

Circuit Court for Anne Arundel County
Case No. C-02-FM-20-001706

UNREPORTED*

IN THE APPELLATE COURT
OF MARYLAND

No. 602

September Term, 2025

JEFFREY REICHERT

v.

SARAH HORNBECK

Reed,
Shaw,
Kenney, James A.
(Senior Judge, Specially Assigned)

Opinion by Shaw, J.

Filed: January 20, 2026

*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).

Appellant Jeffrey Reichert (“Father”) and Appellee Sarah Hornbeck (“Mother”) are the parents of G.R., a minor child. In 2011, in conjunction with divorce proceedings, the parties were awarded joint legal and physical custody of G.R. with tie-breaking authority to Mother by the Circuit Court for Baltimore City. In 2021, Mother filed an expedited motion to modify the original custody order in the Circuit Court for Anne Arundel County. That court later awarded Mother sole physical and legal custody, and Father was granted supervised visitation. Both parties were ordered to refrain from discussing the custody dispute or disparaging each other in front of G.R.

On December 18, 2024, following a petition for contempt filed by Mother and a hearing, the Circuit Court for Anne Arundel County, again, modified the custody order finding that the prior orders were ambiguous. The court denied Mother’s petition for contempt and then ordered that Father have supervised telephone communications with G.R., no in-person access to G.R., and he was not to speak with or obtain information directly from G.R.’s instructors, counselors, or medical providers.

Appellant timely appealed and presents two questions for our review, which we have rephrased¹:

1. Whether the Circuit Court for Anne Arundel County was the proper venue?

¹ Appellant’s original questions are as follows:

1. Anne Arundel Circuit Court was not the proper venue to hear and rule on the contempt matter.
2. The trial erred in modifying the prior court order without a finding of contempt against the Appellant.

2. Whether the Circuit Court for Anne Arundel County erred in modifying the prior custody and visitation court order without finding Appellant in contempt?

We hold that the court did not err and we affirm the judgment.

BACKGROUND

Father and Mother were married on January 31, 2009, and resided in Baltimore City. One child was born of the marriage in November 2009, G.R. In 2011, the parties were granted an absolute divorce by the Circuit Court for Baltimore City. The court awarded the parties joint legal and physical custody of G.R., with tie-breaking authority to Mother. In October 2019, the parties consented to a modification of custody and visitation. Thereafter, the parties filed multiple motions for contempt and modification of custody.

On July 9, 2020², Mother filed, in the Circuit Court for Anne Arundel County, a complaint for emergency modification of custody and, as ordered by the court, it was refiled on August 13. Mother requested a civility order, sole legal and physical custody, and an order requiring Father to submit to a psychological evaluation. The action was initiated in that particular court because Father and G.R. resided in Anne Arundel County. Mother lived in Baltimore City. Mother's petition was denied by a Magistrate on August 14. A hearing for exceptions on the Magistrate's decision was held on April 27, 2021, and

² Mother's initial petition was found deficient by the court for omitting the parties' original custody order issued by the Circuit Court for Baltimore City. Mother subsequently refiled the petition on August 13, 2020; Mother also filed and obtained a separate TPO in the District Court for Anne Arundel County against Father, which was later transferred to the Circuit Court for Anne Arundel County.

the circuit court judge ratified the Magistrate's recommendations. The parties reached a *pendente lite* consent agreement which was ordered to be submitted by May 2021.

During this time, Father, while in possession of G.R., moved to the State of Virginia on or around January 1, 2021. Prior to the submission of the *pendente lite* consent agreement, both parties filed petitions for contempt in the Circuit Court for Anne Arundel County, alleging violations of the parties' original October 2019 consent order. Mother alleged that Father refused to uphold the terms of the order, including not producing G.R. for her scheduled visitation. Mother also filed an expedited motion to revise the order for unjustifiable denial and interference with visitation.

A show cause hearing, in the Circuit Court for Anne Arundel County, was held on June 9, 2021, and the Magistrate recommended the dismissal of both petitions. A consent order was entered by the court on June 9 that stated that the October 2019 consent order was current, and it was modified to include extended summer visitation for Mother. It also permitted communication among the parties on a court appointed platform "Our Family Wizard."

In the following month, the parties were heard on Mother's May 2021 motion to revise in the Circuit for Anne Arundel County. The court found that Father unjustifiably interfered with or denied Mother's visitation and the court ordered Father to produce G.R. for Mother's scheduled summer visitation on July 11. The court ordered a revision of the parties' consent order entered in June 2021 to include the production of the child by the set date or if not abided by, requiring that G.R. be brought to the Court on July 14 by 9:00am. Father did not abide by either of the court's orders. The court held Father in contempt,

issued a body attachment for him, and later held Father in detainment until G.R. was produced to purge the contempt in August 2021.³ Subsequently, Mother filed an expedited motion for modification of the consent order, revision of the September 2021 custody order, and two petitions for contempt because Father denied Mother's scheduled visitation in September and November 2021.

In 2022, a continued hearing was held in the Circuit Court of Anne Arundel County, regarding Mother's filings, on the second of February. The court found that Father shared beliefs with G.R. that were "detrimental to his mental health and development"; he was "teaching the child to disrespect authority and lack tolerance for different points of view"; and he was directly involving G.R. in the custody dispute. Mother was awarded temporary sole legal and physical custody, and Father was ordered to have no further contact with G.R., for up to ninety days. The court, in September, awarded Mother sole custody of G.R. and Father was given supervised visitation. Both parents were prohibited from discussing custody issues or disparaging each other to G.R.

Short of a year later, Mother filed a petition for contempt in the Circuit Court for Anne Arundel County in June 2023. Prior to the court's ruling, Father filed a complaint, on August 2, for custody modification in the Circuit Court for Baltimore County stating

³ In July 2021, Father filed a petition for custody and visitation in the District Court for Chesapeake Virginia, and in August 2021, he obtained a protective order on behalf of G.R. against Mother. Father during the hearing held on August 5, 2021, in the Circuit Court for Anne Arundel County, stated he refused to produce G.R. because he had obtained the protective order in Virginia. Concurrently, Father also moved for termination of jurisdiction in Maryland but was denied, on October 21, 2021, by the Circuit Court for Anne Arundel County.

that because Mother and G.R. lived in Baltimore County for at least six months prior to Father's filing, it was the appropriate venue. Five days after Father filed, Mother's petition for contempt was granted by the Circuit Court for Anne Arundel County, and the court ordered purge provisions for child support and Father's communications with G.R. The order required that Father's communications with G.R. be supervised by Mother or Mother's family, and in a subsequent order on August 15, the court ordered Father's telephone calls to be scheduled and monitored by Father's mother, Carolyn Reichert.

Thereafter, Mother requested a dismissal or transfer of Father's complaint in the Circuit Court for Baltimore County to the Circuit Court for Anne Arundel County, and the court entered an order of transfer on December 5. Father filed for a protective order against Mother in the District Court of Baltimore County on behalf of G.R., alleging physical abuse on December 19. Father was awarded temporary custody while an investigation was conducted by the Department of Social Services ("DSS"). At this point in time, pursuant to Maryland Rule 3-326, the District Court transferred Father's action to the Circuit Court for Anne Arundel County on January 9, 2024. A final protective order hearing was held on February 23, where the court denied Father's petition holding that he failed to meet his burden of proof. This court, in an unreported opinion, affirmed the lower court's ruling on May 13, 2025.

Concurrently, the Circuit Court for Anne Arundel County, upon review of the files, ordered on January 4, the consolidation of Father's complaint for modification of custody with the parties' pending custody matter. Three months later, Father filed a petition for contempt in the Circuit Court for Anne Arundel County, alleging Mother willfully violated

the parties' custody order.⁴ Mother, then, filed a petition for contempt on April 15, 2024, stating Father violated the court's orders from September 9, 2022, August 7, 2023, and August 15, 2023. Mother alleged that Father included G.R. in the legal aspects of the case, continued to discuss the custody dispute with or in front of G.R., disparaged Mother and Mother's family members with G.R., failed to pay both current and retroactive child support, and failed to pay Mother's attorney fees from prior proceedings. Mother's motion was denied as moot on April 25 because a show cause hearing for contempt was pending and scheduled for May 21. The court later vacated its order denying Mother's petition for contempt, scheduled it to be heard on May 21, and on the date of the hearing granted a postponement for a hearing on June 25, 2024. The court dismissed Father's petition for contempt.

Preceding the scheduled hearing, Father, again, filed a petition for contempt against Mother alleging violations of the September 2022 custody order on June 7. On the day of the proceeding, the parties appeared for a hearing on the merits of both parents' petitions for contempt and Father's August 2023 petition to modify custody. Father requested a postponement, which the court denied, and he then left the courthouse. The court issued a bench warrant, denied Father's petition for contempt with prejudice, dismissed Father's petition for modification, and reset Mother's petition for contempt. The bench warrant for Father was later quashed by the court.

⁴ Father also filed a petition for emergency custody on April 10, 2024, and the court denied the motion that same day.

A subsequent hearing was held on November 14, in which Mother, Mother's Attorney, and Father's attorney were present. Father, the day before, filed a motion requesting a remote appearance for the hearing, stating that he was "undergoing some post-traumatic stress disorder symptoms" and therefore could not participate in the proceeding. The motion was denied the morning of the hearing, and Father failed to appear. The court issued a bench warrant for Father and awarded Mother attorney's fees, finding that Father had "failed to appear in multiple proceedings during the course of litigation, including his abandonment of this case, in his case, in the middle of trial, after a postponement was denied." A subsequent hearing was scheduled for November 26.

On that day, Father, again, failed to appear and the court issued a bench warrant. The court proceeded with Mother, Mother's Attorney, and Father's attorney on hearing the merits of Mother's petition for contempt. Mother testified that Father's mother, Carolyn Reichert, was an inappropriate supervisor for Father's telephone calls with G.R. She testified Father's mother permitted, encouraged, and participated in Father's continuation of his previous behaviors. She testified that Father's mother "called the Police and reported abuse . . . repeatedly found to have zero merit[.]" Mother stated that Father told G.R. he was being abused, "the court order [sic] is abused," that Father was "filing all these lawsuits . . . against the court, [Mother], and Mr. Michael and [Mother's] attorney," and called Mother "crazy" and a "terrible mother." Mother stated that she started placing the phone calls between G.R. and Father on speaker phone on or around "Thanksgiving of 2023." Mother testified she wanted a modification providing for an alternate supervisor for the

calls. She asked that Gina Caruana supervise Father's calls with G.R. instead of Father's mother.

Mother testified G.R.'s demeanor changed from "happy, cheerful, . . . engaged in his environment" to "slumped over" and "almost not really present" because of Father's negative comments during their telephone calls. Mother stated that Father's negative communications with G.R.'s school and his therapist's office caused "interruptions and disruption." Following Mother's testimony, both counsels gave closing arguments.

On December 18, 2024, the court reconvened for a ruling on Mother's petition for contempt. The court stated:

Here, most of Ms. Hornbeck's allegations are past completed conducted, and there is no credible evidence before the Court to indicate that Mr. Reichert's willful disregard of the Court's orders are continuing in nature with one exception, and it's as it relates to the minor child's mental health treatment.

Mr. Reichert's actions have prevented the minor child from receiving mental health treatment. He insists on participating in the sessions with the minor child and the therapist, speaking directly to the providers, and receiving the therapist notes.

However, this Court is unable to find him in contempt because there are conflicting provisions in the multiple orders in this case. The terms of the November 2023 order that grant him the access to the minor child during his therapy sessions directly conflict with this Court's August 2023 order that limits his communication with minor child to supervised phone calls.

Since the terms of the orders are not clear and unambiguous, this Court is not able to find Mr. Reichert in contempt. As a result, the Court must deny Ms. Hornbeck's petition for contempt.

However, given that Mr. [Reichert]'s (sic) actions are permitting the minor child from receiving court-ordered therapy, this Court does find it appropriate to grant the request for this Court, and Ms. Hornbeck's petition when she requested this Court to grant any other additional relief as this Court deems reasonable under the facts as here and alleged.

Family Law Article 9-101 provides in any custody or visitation proceeding, if the court has reasonable grounds to believe that a child has been abused or neglected by the party to the proceeding, the court shall determine whether abuse or neglect is likely to occur if custody or visitation rights are granted to a party.

Here, this Court finds that reasonable grounds by preponderance of the evidence exists to believe that Mr. Reichert continues to psychologically abuse the minor child by involving in him the legal process using derogatory language during supervised phone calls and preventing him from attending court-ordered therapy without his participation.

Family Article 9-101 further provides unless the court specifically finds if there is no likelihood of further child abuse or neglect by the party, [the] court shall deny custody or visitation rights to that party, except that the court may approve a supervised visitation agreement that ensures the safety and psychological and emotional well-being of the child.

Here, this Court is unable to make a finding that Mr. Reichert can have unsupervised access without the likelihood of further damage to the minor child's psychological and emotional well-being.

As a result, it is necessary to deny Mr. Reichert's access rights to ensure psychological and the emotional well-being of the child. It is in the best interest of the child for this Court to issue one unambiguous order that supersedes all prior orders.

The court entered a subsequent order to combine and supersede the September 2022 and August 2023 orders on March 18, 2025. Father timely appealed.

STANDARD OF REVIEW

A trial court's findings of fact are reviewed under the clearly erroneous standard, its legal determinations are reviewed without deference, unless the error is harmless, and its ultimate conclusions are examined for an abuse of discretion. *In re Yve S.*, 373 Md. 551, 586 (2003); *Kadish v. Kadish*, 254 Md. App. 467, 502 (2022). “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) (quoting *Lemley v. Lemley*, 109 Md. App. 620, 628 (1996)).

DISCUSSION

I. The Circuit Court for Anne Arundel County was the proper venue.

Father argues the Circuit Court for Anne Arundel County was an improper venue to address Mother’s petition for contempt because neither party had lived in Anne Arundel County for at least two years, and the parties’ minor child resided and attended school in Baltimore County. Father contends that Baltimore County was the proper forum as “all relevant allegations in this matter” were previously litigated there and there was no “legal justification” for the transfer.

Mother contends that the Circuit Court for Anne Arundel County was the proper venue. Mother asserts that, pursuant to Maryland Rule 15-206(a) and *Solomon v. Solomon*, 118 Md. App. 96 (1997), the proper venue is where the “‘action’ giving rise to the alleged contempt occurred.” According to Mother, the Circuit Court for Anne Arundel County “is the sole venue” to rule on Mother’s petition for contempt because it issued the order that established, *inter alia*, the parties’ visitation, access and communications schedule. The Circuit Court for Anne Arundel County is, also, the court that previously found Father in contempt and provided a purge provision for the violation of its orders.

Venue is generally defined as “the place, among courts having jurisdiction, [where] an action will be litigated.” *Sigurdsson v. Nodeen*, 180 Md. App. 326, 343 (2008), *aff’d*, 408 Md. 167 (2009). The proper venue is determined “as of the time the action is filed.”

Id. Section 6-201(a) of the Maryland Courts and Judicial Proceedings Article provides that a “civil action shall be brought in a county where the defendant resides, carries on a regular business, is employed, or habitually engages in a vocation.” In matters concerning “custody, guardianship, maintenance, or support of a child,” venue is also proper “[w]here the father, alleged father, or mother of the child resides, or where the child resides[.]” Md. Code Ann., Cts. & Jud. Proc., § 6-202(5).

As we see it, here, the Circuit Court for Anne Arundel County was the proper venue. While the original custody and visitation order emanated from the Circuit Court for Baltimore City, in 2020, when Mother filed her motion for modification, Father and son resided in Anne Arundel County. Thus, in accordance with section 6-202(5) of the Maryland Courts & Judicial Proceedings Article, venue, there was proper.

We observe also that Father did not object or file a motion regarding venue when Mother initiated the 2020 action. Rather, he consented to the court’s orders, and he consented to court’s order when Mother filed another petition to modify the parties’ consent order in September 2021. Maryland Rule 2-322(a) provides:

The following defenses shall be made by motion to dismiss filed before the answer, if an answer is required: (1) lack of jurisdiction over the person, (2) *improper venue*, (3) insufficiency of process, and (4) insufficiency of service of process. If not so made and the answer is filed, these defenses are waived.

(emphasis added); *Sigurdsson*, 180 Md. App. at 335; *see Burnside v. Wong*, 412 Md. 180, 196 (2010).

We note, further, that Maryland Rule 15-206(a), which applies to contempt matters, states, “[a] proceeding for constructive civil contempt shall be included in the action in

which the alleged contempt occurred.” Any party to that action, may initiate it “by filing a petition with the court against which the contempt was allegedly committed.” Md. Rule 15-206(b)(2); *see Solomon*, 118 Md. App. at 113-14.

In the instant case, all orders relating to the findings of contempt were issued by the Circuit Court for Anne Arundel County. Father's alleged contemptuous actions, thus, constituted violations of orders issued by that circuit court, and, not the Circuit Court for Baltimore County.

II. The trial court did not err in modifying its custody order.

Father argues the court erred in modifying the parties' prior custody order without finding him in contempt. Father contends that the court's application of section 9-101 of the Maryland Family Law Article was improper as “custody was not at issue” and the only remaining issue was Mother's Petition for Contempt. He asserts that the statute is solely applicable upon a petition or motion pending before the court requesting a determination of custody or visitation. Alternatively, Father argues that the court erred in determining Father “psychologically abuse[d]” the parties' minor child because the court failed to identify ““actual damage to the minor child's psychological and emotional well-being’ exists,” or evidence to support that damage occurred or there was a risk thereof.

Mother argues the court did not err. Mother contends the matter was a “custody or visitation proceeding” and not a separate “proceeding.” Both parties had filed petitions for contempt, and in the relief sought, Father requested a modification of custody. Mother argues the evidence, while insufficient to support contempt, did support the court's finding of a “continu[ed] course of mental abuse of the minor child.” Mother contends that Father

failed to act in accordance with the court's order and failed to show that he was "no longer a threat to the mental well-being of the child." Mother asserts that Father's actions justified the court's limitation of his visitation and communications with the minor child.

Section 9-101 of the Maryland Family Law Article provides:

- (a) In any custody or visitation proceeding, if the court has reasonable grounds to believe that a child has been abused or neglected by a party to the proceeding, the court shall determine whether abuse or neglect is likely to occur if custody or visitation rights are granted to the party.
- (b) Unless the court specifically finds that there is no likelihood of further child abuse or neglect by the party, the court shall deny custody or visitation rights to that party, except that the court may approve a supervised visitation arrangement that assures the safety and the physiological, psychological, and emotional well-being of the child.

"If the court finds that a party has committed abuse . . . the court shall make arrangements for custody or visitation that best protect the child who is the subject of the proceeding [] and [] the victim of the abuse." Md. Code Ann., Fam. L. § 9-101.1(c). In so doing, the court must, first, determine, by a preponderance of the evidence, whether there are reasonable grounds to believe a child has been abused or neglected, and second, whether it has been shown that there is no likelihood of further abuse or neglect by the party. *Baldwin v. Baynard*, 215 Md. App. 82, 106 (2013); Fam. L. § 9-101.

Here, the proceeding in dispute was a continued hearing on the merits of the parties' pending motions from the May 21, 2024 proceeding. Based on the evidence presented, the court held that the prior custody and visitation orders were ambiguous, and as a result, the court was unable to hold Father in contempt. The court, however, did determine that, under

the circumstances, it was appropriate to grant the relief requested by Mother. The court stated:

Here, this Court finds that reasonable grounds by preponderance of the evidence exists to believe that Mr. Reichert continues to psychologically abuse the minor child by involving in him the legal process, using derogatory language during supervised phone calls, and preventing him from attending court-ordered therapy without his participation.

Family Article 9-101 further provides unless the court specifically finds if there is no likelihood of further child abuse or neglect by the party, the court shall deny custody or visitation rights to that party, except that the court may approve a supervised visitation agreement that ensures the safety and psychological and emotional well-being of the child.

Here, this Court is unable to make a finding that Mr. Reichert can have unsupervised access without the likelihood of further damage to the minor child's psychological and emotional well-being.

As a result, it is necessary to deny Mr. Reichert's access rights to ensure psychological and the emotional well-being of the child. It is in the best interest of the child for this Court to issue one unambiguous order that supersedes all prior orders.

Father argues that the hearing was solely focused on the merits of Mother's petition for contempt, and it was not a custody or visitation proceeding. We do not agree. Under section 9.5-101(e)(1) of the Maryland Family Law Article, a “[c]hild custody proceeding” is defined as a proceeding where “legal custody, physical custody, or visitation with respect to a child is an issue.” This also includes “proceedings for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence[.]” *Id.* at 9.5-101(e)(2) (emphasis added). Clearly, a hearing on contempt regarding custody and visitation falls within the definition.

We hold that the court did not err in its application of Fam. L. § 9-101. The statute provides that, if abuse is found during a custody or visitation hearing, the court is required

to modify or deny custody or visitation “if necessary to protect a child.” *In re Adoption No. 12612 in Circuit Ct. for Montgomery Cnty.*, 353 Md. 209, 235 (1999). Here, during the proceeding, the court heard Mother’s testimony of mental abuse by Father against G.R. The court determined that Father’s actions of disparaging Mother to the child, discussing the parties’ custody with G.R., and his negative communications with G.R.’s instructors and therapist leading to a disruption in G.R.’s therapy sessions, necessitated a modification of Father’s access to G.R. In its ruling, the court provided sufficient facts upon which it based its conclusion that “reasonable grounds by the preponderance of the evidence exists to believe that Mr. Reichert continues to psychologically abuse the minor child by involving him in the legal process using derogatory language during supervised phone calls and preventing him from attending court-ordered therapy without his participation.” We hold the court did not err.

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