Circuit Court for Howard County
Case No. 13-C-14-101509

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 0399

September Term, 2018

DAVID SNEE

v.

SHERYL SNEE

Fader, C.J.,
Reed,
Salmon, James, P.
(Senior Judge, Specially Assigned)

JJ.

Opinion by Reed, J.

Filed: February 25, 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.

Sheryl Snee (hereinafter "Appellee") and David J. Snee (hereinafter "Appellant") are the parents to three minor children. The parties are now divorced. On May 3, 2017, Appellee filed a Motion to Modify Child Support. On January 10, 2018, a hearing was held before a magistrate judge. The Magistrate Judge's Report and Recommendations were issued on January 22, 2018. The magistrate judge found evidence to modify the child support. Appellant timely filed exceptions to the Magistrate Judge's Report and Recommendations and requested a hearing.

On March 30, 2018, a hearing was held before the Circuit Court for Howard County. All of Appellant's exceptions were overruled, excepting one relating to work-related daycare expenses, which was sustained in part. Due to varying monthly need for work-related daycare services, Appellant was ordered to pay his proportional share of such expenses as they were incurred. Subsequently, Appellant filed a Motion for Reconsideration, which was denied on April 12, 2018. It is from this denial that Appellant files this timely appeal.

Appellant presents the following questions on appeal:

I. Did the trial court err in ruling on the exceptions not striking the alleged pharmaceutical bill from calculation in the child support order?

II. Did the trial court err in not sustaining exceptions to the erroneous calculations of child support as neither the magistrate nor the court upon exception had the correct or verifiable evidence of the alleged need for work related daycare?

III. Did the trial court err in not sustaining the exceptions as to the child support calculation as the Appellee failed to file required financial statement and child support guidelines and the magistrate did not have sufficient actual income information from which to calculate child support?

IV. Did the trial court err in failing to address and rule on all of the exceptions as required by rule and case law?

For the foregoing reasons, we answer all of these questions in the negative and affirm the decision of the circuit court.

FACTUAL AND PROCEDURAL BACKGROUND

Appellant and Appellee are divorced and are the parents of three minor children. Appellant is a registered nurse who is employed at the Howard County General Hospital. Appellant also works at St. Agnes Hospital and Liberty Mountain Resort in Pennsylvania, where he works for the ski patrol during the winter months. Appellee is an attorney who has primary custody of the parties' three minor children. Appellant had been paying a monthly sum of $1,144 in child support pursuant to the Child Custody, Child Access, Child Support, and Alimony Order.[1]

On May 3, 2017, Appellee filed a Motion to Modify Child Support. In Appellee's motion, she claimed that Appellant's income had increased; and that Appellant has been consistently unreliable in providing child care, leaving Appellee to pay for child care services. Appellee also filed a financial statement noting that her total monthly income was $6,000. In Appellant's response, he stated that any increase in his income did not warrant a modification of his child support payments. Appellant also filed a financial statement noting that his total monthly income was $6,589.

[1] The Child Custody, Child Access, Child Support, and Alimony Order was issued on December 9, 2015.

Magistrate's Hearing

On January 10, 2018, a hearing was held on Appellee's Motion to Modify Child Support. Appellant testified that he was a registered nurse and that he was employed at the Howard County General Hospital. Appellant also testified that he worked at St. Agnes Hospital and Liberty Mountain Resort in Pennsylvania during the winter months. However, Appellant testified that Appellee did not know about his employment at St. Agnes Hospital until two days prior to the hearing. Appellant was asked why he didn't inform the circuit court of his new employment pursuant to the Child Custody, Child Access, Child Support, and Alimony Order. Appellant responded that he thought he only needed to inform the circuit court of any change in his employment status with the Howard County General Hospital. Appellant was also asked if he had notified Appellee of his work schedule so that Appellee could arrange child care services. Appellant responded that he provided his Howard County General Hospital work schedule to Appellee but failed to provide Appellee with his St. Agnes Hospital work schedule.

Appellant further testified that he had taken as long as six months to pay his share of summer camp expenses for the minor children. Appellee then introduced into evidence the medical expenses that the parties' three minor children had incurred over Appellant's objection. Appellee introduced into evidence several pharmacy receipts for the medication of the three children. Appellee called Anne Miller and Donna Garon as witnesses. Miller and Garon are acquaintances of the parties and their minor children. Both witnesses confirmed that they have not seen Appellant provide any weekday child care services for

the parties' minor children. Specifically, Miller testified that she had to pick the children up from the school bus stop "because an arrangement that [Appellee] had with [Appellant] fell through."

At the January 10th hearing, Appellee testified that she is an attorney and provided verification of her income. The evidence Appellee offered established a lower income than the financial statement she filed with her complaint. Appellee explained that her income decreased because she lost a contract for guardianship representation in Baltimore City. Moreover, Appellee testified that her guardianship practice requires her to attend Montgomery County's afternoon Show Cause docket every Thursday, which in turn, requires her to get someone to pick the children up from the school bus stop at her home in Ellicott City. Ellicott City is in Howard County, Maryland. Appellee also testified to the children's medical expenses. Appellee stated that all three children have Attention Deficient/ Hyperactivity Disorder ("ADHD") and are required to take a medication called Vyvanse. Appellee testified that the children have taken the medication for years, that Appellant has knowledge of this fact, and that copay for the medication is not covered by Appellant's medical insurance (which the children are covered under). Appellee also testified that modification of the child support was necessary because one of their minor children is now required by their school to have an iPad, headphones, specialized pens, and paper. Appellee testified that Appellant has not contributed to any of those expenses.

On cross-examination, Appellee acknowledged that she has investment and savings accounts which Appellant asserts amount to $379,486 in the aggregate. However, Appellee

stated that she was not sure how much, if any, of that amount constituted investment income.

Magistrate's Report and Recommendations

The magistrate recommended the following in her Report and Recommendations:

> It is recommended that the child support be modified. There is a change of circumstances in the income of [Appellant] and the expenses of the children. It is further recommended that the change in support be back dated to the originally scheduled hearing date that was postponed at the request of [Appellant]. That date was 11/28/17.
>
> Per the original child support order the charge date was/is the first of the month. So support is due for December and January to the mother for arrears per the recommended modification. The amount due as of 12/1/17 is $2238 per month. The arrears that the father owes is $4476. [Appellant] has paid $1144 per month for December and January, so arrears amount is $2188. This amount should be reimbursed to the mother at the rate of $400 per month until the arrears is paid in full. The current income split between the parties is that the father earns $59.7% and the mother earns $40.3% of the parties combined income.

Appellant's Exceptions to the Magistrate's Report and Recommendations

On January 30, 2018, Appellant filed exceptions to the Magistrate Judge's Report and Recommendations. Appellant filed the following four exceptions: (1) the introduction of the minor children's medical expenses was an error because expert testimony is necessary to testify as to the reasonableness and necessity of the medical expenses; (2) Appellee did not establish that the work-related daycare was $450; (3) the arrears as calculated by the magistrate judge was an abuse of discretion; and (4) the magistrate judge misstated the actual income of the parties.

On March 30, 2018, a hearing was held in circuit court on Appellant's exceptions

to the Magistrate's Report and Recommendations.

The Circuit Court's Ruling on Appellant's Exceptions.

On March 30, 2018, the circuit court overruled all but one of Appellant's exceptions to the Magistrate Judge's Report and Recommendations. Namely, the circuit court sustained, in part, Appellant's exception to the work-related child care expenses. The circuit court found:

> [t]hat the exception filed by [Appellant] as to the work related daycare in the Magistrate's Recommendation is sustained in part. Due to variable amounts of work-related daycare required, [Appellant] shall be ordered to pay his proportional share as it is incurred.

After excluding the work-related daycare cost from the child support calculation, the circuit court concluded that Appellant would owe Appellee $1,981.00 a month in child support. Additionally, the circuit court concluded that Appellant owed Appellee $3,360 in arrears based on retroactive application of Appellant's child support obligation.

Appellant filed a Motion for Reconsideration, which was denied. This timely appeal followed. We supplement these facts within our discussion of the issues herein where appropriate.

STANDARD OF REVIEW

Child support orders are generally within the sound discretion of the trial court. *See Seltzer v. Seltzer*, 251 Md. 44 (1968) (The court in exercise of sound discretion may vary or modify an order for support and maintenance of children). However, "where the order involves an interpretation and application of Maryland statutory and case law, [the] Court

must determine whether the trial court's conclusions are 'legally correct' under a *de novo* standard of review." *Knott v. Knott*, 146 Md. App. 232, 246 (2002).

> When presented with a motion to modify child support, a trial court may modify a party's child support obligation if a material change in circumstances has occurred which justifies a modification. Whether to grant a modification rests with the sound discretion of the trial court and will not be disturbed unless that discretion was arbitrarily used or the judgment was clearly wrong.

Ley v. Forman, 144 Md. App. 658, 665 (2002) (citing *Dunlap v. Fiorenza*, 128 Md. App. 357, 363 (1999)). In sum, we "will not disturb the trial court's discretionary determination as to an appropriate award of child support absent legal error or abuse of discretion." *Smith v. Freeman*, 149 Md. App. 1 (2002).

DISCUSSION

I. Medical Expenses

(a) Parties' Contentions

Appellant contends that the circuit court erred in failing to strike the pharmaceutical bills from the calculation of the modified child support order. Appellant argues that the magistrate judge erred in allowing Appellee to admit the parties' minor children's medical expenses into evidence without expert testimony establishing the reasonableness of the expense and necessity of the treatment. Finally, Appellant contends that the minor children's medical expenses do not qualify as "extraordinary medical expenses." Specifically, Appellant maintains that because Appellee testified that the cost for one of the parties' three minor children's medication is $186.00 for a three month supply, the monthly expense for the three minor children would be $62.00 per month. Appellant

argues that this does not meet the $100 an occurrence threshold for an extraordinary medical expense.

In response, Appellee argues that that the magistrate judge properly admitted the medical bills into evidence to be used as evidence of extraordinary medical expenses. Moreover, Appellee contends that the cases cited by Appellant do not support his view because those cases do not require expert testimony on reasonableness and necessity; rather, they require "some evidence" of the reasonableness and necessity of the expenses. Appellee asserts that Appellant's acknowledgement that he receives an "explanation of benefits" from his health insurance provider – who covers part of the prescriptions reflected in the medical bills – satisfies the "some evidence" standard. Finally, Appellee argues that Appellant cited no authority to support his contention that the extraordinary medical expense calculation should be based on only one of the children's monthly medical expenses. Appellee calls Appellant's argument "non-sensical", noting that she testified that the monthly expense for each of their three minor children's medication was $62, which amounts to an overall monthly expense of $186.

(b) Analysis

As an initial matter, we are compelled to note the fruitless nature of Appellant's claim of error relating to the magistrate's modification of the children's extraordinary medical expenses. Namely, under the magistrate's modification, the amount of extraordinary medical expenses used in calculating Appellant's child support obligation had actually *decreased* – from the prior $360/month to the current $186/month. Thus, had the magistrate chosen to strike the medical bills from the modified child support order, the

calculation would have relied on the $360/month extraordinary medical expenses previously agreed to by the parties. To clarify, we provide a more thorough explanation of the proceedings on this issue.

As mentioned, under the Custody, Access, Child Support and Alimony Order – entered on 12/9/2015 by the Circuit Court of Howard County – the court calculated Appellant's basic child support obligation which included extraordinary medical expenses totaling $360. Notably, it was Appellant's attorney who prepared and submitted the parties' joint calculation of child support under a Separation and Property Settlement Agreement ("Settlement Agreement") approved by both parties. The Settlement Agreement included $360 of extraordinary medical expenses.

On October 19, 2016, the circuit court entered the Judgment of Absolute Divorce which ordered in part:

> that the Custody, Access, Child Support and Alimony Consent Order entered by this Court on December 9, 2015 continue in full force and effect as contemplated by the parties in their Separation and Property Settlement Agreement dated October 13, 2016.

Thereafter, on May 3, 2017, Appellee petitioned the court to modify the child support order, stating in part:

> 4. That it is believed that the father's income has substantially increased from when The[sic] prior child support was negotiated. In addition, the cost of the children's medications have substantially increased from $100/month to $185/month.

Precisely why Appellee believed that extraordinary medical expenses had increased is unclear from the record. However, Appellee's financial statement, which was filed after Appellee's petition to modify, shows that Appellee listed extraordinary medical expenses

as $370. Thus, it appears Appellee sought a $10 increase for extraordinary medical expenses under the modification. Regardless, Appellant filed an answer to Appellee's motion on June 28, 2017, which stated in part:

> 4. Admit and Deny. Any increase in income since the Judgment of Divorce, October 19, 2016, has not been substantial. Further, the cost of work related daycare and extraordinary medical expenses has significantly decreased.

Indeed, Appellant was correct in asserting that the medical expenses had significantly decreased, as reflected in the magistrate's ultimate modification. The magistrate issued her Report and Recommendations ("Modification Report") on January 28, 2018. In the Findings of Fact section of the Modification Report, the Magistrate found:

> 20. The father's income has increased. At the time of the original award, the father was earning $4822 per month and the mother was earning $6000 per month. *The extraordinary med expenses were $360 per month. The extraordinary medical expenses have changed and are now about $186 per month*.

The reduction in extraordinary medical expenses was reflected in the magistrate's calculation of the modified child support total.

Months later, on June 10, 2018, Appellant's attorney filed exceptions to the Modification Report, which stated in part:

> I. It is error to include the alleged extraordinary medical expenses of $186.00 per month, as set forth on the Child Support Worksheet (Exhibit 4) of Magistrate's Report.
>
> > A. The prejudicial error of admission of evidence of the alleged extraordinary medical expenses, that is pharmaceutical expenses is:
> >
> > 1. Hearsay

> 2. Requires expert testimony to prove the reasonableness, the necessity of the pharmaceutical needs and the reasonableness of the alleged expense.
>
> B. The worksheet adds $186.00 for three (3) children:
>
> 1. The Statute provides for "a" child, not of accumulation of the costs for three (3) children as testified to by mother.
>
> 2. The testimony was $186.00 is a three (3) month supply that is $62.00 per month which is not $186.00 and therefore $62.00 is not extraordinary medical expense.

Thus, mathematical and legal errors notwithstanding, Appellant curiously sought to challenge the modification of extraordinary medical expenses – expenses which had *decreased* as a result of the magistrate's modification. This comes as a surprise, because, absent Appellee's proof of decreased medical expenses, the court would be left with the larger amount ($360) to which the parties had originally agreed. Indeed, without the pharmaceutical bills introduced by Appellee, it would be Appellant's burden to show that the extraordinary medical expenses had decreased.

Essentially, Appellant is asking this court to require further proof before establishing a fact that inures to Appellant's benefit. We decline to do so. Should Appellant wish to prove that his minor children's medical expenses are less than the lowered amount reflected in the magistrate's calculation, he may do so upon the proper requisite evidence requirements. Appellant has provided no such countervailing evidence on the record. Accordingly, finding that even if the magistrate had erred in admitting the pharmacy bills into evidence without expert testimony to establish reasonableness and necessity of the charges; we hold that such an error, which did not prejudice but actually benefitted

Appellant, does not warrant vacation or reversal of the circuit court's Modification Order. While our analysis of this issue could end here, we turn briefly to discuss the admissibility of medical bills in the context of a child support modification.

As to the admissibility of the medical expenses without expert testimony, Appellant relies on *Kujawa v. Baltimore Transit Co*., 224 Md. 195 (1961). In *Kujawa*, an accident occurred between a bus and automobile in which the appellant and her son were passengers. The appellant argued that the trial court erred in excluding certain medical bills from evidence. The Court of Appeals held:

> The last contention in this lengthy part (ii) is that it was error not to allow the [appellant]…to prove the medical bills. After [the appellant] had testified that she and her son had been to numerous doctors for treatment of their injuries, the doctors' unauthenticated bills were proffered as evidence. Except for two of them, the doctors were not present to verify the reasonableness of their charges, and the only testimony produced to establish that fact was that of the [appellant]. Dr. Gillis and Dr. Raymond M. Curtis, who were present, testified that their charges were reasonable. *In excluding the other medical bills, the court did not require the personal appearance of the billing doctors. The only requirement was that the plaintiffs should 'have evidence' that the charges were reasonable. The medical bills, absent a showing of reasonableness, were properly excluded*. Evidence of the amount or payment of medical bills does not establish the reasonable value of the services for which the bills were rendered or justify recovery therefor. 25 C.J.S. Damages, § 162 b(6), citing *Washington, B. & A. Elec. Ry. Co. v. Kimmey*, 141 Md. 243 (1922).

Kujawa, 224 Md. at 208 (emphasis added).

As this excerpt exemplifies, Appellant's contention is incorrect, expert testimony is not always required to prove the reasonableness of medical bills. We stated in *Brethren Mut. Ins. Co. v. Suchoza*:

> For the evidence of payment of appellee's medical bills to be admissible, Brethren had to adduce expert testimony *or other competent evidence* that

> the amount of such payment was the fair and reasonable value of the medical services rendered to appellee. Brethren did not proffer to the trial court any *expert testimony or other competent evidence of reasonableness*.

Brethren Mut. Ins. Co. v. Suchoza, 212 Md. App. 43, 56 (2013) (emphasis added). In order to prove the reasonableness of the medical expenses, Appellee had the option to prove the reasonableness of the expenses through expert testimony or other competent evidence. At the January 10, 2018 hearing, Appellant testified that his children are under his health care insurance and he receives "an explanation of benefits" from his health care insurance provider.

> [Appellee]: [Appellant] do you receive something from your insurance company called an explanation of benefits?
>
> [Appellant]: Yes.
>
> [Appellee]: Okay, and this—all these medications were paid through your insurance is that correct?
>
> [Appellant]: I don't know that.
>
> [Appellee]: They are all—they even say cause it's CVS/Caremark it's through your insurance, is that correct?
>
> [The Court]: Do you provide the insurance for your children?
>
> [Appellant]: I do.

In this case, Appellee arguably demonstrated the reasonableness of the minor children's medical expenses through Appellant's testimony coupled with Appellee's prior and contemporaneous admissions. However, we reiterate that we need not reach a conclusion as to the reasonableness and necessity of charges which only serve to benefit

Appellant if admitted.[2] Nonetheless, Appellant acknowledged that the minor children are under his health care insurance and that he received an explanation of benefits. Appellant also acknowledged in his testimony that his children take medication for ADHD. When Appellant was asked at hearing if he recognized the pharmacy receipts, the following exchange ensued:

> [The Court]: Are they familiar to you? Or are you just able to identify the type of document they are?
>
> [Appellant]: Yeah it's a——it's the medications that my children take. Some of them are I don't recognize every single one of them, but that's what it is.
>
> [The Court]: Okay, but you're familiar with those documents?
>
> [Appellant]: I don't know what you mean by that ma'am, I recognize that this is a--this would make sense that this would be a receipt for a medicine that my kids take.

The explanation of benefits includes the name of the medication and the doctor who prescribed the medication to the parties' three minor children. It follows that Appellant's testimony could qualify as "competent evidence" to show the reasonableness of the parties' minor children's medical expenses. The weight to give such evidence would remain within the sound discretion of the magistrate.

Finally, Appellant maintains that the medical expenses of the three minor children do not qualify as extraordinary medical expenses pursuant to Maryland Family Law §12-201(g)(2). Maryland Family Law §12-201(g), as it existed at the time relevant to these proceedings, prescribes as relevant:

Extraordinary medical expenses

[2] See discussion *supra* at 8-11.

> (g)(1) "Extraordinary medical expenses" means uninsured expenses over $100 for a single illness or condition.
>
> (2) "Extraordinary medical expenses" includes uninsured, reasonable, and necessary costs for orthodontia, dental treatment, asthma treatment, physical therapy, treatment for any chronic health problem, and professional counseling or psychiatric therapy for diagnosed mental disorders.

Maryland Family Law §12-201(g).[3]

The magistrate judge found that this cost of the medical expenses for the three minor children were an extraordinary medical expense. We agree. The magistrate judge stated:

> All three children are on Vivance. [sic] There is out of pocket monthly costs for the medication for each child. It cost $68.64 for three months to see if there would be a new dosage needed for one child. The total is $204.92 for the three months of extra medication. [Appellant] owes his pro-rata share of this cost. This is an extraordinary medical expense. Otherwise the ongoing regular cost for medications is $186 per month to cover the three children.

Here, the total cost is to be divided by the proportional share for each parent. It follows that the medical expenses of the three minor children does qualify as an extraordinary medical expense because the out of pocket medical expenses for the minor children is over $100. "'Extraordinary medical expenses' means uninsured expenses *over $100* for a single illness or condition." Maryland Family Law §12-201(g) (1) (emphasis added).

Appellant's argument that the statute requires that there be a monthly expense of $100 to qualify as an extraordinary expense is unconvincing. As the judge explained, the only medication is Vyvanse and it is only treating a single condition for all of the children.

[3] This law changed in 2019. Chapter 436 of 2019 added "costs for medical treatment in excess of $250 in any calendar year." Clearly, under the revised law, the medical expenses of the minor children in this case would exceed the $250 per calendar year threshold for an extraordinary medical expense.

The statute, in fact, does not specify that there be a "monthly" expense of $100; rather, in requires only an expense of $100 for "a single illness or condition." Maryland Family Law §12-201(g). That ADHD is a medical condition does not appear to be in dispute. Further, the fact that extraordinary medical expenses "includes… treatment for any chronic health problem, and… psychiatric therapy for diagnosed mental disorders" indicates that the legislature intended chronic health problems and diagnosed medical disorders to be considered a "single illness or condition." *Id*.

Appellant's contention that the monthly cost of the medication for all three children is $62 is plainly wrong and based on a calculation method that would frustrate the basic purpose of child support. The costs of medication for each child was found to be $186 dollars for a three-month supply. Thus, the cost for each child per month is $62, and the total monthly cost for the medications of their minor children is $186. Appellant's proposed calculation would simply ignore the medical expenses of two of the parties' minor children. We decline to do so. Accordingly, we hold that the magistrate judge did not err in admitting the parties' minor children's medical expenses into evidence, or in finding that the minor children's medical costs were extraordinary medical expenses.

II. Daycare expenses

a) Parties' Contentions

Appellant further argues that the circuit court erred in requiring Appellant to pay daycare expenses for the minor children. Specifically, Appellant maintains that Appellee provided no evidence to show she had to pay daycare expenses for the minor children. Appellant also argues that he provided evidence that he can provide daycare to his minor

children because he is available Monday through Friday and communicated this information to Appellee.

In response, Appellee asserts that the circuit court did not err in sustaining in part Appellant's exception to the daycare expenses for the minor children. Appellee further maintains that "if [Appellant] is… willing and able to provide daycare" to their minor children, Appellee is willing to have Appellant provide the care.

b) Analysis

As it pertains to the daycare expenses of the minor children, the magistrate judge found that:

> [Appellee] works in Montgomery County at least one day a week for their show cause docket. She hires a babysitter at $20 per hour for 5 hours per week to be able to work in Montgomery County. This is work related daycare expense. The cost is about $430 per month for this expense.

Appellant filed an exception to the magistrate judge's recommendation that he pay child daycare expenses. The circuit court sustained Appellant's exception in part. The circuit court stated the following:

> That the exception filed by [Appellant] as to the work related daycare in the Magistrate's Recommendation is sustained in part. Due to the variable amounts of work-related daycare required, [Appellant] shall be ordered to pay his proportional share as it is incurred.

We agree with the circuit court. During the January 10, 2018, hearing, Appellee's witnesses both testified that they have not witnessed Appellant providing daycare to the parties' three minor children. Specifically, one of the witnesses testified that she had to pick the children off their school bus "because an arrangement that [Appellee] had with [Appellant] fell through." Appellee also testified that Appellant has been unreliable in providing daycare

for their minor children. This Court acknowledges that Appellant is willing to provide daycare services for his minor children. However, given that Appellant has proven unreliable in providing daycare services to his children in the past, we cannot say it was an abuse of discretion to require Appellant to pay his proportional share of work-related daycare expenses as they are incurred.

Accordingly, we hold that the circuit court did not err when it sustained in part Appellant's Exceptions to the Magistrate Judge's Report and Recommendations relating to the parties' minor children's daycare expenses.

III. Parties' Income

a) Parties' Contentions

Next, Appellant asserts that the circuit court erred in adopting the magistrate's determination of the parties' income when modifying Appellant's child support obligation. Specifically, Appellant contends that Appellee did not provide a financial statement and only filed a quarterly earnings statement, which Appellant argues was not sufficient to establish Appellee's income. Appellant also maintains that Appellee failed to file her Child Support Guidelines form pursuant to Maryland Rule § 9-206. Appellant argues that Appellee admitted to having $379,486 in retirement or investment accounts, and argues that Appellee did not include interest income from those accounts as part of her actual income on her financial statement.

In response, Appellee contends that the circuit court did not abuse its discretion in adopting the magistrate judge's finding of the income of the parties. Appellee asserts that she *did* file a financial statement with the circuit court. Appellee argues that she also offered

a quarterly statement of her earnings. Moreover, Appellee argues that the magistrate judge did not err in excluding her $379,486 in retirement or investment accounts from the income calculation because there was no evidence from either Appellant or Appellee as to appreciation or interest income of those accounts. Further, Appellee contends that under Maryland law a parties' tax returns are not mandatory documentation in a child support modification action.

b) Analysis

As it relates to the modification of child support, the magistrate judge recommended the following:

> It is recommended that the child support be modified. There is a change in circumstances in the income of [Appellant] and the expenses of the children. It is further recommended that the change in support be back dated to the originally scheduled hearing date that was postponed at the request of [Appellant].

Here, the record shows that Appellee filed a financial statement with her Motion to Modify Child Support. The financial statement showed that Appellee earned $6,000 on a monthly basis. Thus, Appellant's argument that Appellee did not provide a financial statement is clearly refuted by the record.

We also hold that the circuit court did not err when it declined to include Appellee's investment/retirement accounts as a part of Appellee's actual income because neither party provided evidence of actual income arising from the investment/retirement accounts. Moreover, we have stated in *Walker v. Grow*, 170 Md. App. 255 (2006), that "'[t]he definition of actual income in Family Law section 12-201 (c) contains numerous enumerated factors that constitute income, none of which includes unrealized gains or

appreciation in asset value.'" *Grow*, 170 Md. App. at 287 (citing *Barton v. Hirshberg*, 137 Md. App. 1, 20 (2001)). Further, Appellant did not specifically raise the issue of Appellee's investment income in his exceptions to the magistrate's report. Instead, Appellant simply stated his exception that "[t]he magistrate misstated the incomes of the parties." While Appellant did mention the investment accounts in his exception filing, he did so only to show that Appellee had not withdrawn any money from the accounts, and thus, that Appellee had not "incurred any debt or obligation for the children" due to lack of sufficient child support. It appears Appellant discovered his error because over a month later, when he subsequently filed his Memorandum in Support of his exceptions, he attempted to add the non-inclusion of investment income argument to his bald exception alleging that "the magistrate misstated the income of the parties." As we explain *infra*, failure to raise this specific issue in his exceptions to the modification effectively waived Appellant's claim of error relating to Appellee's investment income.[4]

Appellant's argument that Appellee was required to submit her tax returns to show Appellee's actual income also has no merit. Maryland Family Law § 12-203 prescribes the suitable documentation to demonstrate actual income. It provides as relevant:

> **Documentation of income**
> (b)(1) Income statements of the parents shall be verified with documentation of both current and past actual income.
> (2)(i) Except as provided in subparagraph (ii) of this paragraph, suitable documentation of actual income includes pay stubs, employer statements otherwise admissible under the rules of evidence, or receipts and expenses if self-employed, and copies of each parent's 3 most recent federal tax returns.

[4] See F.L. Rule 9-208(f) discussion *infra* at 21-22.

Maryland Family Law § 12-203 (b). We also stated in *Tanis v. Crocker*:

> Section 12–203(b)(2)(i) simply lists several documents that are suitable documentation of a parent's actual income. In order to establish his or her actual income, a party to a child support case could produce any one, two, or all three of the items listed in § 12–203(b)(2)(i). Additionally, § 12–203(b)(2)(ii) states that a trial court *may*, when certain criteria are met, require a party to produce income tax returns for his or her last five years. *It is not mandatory*. Section 12–203(b) does not require that a parent's income tax returns be considered in order to resolve a dispute concerning that parent's income.

Tanis v. Crocker, 110 Md. App. 559, 572 (1996) (emphasis added). We conclude that Appellee was not required to provide her tax returns because tax returns are not a mandatory form of documentation to show actual income for a parent in a modification of child support matter.

Next, Appellant contends that Appellee failed to file her Child Support Guidelines form pursuant to Maryland Rules Family Law Act Rule 9-206. This is Appellant's first time raising this issue. Appellant did not raise this contention in his Answer to Appellee's Motion to Modify Child Support, Appellant's Exception to the Magistrate Judge's Report and Recommendations, and Motion for Reconsideration. Again, Appellant attempted to raise this specific issue for the first time, not in his exceptions as required under, but in his Memorandum in support of his proposed exceptions. In *Evans v. State*, 174 Md. App. 549, 557 (2007) we explained: "Maryland appellate courts have consistently held that they will not review issues not raised or decided at the trial level. *See Taylor v. State*, 381 Md. 602, 612 (2004) (citing Md. Rule 8–131(a))." Moreover, F.L. Rule 9-208(f) provides the "exceptions" method for preserving a challenge to a magistrate's recommendations in child support modification cases:

> (f) Exceptions. Within ten days after recommendations are placed on the record or served pursuant to section (e) of this Rule, a party may file exceptions with the clerk. Within that period or within ten days after service of the first exceptions, whichever is later, any other party may file exceptions. Exceptions shall be in writing and shall set forth the asserted error with particularity. *Any matter not specifically set forth in the exceptions is waived unless the court finds that justice requires otherwise*.

(emphasis added). It follows, that Appellant has not preserved this issue for appellate review. Accordingly, the circuit court acted within its discretion in overruling Appellant's income calculation exceptions based on the documents and testimony offered by Appellee to establish actual income.

IV. Magistrate's Findings and Recommendations

a) Parties' Contentions

Appellant asserts that the circuit court did not address and rule on all the exceptions raised in Appellant's Exceptions to the Magistrate Judge's Report and Recommendations. Namely, Appellant argues that the circuit court was required to "make specific findings with respect to each Exception." In response, Appellee argues that the circuit court *did* address and ruled on all the exceptions raised in Appellant's Exceptions to the Magistrate Judge's Report and Recommendations.

b) Analysis

Appellant bases his argument on an improper reading of our decision in *Doser v. Doser*, 106 Md. App. 329 (1995). Appellant cites *Doser* for the contention that "the trial court must make specific findings with respect to each Exception." In *Doser*, we addressed whether a trial judge's ruling on a Plaintiff's exceptions – filed in a domestic relations case – sufficiently addressed each exception raised by the Plaintiff where the trial judge's order

"merely state[d] that the 'Plaintiff's Exceptions to the Report and Recommendations of the Domestic Relations Master are overruled and denied.'" 106 Md. App. at 345. We held that such an order was not sufficient under Maryland caselaw, and remanded the case for the trial judge to "address specifically each exception to the Master's findings of fact." *Id.* Appellant's reliance on *Doser* is unavailing. Here, unlike the blanket denial present in *Doser*, the circuit court specifically addressed, and ruled on, each of Appellant's exceptions to the magistrate's findings and recommendations:

> l. That the exception filed by Defendant as to the inclusion in the child support recommendation of extraordinary medical bills is overruled. Family expenses of $186.00 per month is found to be an extraordinary medical expense. Bills for medical expenses are admissible in Child Support Court without expert testimony.
>
> 2. That the exception filed by Defendant as to the work related daycare in the Magistrate's Recommendation is sustained in part. Due to variable amounts of work-related daycare required, Defendant shall be ordered to pay his proportional share as it is incurred.
>
> 3. That the exception filed by Defendant as to the recommendation of retroactive child support is overruled. In the discretion of the Court after independent review of the record, Defendant shall pay child support as calculated and determined by this Court effective December 1, 2017.
>
> 4. That the exception filed by Defendant as to Plaintiff's income is overruled. The amount the Magistrate found for Plaintiff's income was supported by her testimony and the documents in the record.
>
> 5. That this Court having made the determinations as set forth herein and in its discretion has issued an Order consistent with these findings. Defendant shall pay child support to Plaintiff in the amount of $1,981.00 per month commencing December 1, 2017 with an arrears of $3,360.00 to be paid at the rate of $400.00 per month until paid in full.

In the present case, the circuit court "address[ed] specifically each exception to the [magistrate's] findings of fact," as required under *Doser*. 106 Md. App. at 345.

Accordingly, we hold that the circuit court properly addressed all of the exceptions in Appellant's Exceptions to the Magistrate's Report and Recommendations.

CONCLUSION

In sum, we hold that: (1) the magistrate judge did not err in admitting the parties' minor children's medical expenses into evidence, or in finding that the minor children's medical costs were extraordinary medical expenses; (2) the circuit court did not err in sustaining, in part, Appellant's Exceptions to the Magistrate Judge's Report and Recommendations relating to the parties' minor children's daycare expenses; (3) the circuit court acted within its discretion in overruling Appellant's income calculation exceptions; and (4) the circuit court properly addressed all of the exceptions in Appellant's Exceptions to the Magistrate's Report and Recommendations.

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