parties, and failure to do so results in an inaccurate financial picture." *Id.*

Here, in determining Mother's past income, the circuit court verified Mother's past income with "suitable documentation" in the form of her USAA pay stubs and her tax return. *See Walker*, 170 Md. App. at 269 (citing FL § 12-203(b)(2)(i)). However, the court did not verify Mother's current income with any documentation. The only evidence in the record regarding Mother's anticipated income at her new place of employment was her own testimony that she would be making $90,000.00 annually with opportunities for overtime income. Although there was testimony regarding the existence of an offer letter, the letter was not offered or admitted into evidence. As Mother had not commenced work for Erie at the time of the hearing, she indicated she had received no pay stubs which could verify her income. Because the court's finding regarding Mother's current income was not supported by suitable documentary evidence, the finding was clearly erroneous.[3] The court therefore abused its discretion in its ultimate child support determination because its determination was premised on a faulty factual contention. *See Houser*, 262 Md. App. at 490. We therefore must vacate the circuit court's child support order.

For guidance on remand, we note that the parties should provide to the trial court the categories of documents identified in FL section 12-203(b)(2)(i). In addition, because Father is self-employed and Mother's income may have decreased by more than 20% in a one-year period within the past three years, the trial court may consider requiring the parents to provide copies of federal tax returns for the five most recent years. *See* FL § 12-203(b)(2)(ii).

Because we have vacated the circuit court's child support order, we do not reach the issue of voluntary impoverishment. We note for guidance on remand that in a child support determination, imputed income is a concept "predicated on a finding of voluntary impoverishment." *St. Cyr v. St. Cyr.*, 228 Md. App. 163, 178 (2016) (internal citations omitted). This means that if a parent is found to be voluntarily impoverished based on the relevant factors, the trial court may then calculate child support based upon the voluntarily impoverished parent's potential income. *See id.* at 178–79. Potential income is "income attributed to a parent determined by the parent's employment potential and probable earnings level based on, but not limited to, recent work history, occupational qualifications, prevailing job opportunities, and earnings levels in the community." *Id.* at 179 (quoting FL

[3] We note that Father's testimony regarding his income was likewise unverified.

§ 12-201(l)). Should the court determine that a parent has a voluntarily impoverished income, the court should not attribute to the parent a minimum wage income unless the parent's employment circumstances indicate that minimum wage is the parent's "probable earnings level" based on the relevant factors. *See id.*

JUDGMENT OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY VACATED. COSTS TO BE PAID BY APPELLEE.