Circuit Court for Prince George's County
Case No. CAD1906075

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 152

September Term, 2021

CYRUS CLINTON

v.

DEBBIE JONES

Berger,
Shaw Geter,
Wilner, Alan M.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Berger, J.

Filed: November 9, 2021

*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. Md. Rule 1-104.

This case involves a custody dispute originating in the Circuit Court for Prince George's County. The dispute concerns one minor child, born December 16, 2018. Following a two-day hearing, the trial court awarded primary physical custody to Debbie Jones, appellee (the "Mother").[1] Cyrus Clinton, appellant (the "Father"), was awarded access and visitation. The trial court ordered that the parties would have joint legal custody and awarded tie-breaking authority to Mother. Father would later file a motion for contempt and modification of custody. After two hearings, the trial court denied Father's motions finding that Mother was not in contempt and that there was no material change of circumstance to warrant a modification of custody. Father filed this timely appeal.

Father presents two questions for our review,[2] which we have rephrased for clarity as follows:

[1] "Physical custody . . . means the right and obligation to provide a home for the child and to make the day-to-day decisions required during the time the child is actually with the parent having such custody." *Taylor v. Taylor*, 306 Md. 290, 296 (1986). "Legal custody carries with it the right and obligation to make long range decisions involving education, religious training, discipline, medical care, and other matters of major significance concerning the child's life and welfare." *Id.*

"Joint legal custody means that both parents have an equal voice in making those decisions and neither parent's rights are superior to the other." *Id.* "Joint physical custody is in reality 'shared' or 'divided' custody. Shared physical custody may, but need not, be on a 50/50 basis." *Id.* at 296–97. "The parent not granted legal custody will, under ordinary circumstances, retain authority to make necessary day-to-day decisions concerning the child's welfare during the time the child is in that parent's physical custody. Thus, a parent exercising physical custody over a child . . . necessarily possesses the authority to control and discipline the child during the period of physical custody." *Id.* at 296 n.4.

[2] Father's original questions presented are as follows:

I. Whether the trial court erred in finding no material change in circumstance to warrant a modification of custody.

II. Whether refusing to vaccinate a child is neglect or abuse such that custody should be altered.

For the reasons explained herein, we shall affirm the judgment of the trial court.

FACTS AND PROCEEEDINGS

This custody dispute stems from a custody order (the "Order") issued by the Circuit Court for Prince George's County on November 13, 2019. The trial court awarded primary physical custody to Mother and provided Father with access "every Wednesday afternoon to Thursday morning." The Order directed Father to "pick up the child from daycare or school on Wednesday afternoon and drop off the child at daycare or school on Thursday morning." The Order further provided that Father "w[ould] have access to the child every other weekend from Friday to Monday . . ."[3]

I. Are the changes in work hours, traffic, denial of access, the proximity of parties, failure of the child to socialize at almost 3 years of age, refusal of the Appellee/mother to co-parent, or vaccinate the child a material change in circumstances.

II. Does the failure to vaccinate a child rise to the level of neglect or endanger the child so that custody and visitation should be changed pursuant to Maryland Annotated Code, FL Article 9-101.1 or the best interests of the child?

[3] The trial judge would later explain at the close of the hearing that no specific times were set in the Order so that the parties would not need to seek future modification of the Order if the child's daycare or school attendance changed.

On September 9, 2020, Father filed a motion for contempt and for modification of the Order. In support of his motion for contempt, Father alleged that Mother refused to release the child "until 4:30 p.m. on Wednesday and Fridays . . ." In support of his request for modification, Father alleged that the child is developmentally behind and should be enrolled in public daycare, that Mother will not co-parent, and that the child's development was being curtailed under the individual daycare with the maternal grandmother. Father further supported his request for modification by asserting that he no longer travels for work due to a change in his job description and title.[4] Finally, Father alleged that Mother had "locked [him] out" of the child's health care, and that Mother unilaterally decided not to have the child vaccinated. Father requested that the Order be modified to award him with primary physical custody and tie-breaker authority.

The parties appeared before the trial court via a virtual hearing on February 24, 2021 and again on March 16, 2021. During the hearing on March 16, 2021, the court heard testimony only from Father and Mother.[5] Father testified that he had been denied access to the child on Wednesdays and Fridays at any time before 4:30 p.m.[6] Father further

[4] Testimony and evidence admitted during cross-examination revealed that there had been no change in Father's employment, job description, title, or responsibilities.

[5] The party's papers and briefs only included the record from the March 16, 2021 modification and contempt hearing. No record of the February 24, 2021 hearing was presented.

[6] Additional testimony and evidence later revealed that it was Father who in-fact requested that Mother make the child available Wednesday and Friday at 4:30 p.m. and that if Mother did not comply that he would call the police; or alternatively, file for

testified that the child was placed in daycare with the child's maternal grandmother and that the maternal grandmother would not allow him access before 4:30 p.m. on Wednesdays and Fridays.[7] Father testified that there were no specific times set in the Order and that he should therefore be allowed access to the child anytime in the afternoon on Wednesdays and Fridays.[8] Furthermore, with regard to access, Father testified that Mother and maternal grandmother would not allow anyone but Father to pick-up the child from daycare.

Father also testified regarding the child's health and development. Regarding the child's health, Father testified that he had been "locked-out" of involvement with the child's health care and that Mother would not allow him to take the child to the doctor.[9]

contempt because Mother was dictating the time and place of the child's pick-up. Additional testimony from the Father on cross-examination revealed one incident when he refused to return the child at a time agreed-upon between the parties. Mother notified the police that Father had violated the agreed drop-off time and had the police retrieve the child from Father. The trial court interjected and noted the apparent "tit-for-tat" of threatening to call the police if either party did not comply with the other's interpretation of the Order or the agreed-upon times under the open-ended nature of the Order.

[7] Father later asserted multiple times on cross-examination that the child's maternal grandmother's home was not the formal place of daycare. There was additional evidence and testimony admitted to the contrary which showed that the maternal grandmother's home was the commonly used and agreed daycare.

[8] Father later testified that all the pickups and drop-offs on Mondays, Wednesdays, and Fridays occurred on the mornings and afternoons as Mother and Father had agreed.

[9] Father later testified on cross-examination that he had taken child to the emergency room for emergency medical treatment. Father testified that Mother had not prevented him taking child to the hospital.

Father further testified that Mother had "contacted the [child's] pediatrician and he had it noted in his system that [Mother] has used her tie-breaking authority to not allow me to bring my child in." Regarding the child's development, Father testified that the child does not speak, stating "[n]o. She doesn't say anything." Father also testified that the child does not socialize with anyone.[10]

Father's counsel introduced evidence of Father and Mother's text message communications. Father testified that the text messages displayed Mother's refusal to allow him to pick-up the child at noon on Wednesdays and Fridays. Father testified that Mother insisted that she would adhere to the Order and deny access to the child at any time before 4:30 p.m., although there "is no written [indication of] 4:30 p.m. in the court order." Father testified that this text message exchange indicated his efforts to co-parent with Mother, and conversely, Mother's failure to co-parent with him.[11]

Finally, in matters not raised in Father's motion for contempt or modification, Father testified regarding the child's routine doctor visits and vaccination schedule. On cross-examination, Father testified that the child had not been taken for routine medical visits since March, 2020. Father testified that he was unaware that the lack of routine care was due to Mother's concerns of the spread of COVID-19. Father further testified on cross-

[10] Under further inquiry by the trial judge, Father testified that child does in fact socialize during Father's access periods.

[11] Father later testified on cross-examination that he and Mother corresponded via text message and discussed child's health and dietary issues, child's visit to the emergency room, and how to pay for medical expenses.

examination that Mother had communicated to him via text message her concerns about routine vaccinations. Father testified that Mother had provided him with literature on the dangers of vaccines for him to review. Father testified that there was no further conversation on the topic of vaccines and that the parties had not reached an agreement on the child's routine vaccinations.[12] Finally, while not raised in Father's motion for contempt or modification, Father testified that Mother had refused to give him the child's health insurance or social security cards.[13]

During Father's testimony, counsel for Father asked if he felt that he was a more fit parent to have sole custody or expanded visitation of the child. The trial court interjected twice to remind counsel that questions concerning the best interests of the child are "the second hurdle" and that counsel should focus on "the first hurdle" and "material change." Specifically, when counsel asked Father "what kind of access would you like with the child," the trial judge explained:

> That's the second hurdle. Remember those questions are later. I don't know that we're going to get there. So I want you to build your case on the first one. And if we finish in an hour, we will have the next time and [if] you've met your

[12] Father testified on redirect examination that Mother is against all vaccinations for the child. Father further testified on redirect examination that he would have the child vaccinated.

[13] The trial court resolved issues concerning Father's access to the child's social security and health insurance cards by ordering Mother to provide Father with copies of these cards. While the issue was not raised in Father's complaint for contempt and modification, the trial court ordered Mother to deliver a duplicate copy of child's social security and health insurance card to Father. Father has not raised these issues on appeal, other than support for his argument that Mother has refused to co-parent.

> burden then we'll have the next two hours to do that. But let's not use that time now if we don't have to. So build your case.

The trial court then heard testimony from Mother. Mother testified that she and Father had agreed, shortly after the initial Order was issued, to a drop-off and pick-up schedule of the child to be at 7:00 a.m. and 4:30 p.m., respectively. Mother testified that she and Father agreed to those times via text message conversation, which was confirmed by evidence that was submitted regarding the exchange of text messages. Mother testified that Father had deviated from the agreed-upon times on a few occasions, and each time she asserted that she "would like to stick to the court order and the times we agreed upon."

Mother further testified that she endeavors to discuss major decisions concerning the child with Father. Mother testified that since the entry of the Order, there have been no changes with respect to how they communicate, i.e., via text message. Regarding the child's medical treatment, Mother testified that she always informs Father of the scheduling and results of the child's doctor's appointments. Mother testified that except for one occasion, Father had never requested to take the child to doctor's appointments. Further, Mother testified that she had not refused to provide Father with the child's health insurance or social security cards, but instead, that she was in the process of obtaining duplicates.

Regarding the child's routine vaccinations, Mother testified that she and Father have discussed the matter. Mother confirmed Father's testimony that she had provided him with

unspecified literature on the danger of vaccinations.[14] Mother testified that the child had received vaccinations previously but had not been to the doctor for routine examinations and vaccinations since March, 2020 due to Mother's concerns of exposure to the COVID-19 virus. Mother testified that the child is otherwise healthy, and therefore, she did not see the need to take the child to the doctor. Finally, Mother testified that she had not exercised her tie-breaking authority to discontinue the child's vaccinations. Specifically, Mother testified on cross-examination:

> Do I think that [there are] a lot of harmful ingredients in vaccinations? Yes. And that's why I shared the inserts . . . and I wanted to actually discuss it with [Father] to get his thoughts so we can actually talk about it to formulate a final decision which we have not.

Additionally, Mother indicated on cross-examination that her oldest child may not have been fully vaccinated. Father's counsel asked Mother if she knew whether her oldest child needed vaccinations to attend school, Mother testified: "Yes and no . . . Yes, there is -- the States require a child to get vaccinated. No he don't have to have all of them because [there are] some children that go to school that are not vaccinated."

Mother testified that Father misrepresented the severity of the child's verbal and motor abilities. Mother testified that the child "says phrases every now and then" and "has

[14] On direct and cross-examination Mother testified that her concerns regarding vaccinations "w[ere] based off of the information that I provided [to Father] and of my beliefs. So it was a combination of both. But I wanted to have that conversation with him." Mother's testimony did not indicate if her concerns regarding vaccinations developed before or after March, 2020 and the spread of COVID-19. Father disputed in later testimony that Mother was not religious and that she had never communicated to him that her objections to vaccinations were for religious reasons.

great motor skills." Mother testified that the child's maternal grandmother was assisting the child with learning and motor skills:

> She's been -- my mom has been trying to teach her to count . . . [s]he is learning to play the recorder. She's trying to help her learn how to ride the tricycle. She does flash cards with her. They color. She even uses the tablet that they purchased to help her with phonics, coloring, motor skills, reading, things like that.

Mother then testified that she has not refused any of Father's overnight or weekend visitation and access per the custody Order. Mother further testified that Father has not failed to comply with the terms of the Order, besides the occasions when he did not comply with the specific pick-up and drop-off times that the parties had agreed to. Mother testified that there have not been "any issues with the care that [Father] has provided[.]" At this point in Mother's testimony, counsel for Mother asked whether she believed that "the current access schedule is in [the child's] best interest?" Notably, the court interjected: "Well she can -- we weren't going there remember? We were getting to the hurdle. And if -- [e]ven if we have time left -- and I don't even know if there's going to be time left now because you all used all the time for the first part."

At the conclusion of Father and Mother's testimony, the trial court heard closing argument. After closing argument, the trial court explained the reasons for the flexibility of the original Order. The trial court explained that the original Order was flexible because both parents "are fit and proper parents" and "[t]hey want to do what's in the best interest of their child" and that they could therefore "figure out . . . what time works for day care, when time ended for day care." The trial court decided, however, to undo the flexibility of

the original Order and provide specific times for pick-up and drop-off "because it's clear that [Mother and Father] want the Court to do it."

The trial court then expressed the following comment regarding vaccinations:

> Second thing I want to say is that this nation is in the middle of COVID. Luckily, we're on – I want to hope we're on the second slope down because some people have gotten vaccines. And I'm just saying I've gotten my vaccines and I'm happy. I didn't want to get it but I got it. But that was my choice. We all make our choices and that's why different parents make different choices but that's why, as a parent, you have to discuss it because you have joint legal custody. And then after you discuss it, only after you've discussed it and you can't come to an agreement, then one person has been awarded tie-breaker authority. But I expect you all to work together on that aspect of it.

Finally, the trial court made its determination and announced:

> After listening to the testimony and assessing the credibility and I find [Father's] – some of his testimony not credible. The Court makes the following findings:
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> * * *
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> The Court does not find the defendant, [Mother], in contempt. So that motion for contempt is denied. The Court does not find a material change in circumstances so that motion for modification is denied.

On March 22, 2021, the trial court issued an Order reflecting its decision. The Order denied Father's motion for contempt and modification of custody. The Order modified the pick-up and drop-off times to specify Father's access to "every Wednesday afternoon from 4:30 p.m. until Thursday morning at 8:00 a.m. Additionally, the [Father] shall have access to the child every other weekend from Friday at 4:30 p.m. until Monday at 8:00 a.m."

Finally, the Order required Mother to provide a copy of the child's health insurance and social security cards to Father. Father then filed this appeal.

DISCUSSION

Standard of Review

"Where modification of a custody award is the subject under consideration, [we] generally base [our] determinations upon the same factors as those upon which an original award was made, that is, the best interest of the child." *Karanikas v. Cartwright*, 209 Md. App. 571, 589 (2013) (internal citation and quotation marks omitted). Critically, however, "there is no litmus paper test that provides a quick and relatively easy answer to custody matters." *Montgomery Cnty. Dep't of Social Servs. v. Sanders*, 38 Md. App. 406, 419 (1977). We review child custody determinations utilizing three interrelated standards of review. *In re Yve S.*, 373 Md. 551, 585–86 (2003). The Court of Appeals has described the three interrelated standards as follows:

> we point out three distinct aspects of review in child custody disputes. When the appellate court scrutinizes factual findings, the clearly erroneous standard of [Rule 8-131(c)] applies. [Second,] if it appears that the [court] erred as to matters of law, further proceedings in the trial court will ordinarily be required unless the error is determined to be harmless. Finally, when the appellate court views the ultimate conclusion of the [court] founded upon sound legal principles and based upon factual findings that are not clearly erroneous, the [court's] decision should be disturbed only if there has been a clear abuse of discretion.

Id. (internal citations and quotations omitted). In our review, we give due regard to the opportunity of the trial court to judge the credibility of the witnesses. *Id.* at 584. We recognize that:

> it is within the sound discretion of the [trial court] to award [or modify] custody according to the exigencies of each case, and . . . a reviewing court may interfere with such a determination only on a clear showing of abuse of that discretion. Such broad discretion is vested in the [trial court] because only [the trial judge] sees the witnesses and the parties, hears the testimony, and has the opportunity to speak with the child; he is in far better position than is an appellate court, which has only a cold record before it, to weigh the evidence and determine what disposition will best promote the welfare of the minor.

Id. at 585–86.

We will not make our own determination as to a child's best interests. *See Gordon v. Gordon*, 174 Md. App. 583, 637–38 (2007) (internal citations omitted). Rather, "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." *Id.* (internal citations omitted). Generally, "[a] trial court's findings are not clearly erroneous if there is competent or material evidence in the record to support the court's conclusion." *Azizova v. Suleymanov*, 243 Md. App. 340, 372 (2019) (internal citation and quotation marks omitted). Further, an abuse of discretion occurs when "an untenable judicial act [] defies reason and works an injustice" or when "no reasonable person would take the view adopted by the [trial] court." *Li v. Lee*, 210 Md. App. 73, 96 (2013), *aff'd*, 437 Md. 47 (2014).

Indeed, "we [will] not disturb a trial court's discretionary ruling simply because we would not have made the same ruling." *Id.* at 96–97.

We further recognize that we can only "reverse a decision that is committed to the sound discretion of the trial judge" if we are "unable to discern from the record that there was an analysis of the relevant facts and circumstances that resulted in the exercise of discretion." *Maddox v. Stone*, 174 Md. App. 489, 502 (2007). While reviewing a trial court's ruling, we "must assume that the [trial] court carefully considered all the various grounds." *Thomas v. City of Annapolis, et al.*, 113 Md. App. 440, 450 (1997).

Finally, we will adhere to the long-held presumption that "trial judges know the law and correctly apply it." *Attorney Grievance Comm'n v. Jeter*, 365 Md. 279, 288 (2001); *see Roach v. State*, 358 Md. 418, 427, (2000); *Elias v. State*, 339 Md. 169, 188 (1995); *Gilliam v. State*, 331 Md. 651, 673 (1993); *Medical Mutual v. Evans*, 330 Md. 1, 34 (1993). We further recognize that a trial court is "not required to set out in detail each and every step of [its] thought process." *Thomas*, *supra*, 113 Md. App. at 450 (citing *Kirsner v. Edelmann*, 65 Md. App. 185, 499 (1985)). Indeed, the trial court is not required to "elaborate on the reason" for its decision. *Jeter*, *supra*, 365 Md. at 288.

I. The trial court did not abuse its discretion in finding no material change of circumstance at the hearing on March 16, 2021, and therefore, denying Father's motion for modification of custody.

"A change of custody resolution is most often a chronological two-step process. First, unless a material change of circumstances is found to exist, the court's inquiry ceases." *Wagner v. Wagner*, 109 Md. App. 1, 28 (1996). A "material change" is one that

may affect the welfare of the child. *Id.* (citing *McCready v. McCready*, 323 Md. 476, 593 (1991)). If the trial court finds that a material change of circumstance is found to exist, "then the [trial] court, in resolving the custody issue, considers the best interest of the child as if it were an original custody proceeding." *Id.* Critically, however, if the changes in circumstances are not material, "there can be no further consideration of the best interest of the child because, unless there is a material change, there can be no consideration given to a modification of custody." *Id.* at 29.

At the hearing on March 16, 2021, and in its subsequently issued Order, the trial court ruled that there was no material change in circumstance affecting the welfare of the minor child. The trial judge was entitled to credit the evidence and testimony at the hearing. As we will identify in further detail, evidence and testimony presented at the hearing included: that there had been no change in Father's employment or work schedule that would create a material change affecting the minor child; that Mother had not denied Father access or refused to co-parent; and that there had been no material change in circumstances concerning child's development, socialization or health care. We shall now turn our attention to each of Father's arguments.[15]

First, Father argues that the trial judge abused her discretion and committed clear error when she found no change in material circumstances because of Father's "change in

[15] Although Father's original motion to the trial court was one for modification and contempt, Father has not raised any argument on this appeal regarding the trial court's finding of no contempt. We, therefore, need not address this aspect of the trial court's findings.

work hours [and] traffic." Father argues that the COVID-19 pandemic and a change in his work-related duties and job description created an overall change in his employment and weekly travel. Father argues that these employment changes constitute a material change in circumstances affecting the minor child. On cross-examination, however, it was revealed that Father's job title and description had not changed at all since he started working for the employer in October, 2016.

Second, Father argues that the trial judge abused her discretion and committed clear error when she found no change in material circumstances because Mother allegedly curtailed Father's access to the child and refused to co-parent. Father testified that Mother would not allow him to pick-up the child "until 4:30 p.m. on Wednesday and Fridays . . ." Mother's testimony and evidence admitted at the hearing confirmed this assertion. Further testimony and evidence revealed, however, two crucial facts. First, the original custody Order contained no strict times dictating Father's access to the child but instead directed that Father would have access "every Wednesday afternoon to Thursday morning" and "every other weekend from Friday to Monday . . ." Further, it was Father who had recommended the 4:30 p.m. pick-up time, which the parties had agreed to. Additionally, although Father asserted that Mother would not co-parent, there was ample testimony and evidence presented which demonstrated that Father and Mother had continued to communicate regarding the parenting of the child.

Third, Father argues that the trial judge abused her discretion and committed clear error when she found no change in material circumstances regarding the child's

development and health care. Because a large portion of the hearing was dedicated to testimony concerning the child's development and health care, we shall address each of Father's arguments concerning the child's development and health care in turn.

Father argues that the child is developmentally behind and not properly socialized. Father testified at the hearing that the child is unable to speak or say any words at all. Mother testified that although there had been previous concerns regarding the child's development, the child's maternal grandmother had been working with the child to help develop learning and communication skills. Mother further testified that the child was able to speak. Father admitted on cross-examination that the previous concerns about the child's development no longer exist.

Father further maintains that Mother has "locked [him] out" of the health care decisions for the child and would not communicate with him regarding health care decisions. Father testified that Mother had used her tie-breaking authority to prevent him from taking the child to the doctor, which Mother denied. Additional testimony and evidence demonstrated that Mother had communicated to Father regarding the child's health care and that Father had engaged in these conversations. Furthermore, Father's testimony on direct and cross-examination revealed that he had taken the child to the hospital for emergency treatment. Father's testimony on cross-examination demonstrated that Mother had not prevented Father from taking the child for emergency treatment, and further, that the parties had communicated regarding the outcome and payment for the child's emergency treatment.

Father contends that Mother has refused to have the child vaccinated with routine vaccinations and has stopped taking the child to the doctor.[16] Father further maintains that the child has not been to the doctor since March, 2020. Mother testified that she had not taken the child for routine doctor visits since March, 2020 out of concern of the risk of exposure to COVID-19. Regarding vaccinations specifically, Mother testified that she has not refused to have the child vaccinated. Father testified that Mother communicated to him about vaccines via text message and had sent him some literature that she wanted him to read. While there was some dispute over whether Father had read the literature, Mother's testimony indicated that she had concerns over the safety of vaccinations and that she expressed these concerns to Father. Mother further testified that there was a developing conversation on the topic, and that no decision had been reached.

Based upon our review of the record, we hold that the trial judge's determination that there was no material change of circumstance is supported by the evidence presented at the hearing on March 16, 2021. To be sure, a change is "material" only if it affects the welfare of the child. *McCready*, *supra*, 323 Md. at 481–82. Although Father raised various

[16] Although the issues of vaccinations and doctor visits were not raised in Father's motion for contempt and modification, there was extensive testimony and discussion at the hearing on these topics.

grounds alleging a material change in circumstance, we agree with the trial court's ultimate determination that there had been no material change affecting the child's welfare.[17]

As an initial matter, we hold that the record reflects that the trial court directed the proceeding in accordance with the proper legal standard for the modification of a custody order. The trial judge interjected during direct and cross-examination on multiple occasions to remind counsel that the best interests of the child are "the second hurdle" and that counsel should focus on meeting "the first hurdle" and showing a "material change." Although this language is not a precise recitation of the "two-step process" from *Wagner*,

[17] Considering our standard of review, we do not make an independent assessment of the trial court's determination. As previously noted, we will only find an abuse of discretion, or that a ruling is clearly erroneous, if it defies reason and works an injustice, or if there is no evidence on the record to support the finding. *Li*, *supra*, 210 Md. App. at 96-97. Indeed, "we [will] not disturb a trial court's discretionary ruling simply because we would not have made the same ruling." *Id.* We recognize that the trial court faced the critical determination of whether there had been material change in circumstance affecting the welfare of the child due to Mother's alleged decision to not vaccinate the child with routine vaccinations. We agree with the trial court's presumptive determination that there was no material change concerning the continuation of the child's vaccinations, primarily because the parties were in ongoing conversations on the topic. We recognize, however, that the rapid spread of misinformation on the internet about childhood vaccines has resulted in the increase of dangerous anti-vaccination viewpoints. *See*, https://www.cdc.gov/vaccines/partners/vaccinate-with-confidence.html (accessed November 2, 2021), archived at https://perma.cc/7KDL-TWMF. Childhood vaccines are a necessary and required measure to stop the spread of diseases such as polio, measles, and chickenpox, to name a few. *See generally*, https://www.cdc.gov/vaccines/parents/index.html, (accessed November 2, 2021), archived at https://perma.cc/RSU2-PTC5. These are all preventable diseases which have been largely eliminated, thanks to the widespread use and adoption of early childhood vaccinations. *Id.* While parents may disagree on the proper courses to take in the ongoing maintenance of their children's health, certain courses may be more detrimental than others. *See*, https://www.cdc.gov/vaccines/hcp/conversations/downloads/not-vacc-risks-bw-office.pdf (accessed November 2, 2021), archived at https://perma.cc/Q9VV-3RWX.

our presumption that "trial judges know the law [] correctly" allows us to presume that the judge knew the standard for evaluating a material change of circumstance, and properly evaluated the facts and circumstances for a change of material circumstance. *Wagner*, *supra*, 109 Md. App. at 28; *Jeter*, *supra*, 365 Md. at 288.

Furthermore, we will not overturn a trial court's discretionary ruling unless we are "unable to discern from the record that there was an analysis of the relevant facts and circumstances that resulted in the exercise of discretion." *Maddox*, *supra*, 174 Md. App. at 502. We "must assume that the [trial] court carefully considered all the various grounds" asserted by the parties. *Thomas*, *supra*, 113 Md. App. at 450. The trial court heard approximately four hours of testimony and admitted evidence in this proceeding. The trial judge noted: "[a]nd you guys know I'm paying attention. I'm actually looking at the file right here. So I'm paying attention." And with regard to observing witnesses, the trial judge stated: "[n]ow we have everybody's face that I can see. [Because] I want to look at people when they're testifying." We therefore hold, based on our review of the record, that the trial judge considered all the grounds asserted by the parties.

Finally, although we acknowledge that the reasons stated by the trial judge were limited, the trial judge announced a rationale for her ruling:

> After listening to the testimony and assessing the credibility and I find [Father's] – some of his testimony not credible. The Court makes the following findings:
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> * * *
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> The Court does not find the defendant, [Mother], in contempt. So that motion for contempt is denied. The Court

> does not find a material change in circumstances so that motion for modification is denied.

A trial court is "not required to set out in detail each and every step of [its] thought process" and is not required to "elaborate on the reason" for its decision. *Thomas*, *supra*, 113 Md. App. at 450 (citing *Kirsner v. Edelmann*, 65 Md. App. 185, 499 (1985)); *Jeter*, *supra*, 365 Md. at 288.[18] Although the trial court's rationale for the ruling is sparse, the trial judge made the following comments after the ruling which give some insight into the rationale for the final ruling:

> [Y]ou are parents and you're going to be parents for life now. So let's see how you can both accommodate and do your parenting and try to do what's in the best interest of the minor child.
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> * * *
>
> We all make our choices and that's why different parents make different choices but that's why, as a parent, you have to discuss it because you have joint legal custody. And then after you discuss it, only after you've discussed it and you can't come to an agreement, then one person has been awarded tie-breaker authority. But I expect you all to work together on that aspect of it.
>
> * * *
>
> And even today, Ms. Jones, you testified that Mr. Clinton is still a fit and proper person. Mr. Clinton didn't say

[18] Nevertheless, we encourage trial judges to set forth with clarity the factual basis supporting their conclusion. As an example, if there were a finding of a material change in circumstance, the trial court would have certainly set forth the evidentiary support for its conclusion. Indeed, a finding of a material change of circumstance must be supported by an enumeration of the facts and evidence creating the material change. Similarly, we encourage trial judges to provide the evidentiary support for a finding of no material change in circumstance affecting the welfare of the child.

> you weren't fit and proper either. So both parents are fit and proper to raise their child – children.

The trial court's comments indicate that it did not find a material change in circumstance, in large part, because the parties had not yet come to an impasse that would materially affect the child's welfare. Although this is not a case in which the trial judge "made it *abundantly clear* that she had carefully considered Father's [arguments]," the comments made by the trial judge allow us to "discern from the record that there was an analysis of the relevant facts and circumstances that resulted in the exercise of discretion." *Karanikas*, *supra*, 209 Md. App. at 585 (emphasis added); *Maddox*, *supra*, 174 Md. App. at 502. The record reflects that the parties disagreed but continued to discuss and communicate on issues concerning Father's access, scheduling, and the child's development and health care. The trial judge's comments reflect that she was aware of, and considered, these circumstances. Therefore, we hold that the trial court conducted the requisite analysis of facts and circumstances in exercising her discretion to not modify custody.

Likewise, having reviewed and considered the record in this case, it is our conclusion that the trial court's finding was supported by the evidence. The trial court's ruling was neither clearly erroneous nor an abuse of discretion. The record reflects a finding that is supported by "competent or material evidence" and does not "def[y] reason and work[] an injustice." *Azizova, supra*, 243 Md. App. at 372 (internal citation and quotation marks omitted); *Li*, *supra*, 210 Md. App. at 96. We hold that the trial court's

ruling denying a modification of custody was neither clearly erroneous nor an abuse of discretion. We, therefore, affirm the trial court's ruling.[19]

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

[19] Father raised an additional argument and question presented in his brief, that Mother's alleged refusal to vaccinate the child amounts to abuse and neglect. This argument was not presented at the March 16, 2021 hearing, and the trial judge did not rule on this issue. We, therefore, decline to address this argument as it is being raised for the first time on appeal.