Circuit Court for Howard County
Case No. C-13-FM-24-000776

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 100

September Term, 2025

DOLLY M. SINGH

v.

RANDEEP SINGH

Wells, C.J.,
Arthur,
Getty, Joseph M.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Arthur, J.

Filed: September 22, 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).

The parties to this appeal are the parents of a child born in 2021. Under a divorce judgment issued in 2023, the parents shared joint legal custody of their child, the mother had physical custody on four days per week, and the father had physical custody on three days per week.

Beginning in March 2024, the parents were no longer successful in transferring the child from the mother's care to the father's care. At the scheduled custody exchanges, the parents attempted to transfer the child to the father's care, but each time the mother left with the child still in her care. As a result, the father had no visitation with the child for more than six months.

The father petitioned for a modification of custody in the Circuit Court for Howard County. At the hearing on the petition, both parents agreed that the failed exchanges were detrimental to their child's best interests, but they disagreed on the cause of the failed exchanges. The parents also agreed that the child would benefit from therapy, but they did not agree on the selection of a psychologist.

The circuit court established a modified physical custody schedule under which the exchanges would take place at the child's school or the exchange would be facilitated by a third party if it could not take place at the child's school. The court granted the father sole legal custody on decisions concerning the child's mental health care but maintained joint legal custody on other issues.

The mother has appealed, arguing that the circuit court abused its discretion when it ordered the modification of legal custody and physical custody. Because we see no error or abuse of discretion in the court's decisions, the order will be affirmed.

FACTUAL AND PROCEDURAL BACKGROUND

A. Prior Custody Determination

Randeep Singh ("Father") and Dolly Singh ("Mother") married each other in 2019. Their only child, a daughter, was born in April 2021. Their marital relationship deteriorated largely because of disagreements about child care responsibilities. The parents separated in January 2022. Mother moved out of the family home in Arlington, Virginia, and established a new residence in Ellicott City, Maryland.

Shortly after the separation, Father filed a complaint for divorce in the Circuit Court for Arlington County, Virginia. Mother counterclaimed for divorce. The Virginia court conducted a three-day trial in June 2023 on the issues of divorce and custody of the two-year-old child. On July 19, 2023, the court issued a comprehensive letter opinion resolving the contested issues.

In its letter opinion, the Virginia court wrote that, "[a]fter the birth of their child, the parties engaged in consistent finger-pointing as to which parent was or was not meeting their parental obligations[.]" The court concluded that "the parties' inability to effectively communicate about their wants and needs as caregivers was the driving force in the breakdown of their marriage[.]" The court found that, since the separation, "neither parent ha[d] worked to actively support the child's contact and relationship with the other parent." The court stated that "[Mother] believes that the child is better off in her care and that of her family and that [Father's] time with the minor child should be extremely limited."

In its discussion of child custody, the Virginia court explained that exchanges of

the child from one parent to the other were often stressful. The child's grandparents or other adult family members usually accompanied Mother and Father to the exchanges, and the two families sometimes displayed hostility toward each other. Mother's parents made video recordings of the exchanges, apparently in an effort to document Father's conduct. The court stated that the evidence at trial included "video evidence of custody exchanges in which both parties acted inappropriately and in such a way as to cause stress to the minor child." The court noted: "One of these exchanges lasted over three hours, which evidences a complete disregard on the part of both parents for the child's well-being." The court stated, however, that the parties had "testified that exchanges [we]re working better" as of the time of trial.

The Virginia court explained that its "principal concern with whether to award joint legal custody" was "the parties' pattern of attacking one another rather than making any real effort to work together to raise their child." The court observed that the parents had been able to make some joint decisions, including the selection of a pediatrician. The court concluded that joint legal custody was appropriate, stating that "both parents clearly want to be and need to be actively involved in raising this child." The court "decline[d] to award final decision-making authority to either parent[.]"

The Virginia court concluded that shared physical custody was in the child's best interests, despite the approximately one-hour travel time between the parents' homes. The court reasoned: "Given the young age of this child, prolonged absences from either parent [would] make it harder to forge strong and lasting bonds with the absent parent."

On December 19, 2023, the Virginia court entered its final order granting a

divorce on the ground of a 12-month separation. The order granted the parents joint legal custody and specified that they were "required to confer and mutually agree upon issues concerning the child's health, welfare, and extracurricular activities as well as any other major decisions concerning the child's wellbeing."

The divorce order established a "4-3 Non-Alternating" schedule for shared physical custody. Under this schedule, Mother would have the child in her care from Sunday mornings until Thursday mornings, and Father would have the child in his care from Thursday mornings until Sunday mornings. The order included a special schedule which would override the normal schedule on certain holidays and school breaks.

The divorce order included additional terms governing exchanges of the child between parents. The order stated that Mother would pick up the child in the parking lot of a public park in Arlington, Virginia, and that Father would pick up the child outside of a bookstore in Columbia, Maryland. The order permitted the parties to modify the location of the exchanges by mutual agreement. The order specified: "Additionally, the Parties are ordered to ensure that all exchanges are completed in 30 minutes or less." The order further stated: "The Parties are discouraged from videotaping exchanges to ensure the transition is as stress-free as possible."

B. Initial Custody Litigation in Maryland

During the first few months after entry of the Virginia divorce order, the exchanges between parents continued to occur as scheduled, but often with difficulty. Despite the terms of the order, transfers of the child from Mother's care to Father's care sometimes lasted longer than 30 minutes. Mother's parents continued to make video

recordings of the exchanges. Father's family members responded by making their own video recordings. In early 2024, Father moved to Laurel, Maryland, with the intention of reducing the travel time between the parents' residences.

On the morning of Thursday, March 28, 2024, the parents met at the Columbia Mall to transfer the child from Mother's care to Father's care. After 30 minutes had passed, Mother left with the child still in her care. On the following day, the parents met again to attempt to transfer the child to Father's care, but Mother again left with the child in her care.

The failed exchanges continued for the next several months. Each time the parents met at the drop-off location for a scheduled custody exchange, Mother left with the child in her care after 30 minutes. As a result, Father had no visitation with his child throughout much of 2024, including the scheduled access on the child's third birthday and Father's Day.

Meanwhile, on April 16, 2024, Father filed a petition in the Circuit Court for Howard County, seeking to register the Virginia divorce order in Maryland. One week later, the circuit court registered the Virginia order as a foreign judgment under the Uniform Child Custody Jurisdiction and Enforcement Act.

Father then filed a contempt petition, alleging that Mother violated the Virginia order by withholding the child from his care. Father also asked the court to award him make-up visitation for each day on which Mother allegedly denied his access. Mother moved to strike the petition, arguing that Maryland courts lacked power to enforce the Virginia order. The circuit court granted the motion to strike, reasoning that it could not

grant the requested relief because the alleged conduct had occurred before the registration of the Virginia order in Maryland.

On May 14, 2024, Father filed a petition in the circuit court for modification of custody. Father alleged that a material change of circumstances had occurred since the prior custody determination by the Virginia court. Father alleged that Mother had withheld the child from his care "by refusing to transfer the [child] at the regularly scheduled and court-ordered exchanges." Father alleged that Mother had prevented him from having any visitation with the child since March 24, 2024. In addition, Father alleged that Mother had refused to confer with him on issues related to the health and well-being of their child. Father asked the court to award him sole legal custody and primary physical custody of the child.

Opposing the petition, Mother alleged that Father had "failed and refused to accept custody of [the child] at the custodial exchanges, despite [Mother] providing additional time beyond the court ordered 30 minutes for the exchange to take place." Mother asserted that she had "continued to attempt to transfer custody" to Father at each required transfer but he "simply refuse[d]" to accept the child into his care.

C. Dispute over Selection of Child Psychologist

In an email dated June 21, 2024, Mother suggested to Father that "[i]t would be helpful for [the child] to see someone to explore what she [wa]s currently experiencing." Mother proposed seeking therapy for the child with Dr. Mary Jane Ojie-Badger, a licensed clinical psychologist. In a response sent the same day, Father stated that he "agree[d] that it would be helpful" for the child "to see a professional who has experience

with children in similar situations." Father agreed to meet with Dr. Ojie-Badger but, after the consultation, he disagreed with selecting Dr. Ojie-Badger and proposed selecting a different psychologist, Dr. Gina Santoro. Mother disagreed with that proposal.

On July 17, 2024, Mother filed a motion asking the court to issue an order "directing the parties to commence therapy" for the child with Dr. Ojie-Badger. Mother asserted that both parents agreed that therapy would be in their child's best interests. Mother asserted that Father had "refused to agree to utilize" Dr. Ojie-Badger, the therapist recommended by Mother. Mother argued: "the parties' divorce decree orders them to share legal and physical custody, but does not vest in either of them tie-breaker authority, thus leaving it to the . . . court to make the appropriate finding."

Opposing the motion, Father stated that he disagreed with the selection of Dr. Ojie-Badger because he "had concerns regarding [Dr. Ojie-Badger's] ability to be impartial" and because "Dr. Ojie-Badger informed [Father] that she does not work with children of the [child's] age." Father asserted that, when he proposed selecting Dr. Santoro, Mother rejected the suggestion because she believed that Dr. Santoro's office did not have availability for children of their child's age. Father asserted that he had confirmed that Dr. Santoro was available to take new patients of the same age as their child. Father also asserted that it was likely that the parents could resolve their dispute without court intervention, but he suggested that the court could revisit the issue if they did not resolve their dispute before the upcoming hearing on the petition to modify custody.

On August 8, 2024, the circuit court denied Mother's motion for an order

requiring the child to undergo therapy with Dr. Ojie-Badger.

D. Testimony at Hearing Before Magistrate

On September 24, 2024, a magistrate conducted an evidentiary hearing on Father's petition for modification of custody. Much of the parents' testimony concerned the failed custodial transfers from Mother to Father. The parents also testified about their efforts to make parenting decisions jointly, including their unsuccessful efforts to agree on a therapist for the child.

Failed Custody Transfers from Mother to Father

In his testimony, Father explained that he had "not spent substantial time with [the child] for six months" as of the hearing date. Father stated that he "miss[ed] her deeply" and hoped that the court's decision would allow him "to see [her] immediately because he [hadn't] seen her in so long." Father expressed concerns about the "psychological effects" on the child of participating in the failed exchanges, as well as the "long-term effects" of his "prolonged absence[]" from the child's life.

Father testified that, at the time of the initial separation, the parents "figured out through trial and error" that the "best practice" for someone of their child's age was for one parent to "warm the child up," and "to be patient and . . . make [their] daughter feel comfortable" rather than having one person "essentially snatch[] and grab[]" the child "and run[] away." Father noted that Mother had specifically asked him "to be more patient" and had "accused [him] at one time of being too aggressive" when picking up

their child.[1] Father explained that he "ended up taking a more patient approach," by taking time to "warm[] up to" his daughter before taking her from Mother's care.

Father testified that, "for over a year it worked where [the child] was comfortable, and she wasn't getting stressed out during these exchanges." Typically, Father would take the child to breakfast and attend a story time activity at the bookstore or the Columbia Mall. Mother would follow along to help the child feel more comfortable, and eventually Mother would leave after about 30 minutes. According to Father, using this approach, the Thursday morning exchanges "went smoothly" for "roughly a year."

Father explained that Mother's parents and Father's parents were also present during the custodial exchanges. Father stated that, since the "very first exchange[,]" Mother's parents made video recordings of the exchanges. Father recalled that Mother had presented some of the recordings at the Virginia divorce trial in an attempt "to show [his] alleged aggressive behavior in picking up [the child] and taking [her] back to [his] car."[2] Father stated that he and his family members had started to make their own video recordings in January 2024 to protect against any "false accusations" by Mother or her

[1] Father introduced a copy of an email that Mother sent to him in August 2022, when the child was one year old. In that email, Mother complained that the child "expressed severe separation anxiety when [Father] forcibly took her out of [Mother's] arms and was crying uncontrollably because she wanted to be with [Mother]." Mother wrote: "Despite her continuing to cry, call for me, and reach out for me, you snatched her."

[2] During her case-in-chief, Mother called the maternal grandmother for the purpose of introducing certain video recordings into evidence. The magistrate did not admit the recordings into evidence, concluding that the witness was unable to authenticate the recordings properly.

family. Father believed that the video recordings made it "kind of awkward" because "both parties" could not "act naturally" while being recorded.

Father testified that, beginning in March 2024, he noticed a drastic change in Mother's behavior during the Thursday morning exchanges. Father stated that Mother "began . . . hovering" near the child or "holding onto [the child] for the entire thirty minutes." Father stated that Mother started "[s]aying things" to the child that would "appear[] to suggest that time with her dad was optional." Father stated that Mother would "ask questions" to the child such as "do you want to go home?" Father stated that Mother would "kind of hint that there were plans for the rest of the day" or mention certain toys at Mother's home. Father recalled that, on March 14, 2024, Mother "held onto" the child "for an hour and a half" before eventually leaving the child with Father. Father stated that, throughout that time, whenever he would try to approach the child, Mother would say, "give me space."

Father testified that, at the scheduled exchange on Thursday, March 28, 2024, Mother "held onto [the child] for virtually the entire half hour" and said that, if Father did not "pick [the child] up from [Mother's] arms," then she would be leaving with the child. According to Father, Mother told him: "If [the child] is in my possession at 9:30 I will be taking her." Father stated that he "didn't know what to do," because he did not want to "be too aggressive in physically infringing" on Mother when picking up the child. Father stated that he "ma[de] efforts to sooth[e]" the child and tried to "calmly object" without "creat[ing] a conflict" in the child's presence. Father recalled that, during these interactions, Mother also said "something to the effect" that the child was "voicing her

opinion." Father recalled: "[A]ll of a sudden her mother looks at her clock and says, oh[,] 9:30, I'm leaving." For the first time, Father watched Mother take the child in her car and drive away at the beginning of his access time.

Father testified that he consistently showed up for every scheduled exchange since March 28, 2024, aside from one occasion when he asked to reschedule an exchange because of an injury. Father stated that Mother repeated the same behavior at each attempted exchange. According to Father, Mother "either holds onto [the child] or hovers very closely or holds her by the hand" while he "tr[ies] to engage with [the child] and warm her up[.]" After about 30 minutes, Mother "looks at her watch and says, okay I'm leaving with [the child]."

Father stated that, when he asked Mother to allow him to pick up the child from Mother's arms during one attempted exchange, Mother "tugged back" and "moved away from him." Father stated that he had "tried multiple times to . . . gently pick up" the child from Mother's arms, but Mother would not "allow[] [him] to do that." Father testified that, in an effort to improve the exchanges, he sent emails to Mother asking her to agree to change the drop-off location. Father proposed changing the location to a nearby playground because he thought that the child might feel more comfortable there. Father stated that, whenever he proposed changing the location, Mother either would not respond or would refuse to agree to try a new location.

Father further testified that he had noticed changes in the child's behavior as of March 2024. Father stated that, "[f]or almost a year" before March 2024, his daughter "would run towards [him]" and "happily engage with [him]" after only "a few minutes of

warm up time." Father stated that, since March 2024, it would take at least 15 to 20 minutes before he can interact with her, and she "will sometimes run away" when he tries to engage with her.

In her testimony, Mother stated that custody transfers to Father had "always been challenging" and had "always been stressful" and had "always been traumatic." According to Mother, "[i]t takes a while to sort of calm [the child] down." Mother stated that "[t]here would be moments where [the child] would not want to" leave with Father and where she would be "crying" and "very emotional." Mother stated that, prior to March 28, 2024, Father "would physically take [the child] and proceed during the exchange." Mother also stated that Father "would still physically pick her up kicking and screaming and just walk away with her." Mother testified that Father needed to resort to physically removing the child a "majority of the time if not all the time."

Mother acknowledged that, before March 2024, the parents sometimes went "well beyond [a] half hour" when transferring the child to Father. Mother further acknowledged that, "[a]t some point" she "stopped going well beyond the thirty minutes." Mother testified that the lengthy transfers had caused her to "miss[] meetings at work" and to "miss[] deadlines." Mother stated that she had "rearranged [her] schedule as much as she could[,]" but it "was getting to the point" where she "just couldn't afford to do that anymore." Mother also stated that she informed Father that she could not stay later than 9:30, gave him "five-minute warnings," and told him, "please, you have to take her," but he still would not pick up the child.

Mother testified that she had "tried [her] best to . . . facilitate" the exchanges.

Mother stated that she "genuinely d[id]n't know" why the exchanges were no longer working. Mother claimed that she would tell Father, "please take her, you have five minutes left[,]" or "[i]t's been about thirty minutes." Mother stated that she tried to encourage the child to leave with Father, by saying things like "go have fun[,]" or "[g]o with Daddy," or "you're going to have a wonderful time." Mother testified that the child would "bolt[] and run[] after her" or even "run[] into traffic" whenever she tried to walk away. Mother also claimed that, when she tries to walk away, Father "will physically usher" the child toward Mother and then "just stand[] there" while Mother consoles the child.

Mother agreed that the failed exchanges were detrimental to the child's best interests. Mother stated that the child "deserves time" with both parents, "deserves to have healthy relationships with both parents," and "deserves exchanges that are not stressful and anxiety inducing." Mother added, "none of what happened has contributed to this being her reality."

Efforts to Communicate to Make Shared Decisions

Father testified that, although he had asked Mother to include him in the process of scheduling medical appointments for the child, Mother would typically schedule appointments "without conferring with [him]." Father stated that Mother "just notifies" him after she schedules an appointment "without checking with [him] and seeing whether the time works" for him. Father stated that, whenever he told Mother that he could not attend an appointment at the time she had selected, she would decline to reschedule the appointment. Father also stated that, when the parents had selected a dentist for the child,

he had "no input" on the decision but he "didn't object" after Mother "presented" the decision to him.

Mother testified that, in October 2023, she enrolled the child for daycare at the Young School in Columbia. Mother did not confer with Father before making that decision, nor did she inform him of the decision. Mother testified that she had consulted with her attorney before enrolling the child at the Young School. Mother stated that, to her understanding, she did not need Father's "permission" to enroll the child in daycare on days when Mother had physical custody.[3]

Father testified that he first learned that the child was attending preschool in December 2023, after the child began mentioning her "teacher." When Father contacted the school, he learned that the school employees referred to the child by a nickname that Mother had recently decided to start using for the child.[4] Initially, Father was unable to gain access to the child's records when he requested records from the school. Father arranged to take a tour of the school in February 2024 on a day when the child was in his care. Father stated that he would prefer for the child to enroll there for "the entire week" so that she would have "a consistent schedule[.]"

Mother testified that Father had spoken to her about enrolling the child at the

[3] At the time of Mother's decision, the Virginia court had already issued a letter opinion announcing that the parties would have joint legal custody, but the Virginia court had not yet entered the final divorce judgment. Mother testified that she did not recall ever reading the letter opinion.

[4] The nickname used by Mother for the child sounds similar to, but is not directly based on, the child's first name. Although Father does not strongly object to Mother's use of the nickname, Father consistently refers to the child by her first name.

Young School on Thursdays and Fridays, the two weekdays on which the child was in his physical custody. Mother stated that, in response, she told Father that she believed that "consistency" was important and that the child had been having "a wonderful experience with the Young School." Mother stated that those comments were "the extent of [her] response[,]" because she believed that, under the existing custody arrangement, it was "his decision" to send the child to daycare or preschool on those days.

Although the parents had started discussing the selection of a therapist on June 21, 2024, they still had not agreed on a therapist at the time of the hearing on September 24, 2024. In his testimony, Father stated that both parents agreed that "it would be beneficial for [the child] to go to therapy[,]" even though they disagreed "about the reasons why" she would benefit from therapy. Father explained that he had agreed to meet with Dr. Ojie-Badger after Mother suggested selecting Dr. Ojie-Badger as the child's therapist. Based on that consultation, Father concluded that Dr. Ojie-Badger "did not regularly see children" of the same age as their child and that he "also had some concerns about her neutrality."

Father testified that, after informing Mother that he did not agree with selecting Dr. Ojie-Badger, he proposed Dr. Santoro. Mother initially rejected Dr. Santoro because she claimed that "Dr. Santoro's office . . . stated that they do not have availability for children [the child's] age." Father testified that he was able to confirm that Dr. Santoro "regularly sees children of [the child's] age and that she has availability." After both parents met with Dr. Santoro, Mother "objected to Dr. Santoro because she wasn't certified in play therapy." Father stated that, if granted tie-breaking authority, he planned

to begin sending the child for therapy with Dr. Santoro "as soon as possible."

In her testimony, Mother agreed with Father that the child should be seeing a therapist. Mother stated that she "suggested originally reaching out to a psychologist" to help "figure out what's going on" at the failed custody exchanges and to help "resolve it" for the child. Mother stated that she disagreed with choosing Dr. Santoro because Dr. Santoro "primarily has experience working with kids who are about five, nine, [or] ten[,]" and that Dr. Santoro was "not actually as experienced working with three-year-olds and four-year-olds." Mother stated that she also objected because Dr. Santoro "is not certified in play therapy." When asked whether she was "seeking a play therapist" for the child, Mother stated that she was "seeking someone who has experience working with kids in [the child's] age group" and that she understood that this category would include "individuals who focus on play therapy[.]"

Requests of Each Parent

During the hearing, Father requested a modification of the physical custody schedule "to account for" what he calculated to be 78 days of "missed access time," which he attributed to Mother's conduct. Father proposed a "modified two-two-three" schedule, under which the child would spend most of her time in his care. Father also requested a modification of the "exchange protocol" to require all exchanges to occur "through pick up and drop off at the Young School." Father further requested tie-breaking authority on issues such as the child's health, education, and extra-curricular activities.

Mother opposed each of Father's requests, arguing that no modification of the

custody arrangement was justified. Mother argued that the only change that needed to occur was that Father needed to physically "pick up his child and go" at each scheduled exchange.

E. Recommendations of the Magistrate

One week after the hearing, the magistrate issued a report that summarized all of the evidence and made recommended findings of fact.

The magistrate found that a material change in circumstances had occurred since the prior custody determination by the Virginia court. The magistrate wrote: "Most notably the exchanges between the parents, which were proceeding without incident, have now become a protracted, unsuccessful attempt at exchanges which is extremely stressful for the child as she is literally in the middle between her parents at these events which occur weekly." "Additionally," the magistrate wrote, "the parents agree that the child needs therapy but have been wholly unable to pick a therapist."

In a discussion of the factors relevant to custody, the magistrate wrote:

> The child needs a regular predictable schedule and time with each parent. It is of utmost importance that exchanges take place to and from school/daycare except on the rare occasion. Neither parent seems to be able to consider and act on the needs of the child as opposed to their own needs or desires. Neither parent is protecting the child from the adverse effects of conflict between the parties. The parents are able to communicate but Mother seems reluctant to discuss major decisions such as school/daycare placement with Father. Both parents have much to contribute and they should both be involved in decision making. The exception to that is mental health care for the child. There must be a mechanism for prompt decision making on this topic. Father's decision making in this regard seems to be more thoughtful and fact based.

The magistrate recommended that Father should have "sole legal custody on the

issue of mental health care for the child only." The magistrate found that it was in the child's best interests to modify the physical custody schedule "to allow for exchanges to occur at school/daycare." The magistrate recommended: "Any exchanges that cannot take place at school/daycare should be facilitated between Father and a third party—not mother—agreed upon by the parties; if there is no agreement, the exchange will be facilitated by a professional monitor, chosen by Father, and paid for equally by the parents."

The magistrate recommended that Father should have access on the first, second, and fourth "full weekend" of each month "from pick up at school/daycare Thursday to return to school/daycare Monday morning[.]" The magistrate also recommended that, on the third week of each month, Father should have access "from pick up at school/daycare on Thursday to return to school/daycare on Friday morning[.]"

The magistrate concluded that "make-up time" was appropriate and that it should not "be implemented in such a way" that would "inappropriately limit[]" the child's time with Mother. The magistrate recommended that Father should have an extension of his share of the winter break in December 2024 and January 2025, as well as an additional two non-consecutive weeks of summer vacation in 2025 and 2026.

Finally, the magistrate concluded: "Extraordinary circumstances exist warranting entry of an immediate order." "Specifically," the magistrate wrote, "Father has not had his regularly scheduled time (3 days a week) since March and the child is being put in a difficult position during failed exchanges each week."

One week after the filing of the magistrate's report, the circuit court heard

arguments concerning whether the court should issue an immediate order based on the magistrate's recommendations.[5] Mother opposed the substance of the magistrate's recommendations, as well as the recommendation to issue an immediate order. Mother argued that the court should maintain the existing physical custody schedule, direct Father to enroll the child at the Young School on Thursdays and Fridays, and require the Thursday transfers to occur at the Young School.

After the hearing, the circuit court issued an order giving immediate effect to the magistrate's recommendations, including the recommendations to award Father sole legal custody on the issue of mental health care, to modify the physical custody schedule, and to require the exchanges either to occur at school or to be facilitated by a third party. The order specified that, except for those modifications, other terms of the Virginia custody order would remain in effect.

F. Exceptions to the Magistrate's Recommendations

Mother filed exceptions to the magistrate's report and recommendations. Among other things, Mother challenged the recommendation to grant Father sole legal custody

[5] Maryland Rule 9-208(i)(2) governs the procedure when a magistrate finds that extraordinary circumstances exist and recommends that the court issue an immediate order. Rule 9-208(i)(2) provides, in pertinent part:

> If a magistrate finds that extraordinary circumstances exist and recommends that an order be entered immediately, the court shall review the file, any exhibits, and the magistrate's findings and recommendations and shall afford the parties an opportunity for oral argument. After the opportunity for oral argument has been provided, the court may accept, reject, or modify the magistrate's recommendations and issue an immediate order. An order entered under this subsection remains subject to a later determination by the court on exceptions.

on the issue of mental health care. Mother argued that the magistrate erred in finding that Mother was "reluctant to communicate" with Father to make shared decisions and in finding that Father's decision making on mental health care seemed to be "more thoughtful and fact based" than Mother's decision making.

Mother further challenged the recommendations to modify the physical custody schedule. Mother argued that the evidence did not support the magistrate's statement that custody exchanges had been proceeding "without incident" before March 2024. Mother asserted that the only change that occurred in March 2024 was that Father was "no longer willing to pick up his daughter and leave the exchange." Mother argued that there was no justification "to make it so all exchanges would occur though the child's school or daycare[,]" because, she argued, "the only problematic exchange[s]" were the transfers from Mother to Father. Mother also argued that there was no basis to require that all exchanges be facilitated by a third party.

Father opposed Mother's exceptions and filed his own exceptions to challenge certain recommendations by the magistrate. Among other things, Father argued that the physical custody schedule was incomplete because it did not define the term "full weekend" and did not specify which parent had physical custody on a full or partial fifth weekend in a month.

The circuit court considered the parties' exceptions at a hearing on December 13, 2024. During the hearing, counsel for Mother continued to argue that the modifications were unnecessary and that the evidence did not support the recommended modifications of physical custody or legal custody. Nevertheless, counsel for Mother informed the

court that the exchanges had been successful since the court issued the immediate order. Counsel for Mother also informed the court that, after receiving sole legal custody on the issue of mental health care, Father had selected Dr. Santoro as the child's therapist and Mother had started taking the child to regular appointments with Dr. Santoro.

On January 13, 2025, the court entered an order adopting the magistrate's recommendations to award Father sole legal custody on the issue of mental health care, to modify the physical custody schedule, and to require the exchanges either to occur at school or daycare or to be facilitated by a third party. Granting in part Father's exceptions, the court added new provisions defining the term "full weekend" in the physical custody schedule and specifying that Father has physical custody of the child "if there is a fifth full weekend in a month[.]"

The court issued a memorandum opinion, which explained its decision to overrule Mother's exceptions. The court concluded that the magistrate was not clearly erroneous in concluding that Mother "was reluctant to communicate to make decisions[.]" The court stated that, although the evidence showed that the parents communicated about certain matters, there was also evidence that Mother "enroll[ed] the child in school without telling [Father]." The court found that the magistrate did not err in concluding that "there needs to be a mechanism for prompt decision making on the mental health care of the child" or in finding that "Father's decision-making process seemed to be more thoughtful and fact-based" on that issue.

The court determined that the magistrate did not err in concluding "that there [wa]s a material change in circumstance because of the prolonged nature of the

exchanges and the child being stuck between the parent[s.]" The court noted that the magistrate made express findings about "the amount of time and the conflict occurring during the exchanges" and "how [Mother] holds on to the child" at the exchanges. The court reasoned that the recommendation to have exchanges take place at school "helps to prevent interaction between the parties." The court explained: "By taking [Mother] out of the exchange, there can be no prolonged interaction with [M]other and child." The court concluded that, "[g]iven the testimony about the amount of stress on the child during exchanges of the child by the parties, and that these exchanges are likely amped up by everyone recording the exchanges," the recommendation "that exchanges should be between [Father] and a third person" was not improper.

Within 30 days after the court entered its order resolving the exceptions, Father moved for reconsideration in part. Father asserted that the order "d[id] not specifically address Thursdays in the fifth weekend of the month." Father asked the court to revise the order to reflect that Father would have physical custody "in the event there is a partial fifth weekend" in any month. On March 6, 2025, the court granted Father's motion and revised the custody modification order. The court explained that it had intended to grant Father physical custody "on every Thursday night" but its intent "was not explicitly stated" in the previous order.

Within 30 days after the court granted Father's motion for reconsideration, Mother noted an appeal to this Court.

DISCUSSION

In this appeal, Mother asks this Court to vacate the orders modifying the prior

custody arrangement. Mother contends that the circuit court abused its discretion when it awarded Father sole legal custody with respect to decisions about the child's mental health care. Mother further contends that the court abused its discretion when it modified the physical custody schedule established by the prior custody order.[6]

In any child custody determination, the court's "'primary goal . . . is to serve the best interests of the child.'" *See, e.g.*, *Caldwell v. Sutton*, 256 Md. App. 230, 265 (2022) (quoting *Conover v. Conover*, 450 Md. 51, 60 (2016)). When a party moves to modify an existing custody order, the party must "'show that there has been a material change in circumstances since the entry of the [previous] custody order and that it is now in the best interest of the child for custody to be changed.'" *Gillespie v. Gillespie*, 206 Md. App. 146, 171-72 (2012) (quoting *Sigurdsson v. Nodeen*, 180 Md. App. 326, 344 (2008)). "'A material change of circumstances is a change of circumstances that affects the welfare of the child.'" *Kadish v. Kadish*, 254 Md. App. 467, 503 (2022) (quoting *Gillespie v. Gillespie*, 206 Md. App. at 171). If the court finds a material change in circumstances, the court proceeds to decide "what custody arrangement is in the best interests of the child[.]" *Santo v. Santo*, 448 Md. 620, 639 (2016).

[6] Mother's appellate brief presents the following two questions:

> I. Whether the trial court abused its discretion in awarding Father sole legal custody for mental health decisions when it was Mother who identified the need for the child to have a therapist and there was no other identifiable factor to grant Father this authority?
>
> II. Whether the trial court abused its discretion in modifying an entire access schedule in a three hour hearing that was otherwise set after a multi-day trial and the sole issue of difficulty was the exchange protocol?

As Mother acknowledges, this Court's review of a custody decision is deferential in many respects. "An 'appellate court does not make its own determination as to a child's best interest; the trial court's decision governs, unless the factual findings made by the [trial] court are clearly erroneous or there is a clear showing of an abuse of discretion.'" *Azizova v. Suleymanov*, 243 Md. App. 340, 372 (2019) (quoting *Gordon v. Gordon*, 174 Md. App. 583, 637-38 (2007)). The fact-finder "who 'sees the witnesses and the parties, [and] hears the testimony . . . is in a far better position than the appellate court, which has only a [transcript] before it, to weigh the evidence and determine what disposition will best promote the welfare of the [child].'" *Gizzo v. Gerstman*, 245 Md. App. 168, 201 (2020) (quoting *Viamonte v. Viamonte*, 131 Md. App. 151, 157 (2000)) (further quotation marks omitted).

When a circuit court refers a matter to a magistrate, the magistrate is authorized to take evidence and make recommended findings of fact. *See* Md. Rule 9-208(b). A party may challenge the magistrate's findings by raising exceptions with the circuit court. *See Dillon v. Miller*, 234 Md. App. 309, 317 (2017). "'[W]hen reviewing a [magistrate's] report, both a trial court and an appellate court defer to the [magistrate's] first-level findings (regarding credibility and the like) unless they are clearly erroneous.'" *Velasquez v. Fuentes*, 262 Md. App. 215, 227 (2024) (quoting *McAllister v. McAllister*, 218 Md. App. 386, 407 (2014)). Generally, factual "findings are 'not clearly erroneous if there is competent or material evidence in the record'" to support those findings. *Azizova v. Suleymanov*, 243 Md. App. at 372 (quoting *Lemley v. Lemley*, 109 Md. App. 620, 628 (1996)). In sum, the magistrate's factual findings "are to be treated as prima facie correct

and are not to be disturbed by the court unless found to be . . . unsupported by substantial evidence in the record" before the magistrate. *O'Brien v. O'Brien*, 367 Md. 547, 554 (2002).

"[W]hile the circuit court may be 'guided' by the [magistrate's] recommendation, the court must make its own independent decision as to the ultimate disposition[.]" *McAllister v. McAllister*, 218 Md. App. at 407 (quoting *In re Priscilla B.*, 214 Md. App. 600, 623 (2013)). "'On the ultimate issue of which party gets custody . . . [this Court] will set aside a judgment only on a clear showing that the [trial court] abused [its] discretion.'" *Gizzo v. Gerstman*, 245 Md. App. at 201 (quoting *Viamonte v. Viamonte*, 131 Md. App. at 157). An abuse of discretion occurs "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.'" *Velasquez v. Fuentes*, 262 Md. App. at 228 (quoting *Das v. Das*, 133 Md. App. 1, 15 (2000)). This Court will not second-guess a custody decision merely because it might have selected a different custody arrangement. *See Jose v. Jose*, 237 Md. App. 588, 599 (2018). "In many cases, the evidence and factors 'would support the ultimate decision made by the trial judge' and 'would also support a contrary decision' to award custody to the other parent." *Gizzo v. Gerstman*, 245 Md. App. at 200 (quoting *Goldmeier v. Lepselter*, 89 Md. App. 301, 313 (1991)). Appellate courts "rarely, if ever, actually find a reversible abuse of discretion" when reviewing the ultimate decision about custody. *McCarty v. McCarty*, 147 Md. App. 268, 273 (2002).

I. Modification of Legal Custody

As the first issue in this appeal, Mother contends that the circuit court abused its

discretion when it granted Father sole legal custody on the issue of mental health care for the child. Mother argues that the court lacked justification to grant sole decision-making authority on that issue to either parent. Mother also argues that the court lacked justification to grant that authority to Father, rather than to Mother.

Although courts must consider a variety of factors when deciding whether joint legal custody is appropriate, the "'most important factor'" is "the 'capacity of the parents to communicate and to reach shared decisions affecting the child's welfare.'" *Santo v. Santo*, 448 Md. 620, 628 (2016) (quoting *Taylor v. Taylor*, 306 Md. 290, 304 (1986)). "Ordinarily the best evidence" concerning this factor is "the past conduct or 'track record' of the parties." *Taylor v. Taylor*, 306 Md. at 307. If the parents' conduct shows that they cannot make important decisions affecting their child's welfare "together because, for example, they are unable to put aside their bitterness for one another, then the child's future could be compromised." *Santo v. Santo*, 448 Md. at 628. "Blind hope that a joint custody agreement will succeed, or that forcing the responsibility of joint decision-making upon the warring parents will bring peace, is not acceptable." *Taylor v. Taylor*, 306 Md. at 307.

In this appeal, Mother acknowledges that both parents "agreed on the need for a therapist" for the child and that they reached an "impasse" while trying to select one. Mother recognizes that the parents "were each unable to agree on the therapist proposed by the other[.]" Mother nevertheless asserts that the parents "generally agreed" on the child's other health care providers and that they were "able to communicate" with each other about many decisions. Mother argues: "Although [the parents] had yet to reach [a]

resolution, there was no basis to grant one party unilateral decision-making authority over the other."

In our assessment, the evidence supported the decision to end the joint custody arrangement on the issue of mental health care for the child. Although the parents communicated with each other about many decisions, their cooperation was far from ideal. When the Virginia court decided in July 2023 that joint legal custody was appropriate, the court expressed serious reservations about "the parties' pattern of attacking one another rather than making any real effort to work together to raise their child." Several months after the Virginia court issued its letter opinion, Mother enrolled the child for daycare at the Young School without discussing that decision with Father or even informing him of the decision. Father's testimony indicated that, on matters such as selecting a dentist or scheduling medical appointments, Mother often made decisions without his input, and he usually acquiesced after she notified him of her decisions. Based on the evidence, the magistrate found: "The parents are able to communicate but Mother seems reluctant to discuss major decisions such as school/daycare placement with Father." This finding was not clearly erroneous.

In emails dated June 21, 2024, both parents expressed their agreement that obtaining therapy was in the child's best interests. Mother initially suggested selecting Dr. Ojie-Badger as the therapist and, one week later, Father suggested selecting Dr. Santoro. Neither parent agreed with the other parent's choice. The disagreement prompted Mother to move for an order requiring the parties to begin therapy for the child with the therapist that she preferred. Mother argued that a court order was needed

because "the parties' divorce decree order[ed] them to share legal . . . custody, but d[id] not vest in either of them tie-breaker authority[.]" Father opposed the motion, suggesting that the parents might resolve their dispute without court intervention. The court denied the motion, leaving it to the parents to continue attempting to resolve their dispute.

By the time of the hearing on September 24, 2024, the parents still had not made a joint decision on the selection of a therapist. As a result, the child had not started therapy during the three months that passed since the parents had agreed that she should receive therapy. Throughout this period, the child continued to endure the failed custody exchanges that had prompted Mother to seek therapy. Nothing in the parents' testimony suggested that they had made any progress towards making a joint decision since their initial disagreements.

Based on the evidence, it was reasonable to conclude that the parents were unable to make shared decisions concerning their child's mental health care. The magistrate reasonably concluded that it was in the best interests of the child to provide "a mechanism for prompt decision making" on the issue of mental health care. Leaving joint legal custody in place on that issue would have been likely to prevent the child from receiving any mental health care, or at least would have caused additional delay. As the circuit court stated in its memorandum opinion, this protracted "standstill" between the parents was "not in the best interests of the child." Under the circumstances, the court was not required to maintain the joint legal custody arrangement on the issue of mental health care.

In her reply brief, Mother notes that "[h]ybrid versions of joint legal [custody]

may be appropriate for a particular issue." Mother suggests that the court could have maintained joint legal custody "perhaps with a mediator or parenting coordinator facilitating communications between them if there is an impasse." In general, "trial courts have broad discretion in *how* they fashion relief in custody matters." *Santo v. Santo*, 448 Md. at 636-37 (emphasis in original). The trial court may choose to allocate responsibility in particular areas of the child's life, such as health care, if the court determines that the parents are unlikely to agree on those types of decisions in a timely manner. *See id.* at 637 n.11. The evidence in the present case made it reasonable to conclude that a remedy short of granting one parent sole legal custody on the issue of mental health care would result in future conflicts and, therefore, was not in the child's best interests. Even if the court might have chosen a different remedy, awarding one parent sole legal custody on this issue was not outside the bounds of the court's discretion. *See Baldwin v. Baynard*, 215 Md. App. 82, 111-12 (2013).[7]

In addition to arguing that the evidence did not support granting sole decision-making authority to either parent, Mother argues that there was "no just reason" to award sole legal custody to *Father* on the issue of mental health care. Mother suggests that the evidence weighed in her favor because she was the parent who "identified the need for a

[7] Mother also criticizes the circuit court's decision by arguing that it is inconsistent with the Virginia court's rationale for granting joint legal custody in July 2023. The circuit court, however, was not bound by that prior determination when assessing the child's best interests in light of the circumstances that existed in September 2024. The circuit court considered new evidence about the parents' decision making since the Virginia divorce trial. Based on that evidence, the court reasonably concluded that the benefits of granting one parent sole legal custody on the issue of mental health care outweighed the benefits of joint legal custody on that issue.

therapist for the child" and who "first identified a therapist for the child[.]" Mother asserts that Father "failed to identify the need for a therapist for the child[.]"[8]

Mother fails to explain why she deems it particularly significant that she suggested seeking therapy for the child "first," before Father did. When Mother suggested therapy in June 2024, the child was in Mother's care 100 percent of the time; Father had no time with his child outside of the 30 minutes of interaction in Mother's presence at the failed custody exchanges each week. Immediately after Mother suggested seeking therapy, Father told her that he also thought that the child would benefit from therapy and he engaged in the process of selecting a psychologist. Under those circumstances, it would be unreasonable to fault Father for purportedly "fail[ing]" to recognize that therapy would be beneficial before Mother did. In any event, the determination of which parent should have decision-making authority on an issue requires a careful assessment of the child's overall best interest; it does not depend solely on which parent is the "first" to identify an issue.

In deciding which parent should have the authority to make decisions about the child's mental health care, the magistrate considered all of the evidence concerning their decision making. Mother asserts, however, that the magistrate received "minimal

[8] Throughout her brief, Mother asserts that the child had a "need for a therapist." This assertion is inconsistent with some arguments that Mother advanced in the circuit court. In her exceptions to the magistrate's recommendations, Mother disputed the magistrate's statement that "the parents agree that the child needs therapy[.]" Mother argued that the parents merely agreed that therapy would be "beneficial" for the child. Mother argued that the magistrate's "finding that the child 'needs therapy'" was "a complete misstatement of the evidence and [wa]s clearly erroneous." Mother has abandoned that argument in this appeal.

information about the parties' history of decision-making[.]" Mother argues that there was an insufficient basis to determine that Father should be the sole decision maker on that issue. In particular, Mother argues that the evidence did not support the magistrate's statement that "Father's decision making" on the issue of mental health care for the child "seem[ed] to be more thoughtful and fact based."

In our assessment, the evidence was adequate for the magistrate to make a rational decision about which parent was better suited to make decisions about the child's mental health care. Father testified that, after meeting with Dr. Ojie-Badger, he concluded that Dr. Ojie-Badger "did not regularly see children of [the child's] age" and that he "also had some concerns about her neutrality." Father testified that, when he first suggested Dr. Santoro as the child's therapist, Mother "said that she contacted Dr. Santoro's office, and that Dr. Santoro did not have availability." Father explained, however, that this concern was unfounded, and he quickly confirmed that Dr. Santoro "regularly sees children of [the child's] age and that she ha[d] availability."

Mother's testimony did not rebut the statement that Dr. Santoro "regularly" treated children of their child's age. Rather, Mother testified that Dr. Santoro "primarily" treated children five or older as her "main age group" of patients and her "current case load[.]" Mother opposed selecting Dr. Santoro largely because Dr. Santoro "is not certified in play therapy." Nevertheless, when asked during cross-examination whether she was "seeking a play therapist" for the child, Mother did not give a direct answer. Mother stated that she was "seeking someone who has experience working with kids in [the child's] age group" and stated that she understood that this category would include

"individuals who focus on play therapy[.]"

Based on this evidence, the magistrate was not clearly erroneous in finding that "Father's decision making" on the issue of mental health care "seem[ed] to be more thoughtful and fact based" than Mother's. As we understand this statement, the magistrate doubted the validity of Mother's stated reasons for objecting to Dr. Santoro. The magistrate did not have similar concerns about Father's testimony. Throughout the hearing, the magistrate had the opportunity to observe the demeanor of both parents and to assess their credibility. The magistrate considered the parents' testimony about their dispute over the selection of a therapist in the context of their testimony about decision making on other matters. The magistrate was not required to conclude, as Mother argues, that both parents' objections were equally valid. Even if a different fact-finder might have viewed the evidence differently, the magistrate's findings here were not clearly erroneous.

In sum, we conclude that the circuit court did not err or abuse its discretion when it determined that it was in the best interests of the child to modify legal custody by granting Father sole legal custody on the issue of mental health care for the child.

II. Modification of Physical Custody

As the second issue in this appeal, Mother contends that the circuit court abused its discretion when it modified the physical custody schedule. Mother argues that the modifications lacked any justification and are contrary to the child's best interests.

As Mother observes, "an existing custody order ordinarily should not be modified in the absence of a showing of changes affecting the welfare of the child[][.]"

Domingues v. Johnson, 323 Md. 486, 498 (1991). "When faced with a request to modify custody the court must make a threshold determination whether a material change in circumstances has occurred since the entry of the [previous] custody order." *Velasquez v. Fuentes*, 262 Md. App. 215, 249 (2024). "A change in circumstances is 'material' only when it affects the welfare of the child." *McMahon v. Piazze*, 162 Md. App. 588, 594 (2005) (citing *McCready v. McCready*, 323 Md. 476, 482 (1991)). "[I]f a court concludes, on sufficient evidence, that an existing provision concerning custody or visitation is no longer in the best interest of the child and that the requested change is in the child's best interest, the materiality requirement will be satisfied." *McMahon v. Piazze*, 162 Md. App. at 596.

In this case, the magistrate found that a material change in circumstances had occurred since the prior custody determination by the Virginia court. The magistrate wrote: "Most notably the exchanges between the parents, which were proceeding without incident, have now become a protracted, unsuccessful attempt at exchanges which is extremely stressful for the child as she is literally in the middle between her parents at these events which occur weekly." The magistrate further found that "[e]xtraordinary circumstances" existed, explaining: "Father has not had his regularly scheduled time (3 days a week) since March and the child is being put in a difficult position during failed exchanges each week."

On appeal, Mother appears to disagree with the conclusion that there had been a material change in circumstances warranting a new physical custody schedule, or at least to take issue with the description of the material change. Mother asserts that "the

exchanges were rife with conflict" at the time of the prior custody determination by the Virginia court. Mother also cites the Virginia court's statement that one of the exchanges lasted longer than three hours. Mother argues that the "conflict" was "not a change." Mother acknowledges, however, that there was "a short period of time" when the transfers to Father occurred after the Virginia court's order. Mother argues: "Here, the only change had to do with the 'failed exchanges' for the start of [Father's] access time, and there was no other reason or basis to alter the schedule itself."

To the extent that Mother may be arguing that the evidence did not establish a material change in circumstances, that argument is untenable. The change here was not a change from conflict-free transfers to stressful ones; the change was from successful transfers to unsuccessful ones. The undisputed evidence established that, for about one year, the parties were able to transfer the child successfully from Mother's care to Father's care. Beginning on March 28, 2024, those transfers were no longer successful. Consequently, Father had no access time with the child aside from the 30 minutes of interaction in Mother's presence at the failed exchanges. Although the parents disagreed about the causes, there was no dispute that they had not transferred the child from Mother's care to Father's care for six months.

At the hearing, all participants recognized that the failed exchanges were detrimental to the child's best interests. Under either parent's description, these failed exchanges subjected the child to conflict each week. These experiences prompted Mother to seek help from a child psychologist. Counsel for Mother remarked that the situation "[could not] be at all pleasant for the child." During cross-examination, counsel

for Father asked Mother: "Do you believe what has gone on since March 28th is in [the child's] best interests?" Mother answered: "No." After hearing the testimony, the magistrate remarked: "This is tragic for this child to be in the middle of these exchanges." The situation deprived the three-year-old child of the opportunity to spend meaningful time with her father for six months. Father did not have any access until the court issued the immediate order modifying custody. There is no question that completely discontinuing visitation with one parent did not serve the child's best interests. *See Wagner v. Wagner*, 109 Md. App. 1, 32 (1996) (reasoning that a change that "effectively discontinued contact" between the child and one parent was "obviously" a material change that might affect the child's welfare).

In her appeal, Mother expressly recognizes the need to find a "solution" to the problems that persisted from March 2024 until September 2024. Mother suggests that the appropriate solution was to "set a strict procedure for the exchange where both parents are present, and a fallback if one parent fails to perform." Mother faults the court for adopting a new schedule under which she "only has one weekend per month" with her child and she "is unable to be present for any exchanges unless a facilitator is present[.]" Mother argues that the "reshuffling" of the 4-3 overnight schedule was unnecessary. Mother also argues that the only problematic exchanges were the Thursday transfers from Mother's care to Father's care and that there were "no issues" with the Sunday transfers from Father's care to Mother's care. In her view, "[t]here was no basis to rearrange the child's parenting overnights to force exchanges to occur at school[.]"

As mentioned earlier, trial courts have "wide discretion in determining questions

concerning the welfare of children" and deciding what custody arrangement will serve a child's best interests. *Azizova v. Suleymanov*, 243 Md. App. 340, 345 (2019). When reviewing a custody decision, this Court's role is not to decide whether it would have made the exact same decision as the circuit court. *See Gordon v. Gordon*, 174 Md. App. 583, 638 (2007). This Court ordinarily will not disturb the circuit court's exercise of discretion unless it was "'well removed from any center mark imagined by the [appellate] court and beyond the fringe of what that court deems minimally acceptable.'" *Gillespie v. Gillespie*, 206 Md. App. 146, 175 (2012) (quoting *In re Yve S.*, 373 Md. 551, 583-84 (2003)). In this case, we see nothing unreasonable in the modified physical custody schedule that the court adopted.

The modifications to the physical custody schedule had two main purposes. First, as Mother recognizes, the schedule was designed largely to "maintain the overall balance" of time established by the Virginia custody order. Under that order, the child was in Mother's care for four days of the week (from Sunday morning until Thursday morning) and in Father's care for three days of the week (from Thursday morning until Sunday morning).

The second purpose of the modified schedule was to minimize interactions between the parents at any exchanges. To that end, the magistrate proposed a schedule that would allow virtually every custody transfer to occur by one parent dropping the child off at school or daycare in the morning and the other parent picking up the child in the afternoon. The order kept in place the transfers from Mother to Father on Thursday mornings, a time when the child could attend school or daycare. Rather than scheduling

transfers on Sunday mornings when the child would not be in school or daycare, the order required the transfers from Father to Mother to occur on Monday mornings. Then, to ensure that Mother would have at least some access time on weekends, the order provided Mother with one full weekend with the child each month. Finally, the order required that, whenever an exchange could not occur at school or daycare, the exchange must be facilitated by a third party.

We disagree with Mother's assertion that there were "no issues" with anything other than the Thursday transfers from Mother to Father. Even though the Virginia custody order expressly discouraged the parties from making video recordings, Mother's parents continued to record custody exchanges and Father and his parents responded by making their own recordings. As the circuit court noted in its memorandum opinion, the video recordings were one factor that, along with the parents' behavior, likely contributed to a stressful situation for the child. As Mother recognizes in her brief, "the high-conflict nature of the parties' history" was a factor relevant to the custody decision. The court reasonably concluded that it was not in the child's best interests to continue being exposed to the atmosphere of hostility at the exchanges. It was not unreasonable, therefore, to eliminate the Sunday parent-to-parent (or family-to-family) exchanges. This modification eliminated, to the extent practicable, interactions that might have an adverse effect on the child.

Mother further complains about the provision requiring certain exchanges to be facilitated by a third party. The order states: "[A]ny exchanges that cannot take place at school/daycare should be facilitated between [Father] and a third party—not [M]other—

agreed upon by the parties; if there is no agreement, the exchange will be facilitated by a professional monitor, chosen by [Father], and paid for equally by the parties[.]" Mother argues that this provision gives Father "unilateral power to decide if exchanges will even occur[.]" Mother asserts that this provision grants Father "the sole ability to choose the facilitator, leaving him in the position to be able to, in fact, prohibit [Mother] from retrieving the child from his care."

These criticisms are unfounded. The order does not empower Father, either directly or indirectly, to withhold the child from Mother's care on days when the order grants her physical custody. Like any other parent subject to a custody order, Father is obligated to comply with the order and he is subject to ordinary enforcement mechanisms if he does not.

In sum, we conclude that the circuit court did not err or abuse its discretion when it modified the physical custody schedule in a way that would allow all custody transfers either to occur at the child's school or daycare or to be facilitated by a third party.

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