Circuit Court for Talbot County
Case No. C-20-FM-20-000143

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 506

September Term, 2024

A.P.

v.

M.B.

Nazarian,
Beachley,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Beachley, J.

Filed: March 31, 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).

A.P. and M.B. filed cross-petitions to modify the custody order relating to their daughter, S.P., in the Circuit Court for Talbot County. The court granted the father, M.B., sole legal and primary physical custody, and allowed the mother, A.P., supervised visitation "not less than once every other week[.]" A.P. timely appealed the order. A.P. is self-represented and filed a handwritten brief. Although the self-represented A.P.'s brief is a bit difficult to decipher, we discern her arguments to raise five contentions:[1]:

(1) whether the court's findings were supported by the evidence;

(2) whether the court appropriately considered S.P.'s best interests;

(3) whether A.P. received effective assistance of counsel;

(4) whether there was misconduct by M.B.'s counsel; and

(5) whether the court admitted objectionable hearsay into evidence.

FACTUAL AND PROCEDURAL BACKGROUND

A.P. and M.B. are the parents of S.P., born in 2019. The parties have had a tumultuous relationship, sometimes living together and sometimes living separately. In July of 2020, when the parties were living separately, A.P. filed a complaint seeking sole physical and legal custody of S.P., including a request that M.B. have no access to S.P. M.B. failed to respond to the complaint, resulting in an order of default. The first custody order was issued on January 15, 2021, granting A.P. sole legal and physical custody after

[1] A.P. also asserted various reasons why the court erred in admitting a report related to her psychiatric evaluation. Because A.P. did not provide a transcript of a hearing relevant to the psychiatric evaluation, this Court previously struck her arguments concerning this issue.

M.B. failed to attend the hearing.[2] In February 2022, M.B. filed a motion to modify. This resulted in a consent order, issued on September 12, 2022, providing for joint legal and shared physical custody, with M.B. having parental access three nights per week.

In January 2023, A.P. moved in with her mother and stepfather, bringing S.P. with her.[3] She filed a petition to modify custody on January 25, 2023. The petition did not specify how custody should be modified or the relief A.P. sought. M.B. filed a "Counter-Petition to Modify Custody, Access, and Support," seeking sole legal and physical custody, and requesting that A.P.'s access be limited to supervised visitation. Shortly thereafter, the parties obtained protective orders against each other. Prior to the custody merits hearing, A.P. was convicted of violating the protective order and was awaiting sentencing.

After a car accident in March 2023, in which A.P. was driving with S.P. as a passenger, M.B. filed a supplement to his petition, requesting an emergency hearing. An initial hearing had to be postponed because, two days before the scheduled hearing, A.P. filed a petition for an emergency evaluation of M.B., alleging that he was threatening to harm himself and others. After a hearing before a magistrate on May 1, 2023, and an exceptions hearing on June 23, 2023, the court issued a pendente lite order granting M.B. sole legal and primary physical custody of S.P., and providing A.P. visitation every other

[2] M.B. alleges that A.P. moved back in with him after filing the complaint and intercepted the notices sent to him. He testified that he found out about the complaint and custody order after the period for filing exceptions to the magistrate's recommendation had passed. He stated: "As I read this and cried she smiled at me and she said, look, I'll never keep her from you. I just need to have control."

[3] In October 2023, A.P. began renting a two-bedroom house from her parents.

weekend in addition to limited weeknight access. In the spring of 2023, M.B. began living with his girlfriend, R.J.

As a result of A.P.'s numerous discovery violations both before and after she retained counsel, the court issued a November 8, 2023 order with the following provisions:

> [D]uring the trial of this matter there will be a rebuttable presumption that:
>
> a. The best interests of the minor child . . . will be served by providing [M.B.] with primary parenting time and sole decision-making authority, with only supervised access reserved to [A.P.];
>
> b. [A.P.'s] mental health presents a danger to the minor child[.[4]]

A merits hearing was held on February 8 and 9, 2024. A.P. and M.B. both provided extensive testimony. In addition to the parties, several other witnesses testified, including both parties' significant others, A.P.'s mother, and M.B.'s adult son.

Prior to trial, the court issued an order requiring A.P. to complete a psychiatric evaluation. A report from Maureen Vernon, Ph.D., who conducted the evaluation, was admitted into evidence. Dr. Vernon concluded that A.P. "is an interesting, and complex individual who has clearly been experiencing significant internal psychological distress." She stated that A.P.

> has impulse control issues, and this will continue to impede her ability to maintain consistent boundaries and follow any rules or social constraints she chooses not to recognize or feels are too restrictive. . . . She will need to work on addressing [these issues] for her own mental health and the well-being of her young daughter. She loves [S.P.] but because of many of her own psychological issues her judgment is often distorted and questionable.

[4] A.P. mounts no appellate challenge concerning the propriety of the November 8, 2023 order.

Dr. Vernon opined that "[a]ny parenting time will need to be somewhat monitored until she is able to incorporate the necessary self-controls and appropriate behavioral constraints that are needed for raising her young daughter." Additionally, M.B. testified extensively about A.P.'s cyclical mental health, describing a pattern where her mood begins to change in September or October, "[b]y Christmas time she's very different, she's colder, she's quiet. She's sarcastic. Very negative about everything[,]" and in February "it's just exploded. She gets, you know accuses [M.B.] of all kinds of things, conspiracy theories." He testified that, in February 2017, "her behavior was so erratic and bizarre" that she needed an emergency psychiatric evaluation, which resulted in A.P. staying at a psychiatric hospital for six weeks. A.P. admitted that she was hospitalized, but stated that it was only for 72 hours, not six weeks.

On a weekend in early February 2023 when M.B. had custody of S.P., A.P. requested that police conduct a welfare check on S.P. A.P. testified that she did so because S.P. was with M.B.'s adult son, E.B., at M.B.'s ex-wife's house, where A.P. alleged "they were smoking weed and drinking." A.P. was standing across the street from the house when she called police. E.B. testified that he had never seen any drinking or smoking at the house. The police responded, but took no action.

A.P. also admitted to sending a pornographic video to E.B. in early February that depicted A.P. and another individual engaged in sexual intercourse. A.P. stated that she sent E.B. the video accidentally, meaning to send it to someone with the same first name,

who she stated was the other person in the video. Nevertheless, E.B. testified that A.P. had sent him various pornographic photos and videos on other occasions.

Concerning the March 2023 car accident, A.P. testified that the cause of the accident was "weather-related," describing the weather at the time as "very rainy, very windy." M.B. produced historical weather data from the National Weather Service and the U.S. Department of Commerce indicating that there was very little rain and maximum wind gusts of 29 miles per hour at the location of the accident that day. M.B. went to the site of the crash the next day and took pictures, some of which depicted miniature liquor bottles on the ground next to debris and tire marks from the vehicle. A.P. alleged that the miniature liquor bottles were "planted" there by M.B. M.B. testified that, when he viewed A.P.'s vehicle at the impound lot, it "reeked of marijuana." Additionally, he stated that A.P. told him shortly after the accident, "I'm not responsible. There's no way I wrecked in that ditch. Somebody turned their headlights off and rammed into me and forced me into the ditch." M.B. visited the site, but did not see any signs that another vehicle was involved. A.P. stated that the police report indicated that weather was the cause of the accident and that a urine test done at the hospital showed A.P. had no drugs or alcohol in her system. Neither the police report nor medical records were admitted into evidence. A.P. admitted that her driver's license was suspended at the time of the accident.[5]

[5] M.B. stated that his driver's license has also been suspended on multiple occasions due to failure to pay child support arrears for his older children.

When presented with screenshots of Facebook posts from A.P.'s Facebook account that deny that M.B. is S.P.'s father and make claims about various other men being S.P.'s father (written after the parties received DNA test results contradicting the posts), A.P. testified that she did not author those posts, stating that her Facebook account is frequently "hacked." She admitted to posting pictures of herself and S.P. on the account after the paternity-related posts were made, and did not have a response to why she would not have deleted the posts made by the "hacker." She was also presented with text messages in which she denied that M.B. was S.P.'s father, one of which she admitted to sending. In response to the other texts, A.P. claimed that M.B. stole her phone and wrote those messages himself. Finally, M.B.'s counsel played voicemail messages A.P. sent to M.B.'s father claiming that M.B. was not S.P.'s father. A.P. also stated in the voicemail that she believed that the DNA test results were faked, alleging that someone paid the lab workers to produce inaccurate results. According to A.P., M.B. denied being the father of S.P., and it was as a result of *M.B.'s* denial of paternity that A.P. made statements about M.B. not being S.P.'s father.

Both M.B. and his girlfriend, R.J., testified that A.P.'s behavior during video visits with S.P. was sometimes inappropriate. According to R.J., "at least once a week there's a problem" related to inappropriate behavior during video visits. R.J. and M.B. testified that S.P. became upset when A.P. told S.P. they would meet in person "soon," despite A.P. not knowing when they would next meet in person. On one occasion when S.P. was complaining to A.P. that M.B. would not allow her to eat peaches until after S.P. finished

eating her vegetables, A.P. told S.P. she could have whatever food she wanted and did not have to listen to M.B. or R.J. M.B. also testified that A.P. appeared to be topless during two separate video visits. After one such incident, M.B. stated that S.P. asked "three times why wasn't mommy wearing any clothes?"

Extensive evidence was presented about A.P.'s antagonistic behavior toward many members of M.B.'s family. R.J. testified that she tries to avoid direct contact with A.P. because of her behavior. M.B. testified that A.P. sent him videos in which she was "coaching" S.P. "to say bad things" about M.B. There was evidence that A.P. sent harassing or derogatory texts to R.J. and all of M.B.'s adult children. Additionally, A.P. left M.B.'s father a voicemail in which she makes negative comments about M.B. and claims he is not S.P.'s father.

There was contradictory evidence concerning the frequency of M.B.'s drinking and how it affects his parenting abilities. A.P. testified that M.B. "struggles with alcohol addiction and his temper can be very violent at times." She stated that, when they were living together, M.B. "would drink on a daily basis." R.J. testified that M.B. drinks wine or beer four to five days per month, consuming only "two or three [drinks] max" at a time. M.B. admitted that he has had anger issues in the past, but testified that there was only one occasion in which he was violent toward A.P. Additionally, M.B. testified that he has since completed six months of anger management classes and no longer considers himself to be easily provoked. R.J. testified that she has never had any concerns for anyone's safety with regard to M.B. All witnesses other than A.P. and her boyfriend (who did not testify on the

matter one way or another) testified that M.B. is a fit parent. Even A.P.'s mother testified that she had no concerns about M.B.'s care of S.P.

The court rendered its opinion from the bench, concluding that there was a material change in circumstances based on the following findings:

> Plaintiff has sought on more than one occasion to alienate [S.P.] from her father and his family. Plaintiff has claimed repeatedly that the Defendant is not [S.P.'s] father. Not withstanding [sic] two different tests providing otherwise. Plaintiff has exposed [S.P.] to inappropriate behaviors. Has created disturbances at [S.P.'s] school. Plaintiff was involved in an automobile accident with [S.P.] in the car while Plaintiff's license was suspended. The cause of which is troubling to the [c]ourt given a liquor bottle or liquor bottles were found at the scene of the accident. Plaintiff has been charged with and subsequently convicted of several violations of the criminal law as relates to her violation of protective order in Caroline County. Perhaps most troubling is that which is reflected in the [c]ourt [o]rdered assessment of the Plaintiff made by Dr. [Maureen] Vernon a board licensed psychologist that was submitted to the [c]ourt. Dr. Vernon on page three of her report and reflecting on the relationship between Plaintiff and Defendant notes, "Unfortunately the love/hate relationship history is being played out in reoccurring litigation battles that are never fully resolved but continue their cycle. This is most disturbing because it spills over onto their daughter. Although she's quite young reports from other adults in her life including her daycare provider suggest she is becoming more aware of the situation." Page seven Dr. Vernon writes, "[A.P.] is an interesting and complex individual who has clearly been experiencing significant internal psychological distress. She professes that she's fine and denies having problems except those relating to the conflict over her daughter.["] Dr. Vernon further writes, ["A.P.] has impulse control issues. And this will continue to impede her ability to maintain consistent boundaries and follow any rules or social constraints she chooses not to recognize or feel[s] are too restrictive. Any parenting time will need to be somewhat monitored until she's able to incorporate the necessary self controls and appropriate behavioral constraints that are needed for raising her young daughter.["] Dr. Vernon's assessment in large part was consistent with what this [c]ourt gleaned from the testimony of Plaintiff directly and the reasonable inferences [the c]ourt drew from her testimony and demeanor on the witness stand and in the courtroom.

After finding a material change in circumstances, the court proceeded to consider S.P.'s best interest. In doing so, the court made explicit findings on each of the *Sanders*/*Taylor* factors, discussed in more detail *infra*.[6] In light of the court's thorough discussion, spanning ten pages of transcript, we shall highlight only a few of the court's findings:

- A.P. and S.P. "were in a serious accident in which fortunately no one was seriously injured. And [A.P.] was not charged. But a liquor bottle or liquor bottles were observed at the scene."

- "Shared custody, parenting time, if you will, was tried. It did not work out. And the [c]ourt is not persuaded that it would going forward."

- As to each parent's ability to maintain the child's relationship with other relatives, the court found that M.B. facilitated a relationship between S.P. and her maternal grandmother, and that the grandmother "had no concerns" with M.B.'s care of S.P.

- Regarding "the capacity of the parents to communicate and to share decisions [a]ffecting [S.P.'s] welfare[, t]he short answer is sadly none."

- "As reflected in Dr. Vernon's report the constant bickering between the parents is beginning to have an impact on [S.P.]. Dr. Vernon is also concerned with the behavior of Plaintiff specifically as it relates . . . to comments about Defendant to and in front of [S.P.]."

- Concerning the ability of each parent to meet the child's development needs, the court concluded that "[t]his factor clearly tilts towards Defendant. [S.P.] seems to be thriving since she's been living with her father. Plaintiff has her own developmental needs. As Dr. Vernon[] expressed on page seven of her report, [A.P.] has impulse control[issues] that will continue to impede[] her ability to maintain consistent boundaries. Dr. Vernon went on to say [there are] clear indications that individual therapy is strongly recommended for [A.P.]. It will be important for her to learn, to understand some of the cognitive and emotional issues that have been identified but she struggles to accept. She will need to work on addressing them for her own mental health and the wellbeing of her young daughter."

[6] *Montgomery Cnty. Dept. of Soc. Servs. v. Sanders*, 38 Md. App. 406 (1977); *Taylor v. Taylor*, 306 Md. 290 (1986).

- "In many child access cases the [c]ourt is often confronted with actions by the parties, one or both, that can [a]ffect the overall wellbeing of the child or children and that acts and deeds are more tilted towards ratcheting up the tenure of conflict in an effort to inflict mental and physical abuse upon the other party with minimal regard with what is best [for] the child or the children. Court finds this to be evident in this case more so however from Plaintiff rather than Defendant. The protective order files, the posting on social media, the phone messages, the allegation Defendant is not [S.P.'s] father are most concerning to this [c]ourt. It has to stop or the negative impact on [S.P.] will be significant."

- As to evidence of exposure of the child to domestic violence, the court found that "[t]here was some testimony in that regard although the domestic violence was directed more toward the parent and not in front of [S.P.]. Nonetheless children are perceptive and from Dr. Vernon's report the conflict between the parties is starting to impact [S.P.]."

The court then returned to the two factors—fitness of the parties and character and reputation—that are typically the first two considerations in a best interest analysis. The court found as follows:

> Both parties have character issues that are troubling to the [c]ourt. Defendant has had his driver's license repeatedly suspended for failure to pay child support. . . . He's been convicted of second degree assault on Plaintiff. He's failed to file income tax returns for several years and his language on social media is irresponsible and inappropriate. . . . Nonetheless Defendant's relationship with [R.J.] seems to be strong and the [c]ourt was impressed with her testimony. . . . [S.P.] seems to be well adjusted in the home of Defendant [and R.J.]. And she seems well cared for and her needs more than met. Defendant's character issues not withstanding [sic] the [c]ourt believes Defendant to be a fit and proper person to have care and custody of [S.P.] and is in a better position to provide the stability that [S.P.] needs.
>
> Plaintiff is facing sentencing for criminal charges rising out of violations [of] the Protective Order in Caroline County and may[ ]be incarcerated. She's had her license suspended on occasion. Her post[s] on social media are most troubling to this [c]ourt. Her repeated allegations that the Defendant is not [S.P.'s] father in spite of substantial evidence to the contrary are inappropriate and harmful potentially to [S.P.]. . . . The fact that she sent a video of herself involved in sexual intercourse and has sent other suggestively sexual videos and messages. If it doesn't shock the consci[ence]

> of the [c]ourt it comes close to doing so. There was also persuasive testimony that she participated in a video call with [S.P.] while topless. This [c]ourt believes that Plaintiff genuinely loves [S.P.] and wants to have a meaningful relationship with her. And indeed the [c]ourt wants that to happen. *At this time, however, the [c]ourt finds Plaintiff is not a fit person to have custody of [S.P.] and to have unsupervised visitation with her.*

(Emphasis added). Although the court found that A.P. was not "fit" to have custody of S.P., it proceeded to note that the November 2023 order established a rebuttable presumption that it would be in S.P.'s best interest for A.P. to have only supervised visitation and that A.P.'s mental health issues are a danger to S.P. In that regard, the court was "not persuaded that [A.P.] has provided credible evidence to rebut that presumption." The court concluded that it was in S.P.'s best interest for M.B. to have sole legal and physical custody of S.P. and for A.P. to have supervised visitation "not less than every other week." Additionally, the court ordered that A.P. have video visits with S.P. "not less than every Tuesday and Thursday evening but for not more than one hour each evening."

STANDARD OF REVIEW

In *Gizzo v. Gerstman*, 245 Md. App. 168, 191-92 (2020), this Court discussed the standard of review for child custody decisions:

> [A]ppellate courts apply different standards when reviewing different aspects of a custody or visitation decision. The appellate court will not set aside the trial court's factual findings unless those findings are clearly erroneous. *See*, *e.g.*, *Burak v. Burak*, 455 Md. 564, 616-17, 168 A.3d 883 (2017). To the extent that a custody decision involves a legal question, such as the interpretation of a statute, the appellate court must determine whether the trial court's conclusions are legally correct, and, if not, whether the error was harmless. *See id.* at 617, 168 A.3d 883. The trial court's ultimate decision will not be disturbed unless the trial court abused its discretion.

"When scrutinizing factual findings, this Court must 'give due regard to the opportunity of the trial court to judge the credibility of the witnesses.' 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.'" *Id.* at 200 (citation omitted) (first quoting Md. Rule 8-131(c), then quoting *Azizova v. Suleymanov*, 243 Md. App. 340, 372 (2019)). "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." *Id.* (quoting *Goldmeier v. Lepselter*, 89 Md. App. 301, 313 (1991)). Because of this, trial courts are given "great discretion in making decisions concerning the best interest of the child." *Id.* (quoting *Petrini v. Petrini*, 336 Md. 453, 469 (1994)).

DISCUSSION

I. The Court's Findings Were Supported by the Evidence

Although the court made extensive findings related to the *Sanders-Taylor* factors, A.P. challenges only four findings as clearly erroneous: (1) that the cause of A.P.'s March 2023 car accident was "troubling"; (2) that M.B.'s parenting is not inappropriate; (3) that A.P. suffers from mental health issues; and (4) that A.P. exposed S.P. to inappropriate behaviors. We shall address each of these issues in turn.

a. March 2023 Car Accident

A.P. asserts that the court erred in finding that the cause of the March 2023 car accident was "troubling" because of the presence of liquor bottles at the crash site. A.P. argues that this finding is clearly erroneous because the accident was "proved to be weather

related" in a police report. The police report A.P. references was not admitted into evidence. Photographs from the crash site show two miniature liquor bottles on the ground next to debris and tire marks from the vehicle. The court did not find that A.P. had been drinking, merely noting that "a liquor bottle or liquor bottles were observed at the scene." To the extent the court found this incident "troubling," we discern no error in the court's observation.

b. Appropriateness of M.B.'s Parenting

A.P. argues that the court erred in finding that M.B.'s parenting is not inappropriate. The only evidence A.P. discusses to support this argument, aside from generally stating that M.B. is an "abusive alcoholic," are two video recordings. The first is a surveillance video of an altercation between the parties, which was not admitted into evidence. The second video relates to a video visit she had with S.P. on August 6, 2024, in which A.P. alleges S.P. was not wearing pants or underwear. Because this visit occurred after the February 2024 merits hearing, the court could not have considered it.

Concerning M.B.'s use of alcohol and history of violent behavior, there was evidence indicating that, to the extent that these issues existed in the past, M.B. does not currently abuse alcohol and has learned to control his temper. R.J. testified that M.B. only has "two or three" drinks "four to five" times per month. She also testified that she has never had safety concerns vis-à-vis M.B. M.B. testified that he completed six months of anger management classes and is no longer easily provoked. The court noted the domestic violence allegations, but found that it was "directed more toward the parent and not in front

of [S.P.]." Although the court did not make any explicit findings concerning M.B.'s alcohol use, its failure to list alcohol abuse in its discussion of M.B.'s "character issues" implies that it did not find M.B.'s use of alcohol to be problematic in his care of S.P.

The court's finding that M.B. is a fit parent to care for S.P. was based on the overall circumstances, including M.B.'s "strong" relationship with R.J., who "interact[s] positively" with S.P., and S.P. being "well cared for and her needs more than met" in his care. In its findings on other factors, the court stated that M.B. has "stable and lucrative employment[,]" that he "helped to facilitate contact" between S.P. and her maternal grandmother, that S.P. "seems to be thriving since she's been living with her father[,]" and that she "has had all of her health and dental needs met." It is clear that the court, in reviewing the entire evidentiary record, found that, in spite of his failings in certain areas, M.B. is a fit parent. We cannot conclude that the court's findings are clearly erroneous.

c. A.P.'s Mental Health Issues

A.P. argues that there is no evidence supporting a finding that she has any "mental health issues." Dr. Vernon's report undermines A.P.'s argument. Dr. Vernon opined that A.P. "has clearly been experiencing significant internal psychological distress" and has "impulse control issues." The court noted that Dr. Vernon's report "in large part was consistent with what this [c]ourt gleaned from the testimony of [A.P.] . . . and demeanor on the witness stand and in the courtroom." M.B. recounted that A.P. received in-patient psychiatric treatment for six weeks in 2017 and generally corroborated Dr. Vernon's assessment. Finally, A.P.'s discovery violations resulted in the court imposing a rebuttable

presumption that A.P.'s mental health presents a danger to S.P., a determination that has not been challenged on appeal. The court did not err in finding that it was "not persuaded that [A.P.] has provided credible evidence to rebut that presumption."

d. A.P. Exposing S.P. to Inappropriate Behaviors

A.P. argues that the evidence does not support a finding that she exposed S.P. to inappropriate behaviors. We disagree. There was evidence that A.P. showed up outside a residence S.P. was in while M.B. had custody and called police for a "safety check"; that A.P. instigated arguments during exchanges, in front of S.P., requiring M.B. to get a Sheriff's deputy to de-escalate the situation; that A.P. twice appeared for video visits topless; that A.P. told S.P. during video visits that S.P. did not have to listen to M.B. and could eat whatever she wanted; and that A.P. coached S.P. to say bad things about M.B. This evidence more than adequately supports the court's finding that A.P. exposed S.P. to inappropriate behaviors.

II. The Court Based Its Decision on S.P.'s Best Interests

A.P. argues throughout her brief that the court's decision is not in S.P.'s best interests, and that the court failed to consider S.P.'s best interests.

In making a child custody determination, the trial court must "consider the best interests of the child, evaluating guiding factors laid out in *Montgomery County Dep't of Soc. Servs. v. Sanders*, 38 Md. App. 406 (1977)[,] and *Taylor v. Taylor*, 306 Md. 290 (1986)." *Jose v. Jose*, 237 Md. App. 588, 599 (2018). "*Sanders* provided ten non-exclusive

factors"[7] and "*Taylor* provided thirteen factors, some of which overlap the *Sanders* factors[.]"[8] *Id*. at 599-600. "When considering the *Sanders-Taylor* factors, the trial court should examine 'the totality of the situation in the alternative environments' and avoid

[7] The best interest factors identified in *Sanders* are as follows:

1. Fitness of the parents;
2. Character and reputation of the parties;
3. Desire of the natural parents and agreements between the parties;
4. Potentiality of maintaining natural family relations;
5. Preference of the child;
6. Material opportunities affecting the future life of the child;
7. Age, health and sex of the child;
8. Residences of parents and opportunity for visitation;
9. Length of separation from the natural parents;
10. Prior voluntary abandonment or surrender.

Jose, 237 Md. App. at 599-600 (citing *Sanders*, 38 Md. App. at 420).

[8] The best interest factors identified in *Taylor* are:

1. Capacity of the Parents to Communicate and to Reach Shared Decisions Affecting the Child's Welfare;
2. Willingness of Parents to Share Custody;
3. Fitness of Parents;
4. Relationship Established Between the Child and Each Parent;
5. Preference of the Child;
6. Potential Disruption of Child's Social and School Life;
7. Geographic Proximity of Parental Homes;
8. Demands of Parental Employment;
9. Age and Number of Children;
10. Sincerity of Parents' Request;
11. Financial Status of the Parents;
12. Impact on State or Federal Assistance;
13. Benefit to Parents.

Jose, 237 Md. App. at 600 (citing *Taylor*, 306 Md. at 304-11).

focusing on or weighing any single factor to the exclusion of all others." *Id*. at 600 (quoting *Best v. Best*, 93 Md. App. 644, 656 (1992)).

"It is not our role to reassess the credibility of the witnesses who testify before the trial court[,]" *Thornton Mellon, LLC v. Adrianne Dennis Exempt Trust*, 250 Md. App. 302, 329 (2021), *aff'd*, 478 Md. 280 (2022), nor to determine the weight of the evidence before the trial court, *J.A.B. v. J.E.D.B.*, 250 Md. App. 234, 246-47 (2021). Additionally, as noted *supra*, the trial court's ultimate decision based on its assessment of the evidence will not be overturned absent an abuse of discretion. *Gizzo*, 245 Md. App. at 192. "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 lower court are clearly erroneous or there is a clear showing of an abuse of discretion.'" *Azizova*, 243 Md. App. at 372 (quoting *Gordon v. Gordon*, 174 Md. App. 583, 637-38 (2007)).

As best as we are able to determine, A.P.'s argument mostly relates to (1) the history of domestic violence between the parties and M.B.'s use of alcohol, (2) her belief that it is psychologically harmful for S.P. to be separated from A.P. for extended periods of time, and (3) the weight to be given to A.P.'s Facebook posts. As we discussed above, the evidence regarding M.B.'s use of alcohol and anger issues was mixed, with some evidence supporting M.B.'s contention that these issues do not negatively affect his current ability to care for S.P. A.P. did not present any evidence regarding the psychological effect that S.P. may experience as a result of her extended separation from A.P. Nonetheless, the court recognized that it is generally in S.P.'s best interest to have a relationship with A.P., but

found that "[a]t this time, . . . [A.P.] is not a fit person to have custody of [S.P.] and to have unsupervised visitation with her." As to A.P.'s argument that the court gave too much weight to her Facebook posts, we first reiterate that the weighing of evidence is fully within the trial court's discretion. Secondly, the court only mentioned A.P.'s Facebook posts twice in its lengthy opinion, and does not appear to have given the issue undue weight. Our review of the record persuades us that the court appropriately considered all of the factors and made an informed decision based on the totality of the evidence relevant to S.P.'s best interest.

III. A.P.'s Ineffective Assistance of Counsel Argument Fails

Throughout A.P.'s brief, she complains that her trial counsel failed to communicate with opposing counsel, present certain evidence, or effectively cross-examine witnesses. We interpret A.P.'s argument in this regard as a claim of ineffective assistance of trial counsel. An individual has a constitutional right to effective assistance of counsel when facing criminal charges. *See In re Adoption/Guardianship of Chaden M.*, 189 Md. App. 411, 425 (2009), *aff'd* 422 Md. 498 (2011). Generally, there is no right to counsel in the civil context. However, certain statutes create a right to counsel in specific proceedings, which "also includes the corresponding right to the effective assistance of counsel." *Id.* at 428. A case seeking modification of a child custody order is not included within those statutes and is not otherwise a civil proceeding in which a party's liberty is in jeopardy. *See Zetty v. Piatt*, 365 Md. 141, 156-59 (2001) (recognizing right to counsel in civil

contempt proceedings involving incarceration). Therefore, A.P.'s ineffective assistance of counsel claim is without merit.

IV. A.P. Failed to Preserve Any Issues Concerning Improper Arguments Made by Opposing Counsel

A.P. next argues that M.B.'s counsel was "manipulative," used "reverse psychology," and encouraged M.B. to "blackmail" A.P. Because none of these arguments were raised below, A.P. has failed to preserve this issue for our review. *See Green v. North Arundel Hosp. Ass'n, Inc.*, 126 Md. App. 394, 425 (1999).[9]

V. A.P. Failed to Preserve Her Hearsay Arguments

Lastly, A.P. argues that much of the evidence before the court was inadmissible hearsay. However, she fails in many instances to specify the objectionable statements, instead broadly labeling all evidence related to certain topics as "hearsay." We cannot review such vague claims. *See Ubom v. SunTrust Bank*, 198 Md. App. 278, 285 n. 4 (2011) (noting that failure to reference pages in the record to which an argument refers is grounds for dismissal and that this Court is "not required to ferret out from the record factual support favorable to" a party's argument (quoting *Vandegrift v. State*, 82 Md. App. 617, 633 (1990))). In the few instances where A.P. provides record citations related to her hearsay arguments, we note that she failed to object to the testimony she now claims was

[9] Additionally, A.P. fails to point to specific instances in the record where M.B.'s counsel acted inappropriately. The few record citations A.P. provides merely show M.B.'s counsel presenting father's version of the facts as shown by the evidence. That A.P. disagrees with M.B.'s interpretation of the evidence is neither surprising nor an indication that M.B.'s counsel was acting inappropriately.

improperly admitted. A.P.'s hearsay claims are therefore waived. *See* Rule 2-517(a) ("An objection to the admission of evidence shall be made at the time the evidence is offered or as soon thereafter as the grounds for objection become apparent. Otherwise, the objection is waived."). Finally, some statements A.P. argues are hearsay are actually assertions made by M.B.'s counsel. Aside from her failure to object, counsel's statements are not evidence. *See Keller v. Serio*, 437 Md. 277, 288 (2014).

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