Circuit Court for St. Mary's County
Case No.: 18-C-09-000878

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 778

September Term, 2023

TEKNECA MASON

v.

JOHN A. MASON, JR.

Graeff,
Friedman,
Eyler, Deborah S.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Graeff, J.

Filed: March 1, 2024

*This is an unreported opinion. It may not be cited as precedent within the rule of stare decisis. It may be cited for persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

In this appeal, Tekneca Mason ("Mother"), appellant, challenges an order of the Circuit Court for St. Mary's County ordering her to pay John A. Mason, Jr. ("Father"), appellee, monthly child support, support arrearages, and attorney's fees, as well as to pay a portion of the best interest attorney's fees. Mother has filed an informal brief[1] presenting the following issues,[2] which we have consolidated and rephrased as follows:

1. Did the circuit court err in finding that Mother was voluntarily impoverished and imputing income to her?

2. Did the circuit court abuse its discretion in ordering Mother to pay child support and arrearages?

3. Did the circuit court abuse its discretion in ordering Mother to pay attorney's fees and best interest attorney's fees?

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[1] Mother filed an informal brief pursuant to this Court's March 9, 2021 Administrative Order permitting informal briefing in family law cases in which the appellant is a self-represented litigant. *See* Maryland Rule 8-502(a)(9). Father is represented by counsel.

[2] The issues presented by Mother are as follows:

> Issue 1: Did the trial court abuse[] its discretion applying child support arrearages of $11,000, and child support on a monthly basis of $580.00 a month to the appellant?
>
> Issue 2: Did the trial court abuse[] its[] discretion by applying a ruling against the appellant on the premise that the appellant is voluntary impoverished and imputation of appellants income[?]
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> Issue 3: Did the trial court abuse[] its[] discretion by applying attorney's fees of $2000.00 to the Appellant to be paid to the Appellee's attorney[?]
>
> Issue 4: Did the trial court abuse[] its[] discretion by awarding Best Interest Attorney's Fees against the Appellant[?]
>
> Issue 5: Did the trial court abuse[] its[] discretion striking the Appellant[']s child support and custody requests[?]

4. Did the circuit court err in striking Mother's child support and custody request?

For the reasons set forth below, we shall affirm the judgment of the circuit court.

FACTUAL AND PROCEDURAL BACKGROUND

The parties are divorced and share one minor child together, "J," born in 2007.[3] Pursuant to a consent order entered on August 13, 2018, the parties had agreed to share physical and legal custody of J.[4] That same day, however, Father sought and obtained an Interim Protective Order, awarding him full custody of J, based on allegations that J had been beaten with a belt while in the custody of Mother. On August 15, 2018, the court issued a Temporary Protective Order, which provided that Father would have full custody of J until the hearing on the Final Protective Order.[5] The court issued a Final Protective Order on September 13, 2018, effective until September 12, 2019, ordering custody of J to remain with Father.

On August 28, 2018, Father filed a petition for modification of custody, requesting that Mother's access to J be supervised based on allegations that Mother had physically abused J. On December 14, 2018, the court issued an order suspending Father's child support payments to Mother.

[3] In the interests of privacy, we refer to the minor child by the initial J.

[4] Though the parties have an extensive litigation history, we focus on the procedural history relevant to our discussion of the issues on appeal.

[5] The court continued the hearing on the Final Protective Order until September 13, 2018, to allow Mother to obtain counsel, and it extended the Temporary Protective Order until that date.

On October 21, 2019, the court issued a consent order, providing that J would continue to reside with Father, and Mother would have alternating weekend access once she relocated to her new residence. Following a review hearing on September 22, 2020, the court issued a consent order continuing the parties' agreement that J continue to reside with Father and that Mother have alternating weekend access.

On July 9, 2021, Mother filed a petition for contempt, alleging that Father had denied her weekend access and phone communication with J. Following multiple service of process issues, the contempt hearing was scheduled for October 8, 2021, and rescheduled to January 3, 2022.

On October 22, 2021, Father filed a petition for contempt, alleging that Mother had neglected J, violated the terms of the consent order requiring that she be home with J while J was at her residence, and subjected J to child abuse in the care of Mother's older children, who had jeopardized J's safety. Father also filed a petition for modification of access and child support, requesting that Mother's access be supervised and that he be awarded child support, attorney's fees and costs. Father further requested that the court appoint a best interest attorney.

The court appointed Joshua S. Brewster as J's best interest attorney and ordered the parties to each pay $500 into Mr. Brewster's trust account as an initial contribution for his fees. Mother filed a motion to strike the best interest attorney, which the court denied.

On December 28, 2021, Father filed a supplemental petition for modification of access and support, requesting sole legal custody, child support, and supervised access for

Mother. On February 18, 2022, Mother filed a petition for contempt on grounds that Father had unjustifiably denied and interfered with her visitation with J since June 2021.

During the proceedings, the parties engaged in continuous discovery disputes, resulting in multiple motions to compel by both parties, and requests for sanctions filed by Father for Mother's failure to provide discovery responses. Father also moved to compel Mother to file a long form financial statement, which the court granted, and Mother submitted the long form financial statement on April 1, 2022.

On May 9, 2022, the court held a status hearing on all pending motions. The court noted that the parties had filed thirteen pleadings since mid-February. Mother advised the court that she wished to withdraw all pending motions and pursue access and custody at the merits hearing for custody. Father argued that Mother had submitted incomplete interrogatory responses and failed to produce requested documents related to income, specifically bank statements, tax returns, W-2s and 1099s.

Mother argued that she had no money, and she was disabled and receiving Temporary Cash Assistance ("TCA").[6] She stated that she had produced all documents in her possession, and she was unable to access her employment records from work because she had filed for workers' compensation due to a work injury. The court ordered Mother to provide all requested documents that were in her control, or constructively in her control, to Father before the hearing on May 23, 2022.

[6] TCA "provides cash assistance to families with dependent children when available resources do not fully address the family's needs and while preparing program participants for independence through work." https://dhs.maryland.gov/blog/weathering-tough-times/temporary-cash-assistance, *archived at* https://perma.cc/WTH2-C7D3.

On May 19, 2022, Mother filed a Counter-Complaint for Custody and Child Support. Father filed a motion to strike the counter-complaint on grounds that the counter-complaint was untimely and failed to set forth the relief sought. Following a hearing before a magistrate on September 2, 2022, the magistrate issued a Report on September 6, 2022, recommending that the circuit court grant the motion to strike the counter-complaint. The magistrate found that Mother's counter-complaint had been filed seven months after Father's complaint, trial was scheduled for September 9, 2022, and Mother's counter-complaint could delay the litigation. Mother filed exceptions to the magistrate's findings, requesting that the issue be addressed at the merits hearing on September 9, 2022.

On September 9, 2022, the court held an evidentiary hearing on the issues of custody and access. The parties agreed to draft a consent order reflecting the agreement regarding custody and access, and to address the issue of child support at a subsequent hearing. The court ordered Mother to produce any outstanding financial information not previously produced to Father in advance of the next hearing.

At a hearing on December 21, 2022, the parties agreed on the record to modify the draft consent order. On January 4, 2023, the circuit court entered a Consent Order memorializing the parties' agreement regarding custody and access. This consent order provided that Father would have primary physical custody of J and that the parties would share joint legal custody, with Father having tie breaking authority. The order further provided that Mother would be entitled to access J's school and medical records, and she and J "may speak daily if they both agree to do so." Pursuant to the order, Mother would have visitation with J every other Saturday from 12:00 p.m. to 8:00 p.m., or on Sunday

from 10:00 a.m. to 6:00 p.m., in the event J had a previously scheduled school or extra-curricular activity on Saturday. The parties agreed that Mother was not permitted to bring J to her residence, and she could bring only her two other minor children and her parents with her when visiting J. The consent order also contained provisions governing the exchange of contact information, school portal access, travel documents, and outstanding discovery.

On January 6, 2023, the court held an evidentiary hearing on the issue of child support. Father's counsel argued that Mother had failed to produce additional financial information in advance of the hearing, as ordered by the court. Mother stated that she was ready to proceed with the child support hearing, and she had previously produced all documents and tax information to Father.

Father's counsel questioned Mother regarding her purchase of a vehicle, and she testified that she applied to obtain financing of a vehicle through Carvana in April 2021. On the financing application, which Father offered into evidence, Mother reported annual income of $42,078.00. Father also offered into evidence a February 2022 Bank of America account statement for an account ending in 99, in Mother's name. Mother denied that she was the account holder of the Bank of America account, and she testified that the bank account belonged to her daughter, "H," who was nine years old. Mother acknowledged that her name appeared on the signature card for the bank account and H's name did not appear on the bank statement or records. Mother objected to the admission of the Bank of America account documents into evidence on the ground that the bank account was not her

account, but her daughter's account. The court admitted the documents over Mother's objection.

Mother testified that she had not made deposits or withdrawals from the Bank of America account. Father's counsel offered into evidence a signature card and statement for a Bank of America account ending in 82, containing Mother's name and H's name. The court also admitted, over Mother's objection, copies of checks made payable to Mother in the amounts of $476, $680, and $120, which had been deposited in the account ending in 82 between September and November, 2022.

Father's counsel further questioned Mother regarding a PNC Bank account statement dated March 19, 2022 to April 20, 2022. Mother testified that the PNC account belonged to her and her other daughter, and the account had been closed. Mother objected to the admission of the PNC statement on the ground that she was unsure whether that PNC bank statement belonged to the account she shared with her daughter. The court admitted the evidence over Mother's objection. Mother's interrogatory responses, responses to requests for production of documents, and financial statements also were admitted into evidence without objection.

Mother testified that she had received checks from Ms. Payne, a woman she helped with shopping, doctor's appointments, and paying bills. Mother testified that she did not work for Ms. Payne, but she volunteered her services. Mother confirmed that she had not paid any child support to Father in the preceding four years, during which time Father had custody of J.

Mother testified that she had worked at the Charles County Nursing and Rehabilitative Services until she suffered a back injury and stopped working in September 2021. She reported the income she earned from that job on her financing application for Carvana. She did not disclose her bank accounts on her financial statement because the accounts were closed. Mother reported on her financial form that she did not pay rent because she was not paying rent at the time she completed it. At some point in 2022, Mother paid rent of $150.00 per month, which was decreased to $83.00 per month. Mother confirmed that she did not list her monthly car payment to Carvana of $291.00 per month or her auto insurance payments of $105.00 per month on her financial statement. Mother testified that she took cruise vacations in 2019 and 2022 and vacationed in Ocean City. Her sister paid for her cruise in 2022.

The child support merits hearing was continued to May 11, 2023. At the hearing, Mother confirmed that she had sought a protective order against Father after the previous hearing for photographing her license plate, investigating her credit, and tracing her car to Carvana. The petition for a protective order had been denied. The court admitted the petition for a protective order without objection.

Father testified that he paid child support to Mother prior to 2019, including during the time that J was living with him. He paid $309.46 per month for J's health insurance, and J's orthodontist provided him with an estimate of $5,300 for the cost of braces. He had incurred attorney's fees since the filing of Mother's petition for contempt in 2021, and he was requesting an award of child support, some payment toward J's orthodontic bills, and attorney's fees.

In closing, Father's counsel argued that Mother had failed to cooperate in discovery, forcing him to obtain information regarding her finances by subpoena. He argued that the evidence showed that Mother had the ability to pay child support based on her reported income of $42,078, and he requested $580 per month in child support, pursuant to the Child Support Guidelines. He further argued that Father was entitled to an award of attorney's fees.

Mother argued to the court that she had been out of work since 2017, and though she returned to work briefly, she stopped working in 2018 due to a "back issue." Mother stated that she did not have any income because she could not work, and she had been waiting for disability payments.

The court issued an oral opinion at the conclusion of the evidence and argument. After reviewing the evidence in light of the factors set forth in *Dillon v. Miller*, 234 Md. App. 309 (2017), the court found that Mother was voluntarily impoverished. It estimated Mother's potential income to be $42,000.78 for purposes of the Child Support guidelines. The court determined Father's income to be $90,096, based on current pay stubs. Using the Child Support Guidelines in effect at the time Father filed his motion for modification of support, the court calculated the appropriate amount of child support to be $580 per month. The court ordered the child support to be retroactive to November 1, 2021. With respect to orthodontia expenses, the court ordered that the expenses be divided between the parties, with 32 percent to be paid by Mother and 68 percent to be paid by Father. The court further ordered Mother to provide any evidence of health insurance to Father and that Father submit the insurance to the orthodontist. The court determined that an award of

attorney's fees of $2,000 was appropriate. On May 23, 2023, the court entered a written order setting forth these findings, as well as on order for the payment of $2,200 in fees to the best interest attorney, to be paid, in part, by both parties.

This appeal followed.

MOTION TO DISMISS

Father initially argues that Mother's appeal should be dismissed as untimely because she states in her informal brief that she is appealing from orders *entered on May 22, 2022* and September 6, 2022, yet she filed this appeal on June 16, 2023. He argues that this appeal violates Md. Rule 8-202(a), which requires that a notice of appeal be filed within 30 days following entry of the judgment or order from which the appeal is taken unless otherwise provided by Rule or law.

Although Father is correct that Mother's informal brief states that she is appealing the orders of May 22, 2022 and September 6, 2022, Mother's appeal pertains to issues addressed in the *May 23, 2023* order, which is a final judgment. Mother's appeal filed on June 16, 2023, was filed within thirty days of the May 23, 2023 judgment, and it is timely with respect to that judgment. Accordingly, we deny Father's motion to dismiss and address the merits of Mother's challenges to the May 23, 2023 judgment regarding child support and attorney's fees.

STANDARD OF REVIEW

Maryland Rule 8-131(c) sets forth this Court's standard of review:

> When an action has been tried without a jury, an appellate court will review the case on both the law and the evidence. It will not set aside the judgment of the trial court on the evidence unless clearly erroneous, and will give due

> regard to the opportunity of the trial court to judge the credibility of the witnesses.

A trial court's factual findings are not clearly erroneous if supported by competent evidence. *St. Cyr v. St. Cyr*, 228 Md. App. 163, 180 (2016). Ordinarily, we review child support orders for abuse of discretion, and orders involving an interpretation of Maryland statutory law under a *de novo* standard of review. *Reichert v. Hornbeck*, 210 Md. App. 282, 316 (2013) (citation omitted).

DISCUSSION

I.

Voluntary Impoverishment

Mother argues that the circuit court erred in finding her voluntarily impoverished and imputing income to her because she "is receiving State assistance, (TCA) and Housing, medically disabled and unable to work." She asserts that the court ruled on May 9, 2022 that she was "medically disabled, receiving State assistance" and that "child support was STAYED and no longer an issue in this case."

Father argues that the circuit court made no evidentiary rulings at the hearing on May 9, 2022, and therefore, there are no rulings from that hearing for this Court to consider. Father further argues that the court's finding at trial of voluntary impoverishment was supported by the evidence.

The circuit court hearing on May 9, 2022 was a status hearing. The parties did not submit evidence and the court did not make any rulings of law. During a discussion of the Father's request for Mother's outstanding discovery responses, the circuit court judge

stated that child support was "no longer an issue." Father's counsel explained to the court that Father was seeking to modify child support. The court clarified its statement by explaining: "The only stay in child support I meant was your client doesn't owe anything at this time because he has custody. If you want to bring up the subject two weeks from now, you may."

The trial judge's statements during the status hearing addressed preliminary matters prior to trial. The evidentiary rulings properly before this Court on appeal are the circuit court's findings of fact and rulings of law during the child support merits trial in 2023, which included the circuit court's finding of voluntary impoverishment.

In every child support determination, a court must ascertain each parent's "actual income" or "potential income … if the parent is voluntarily impoverished." Md. Code Ann., Fam. Law ("FL") § 12-201(i) (2023 Supp.). A parent is voluntarily impoverished when he or she "has made the free and conscious choice, not compelled by factors beyond his or her control, to render himself or herself without adequate resources." *Goldberger v. Goldberger*, 96 Md. App. 313, 327, *cert. denied*, 332 Md. 453 (1993). *Accord Dillon v. Miller*, 234 Md. App. 309, 319 (2017) (quoting *Durkee v. Durkee*, 144 Md. App. 161, 182 (2002)).[7] In determining whether a parent is voluntarily impoverished, a court should consider several factors, including:

[7] The legislature codified this definition by amending Md. Code Ann., Fam. Law ("FL") § 12-201(i) (2023 Supp.) during the 2020 session. 2020 Md. Laws Ch. 384 (S.B. 847). The current statute, effective July 1, 2022, states that voluntary impoverishment means "a parent has made the free and conscious choice, not compelled by factors beyond the parent's control, to render the parent without adequate resources." FL § 12-201(q).

1. [the parent's] current physical condition;

2. his or her respective level of education;

3. the timing of any change in employment or financial circumstances relative to the divorce proceedings;

4. the relationship of the parties prior to the divorce proceedings;

5. his or her efforts to find and retain employment;

6. his or her efforts to secure retraining if that is needed;

7. whether he or she has ever withheld [child] support;

8. his or her past work history;

9. the area in which the parties live and the status of the job market there; and

10. any other considerations presented by either party.

Goldberger, 96 Md. App. at 327 (quoting *John O. v. Jane O.*, 90 Md. App. 406, 422 (1992), *abrogated on other grounds by Wills v. Jones*, 340 Md. 480, 494 (1995)). A court must consider the mandatory factors in its analysis, but is not required to "articulate on the record its consideration of each and every factor." *Long v. Long*, 141 Md. App. 341, 351 (2001) (quoting *Dunlap v. Fiorenza*, 128 Md. App. 357, 364 (1999)). "A circuit court's finding of voluntary impoverishment will be affirmed if, after viewing the record in the light most favorable to the prevailing party, it is supported by any competent, material evidence in the record." *Dillon*, 234 Md. App. at 319.

In this case, the court considered each of the required factors and made express findings on the record. In addressing Mother's physical condition, the court noted that the first time it heard Mother was unable to work because of a disability was in her closing

argument. She provided no evidence in discovery or at trial to support her claim of disability. There was no evidence regarding Mother's level of education, and with respect to the timing of any change in employment or other financial circumstances, the court found that the petition for child support was filed on October 22, 2021, and there was testimony that Mother was employed for a period of time in 2021 by Asbury and Charles County Nursing and Rehabilitation Services, as evidenced by the verification of employment and income submitted to Carvana. The court also noted that Mother was doing odd jobs and assisting others to obtain income that was paid to her in cash and by checks.

The court found that the parties had a strained relationship and were not cooperative with one another. The court stated that there was no testimony regarding any efforts to obtain retraining. Though Mother had not withheld child support, there was a period of time that Father continued to pay child support while J was in his care, and Mother made no efforts to repay any of those funds or otherwise apply them towards the care of J.

The court explained that it did not find Mother's testimony credible that other individuals had given her money to deposit into her bank account and that those funds were used to pay others' bills. The court also noted that, contrary to Mother's contention in closing that she suffered from a disability, it heard evidence that Mother had taken trips and she was obtaining income from others by assisting them. Based on the court's consideration of evidence that Mother was earning some income and taking vacations, and the court's findings regarding Mother's lack of credibility, we conclude that the circuit court's finding that Mother was voluntarily impoverished was supported by the evidence.

Once a court determines that a parent is voluntarily impoverished, "the court must determine the party's potential income." *Petitto v. Petitto*, 147 Md. App. 280, 317 (2002). A court's determination of "potential income" necessarily involves some degree of speculation. *Id*. at 318 (citation omitted). Where the potential income calculated by the circuit court is "realistic, and the figure is not so unreasonably high or low as to amount to abuse of discretion, the court's ruling may not be disturbed." *Id*. (cleaned up).

In determining Mother's potential income, the court noted that the relevant factors were set forth in FL § 12-201(m), i.e., age, physical and behavioral condition, educational attainment, special training or skills, literacy, residence, occupational qualifications and job skills, employment and earnings history, record of efforts to obtain and retain employment, criminal record, and any other employment barriers.[8] The court referenced its previous findings regarding voluntary impoverishment, and it stated that it was placing the "most weight" on Mother's employment and earnings history in determining potential income. The court imputed income to Mother based on the verified income of $42,000.78 provided in Mother's application to Carvana. The record supports the court's finding regarding Mother's potential income.

[8] While this litigation was pending, the legislature amended the list of factors set forth in FL § 12-201(m), and those factors are applicable to cases filed on or after July 1, 2022. *See* 2021 Md. Laws ch. 305 (H.B. 1339). Father filed the petition for modification of support and access and the supplemental petition for modification and support in 2021. Though the court's utilization of the § 12-201(m) factors was not required here, § 12-201(m) incorporates the factors set forth in *Goldberger*, 96 Md. App. at 328.

II.

Award of Child Support and Arrearages

Mother argues that the circuit court abused its discretion in awarding monthly child support of $580.00 and arrearages of $11,000 on the grounds that she is receiving State assistance (TCA), is disabled and unable to work. She does not challenge the court's calculation of support based on the Child Support Guidelines, nor does she challenge the court's calculation of arrearages. Rather, she contends that the order was improper because it was based on an improper finding of involuntary impoverishment. As indicated, we have rejected that argument, and therefore, we cannot conclude that the court abused its discretion in its rulings regarding child support.

III.

Attorney's Fees and Best Interest Attorney's Fees

Mother contends that the circuit court abused its discretion in awarding Father $2,000 in attorney's fees.[9] She asserts that Father's argument that she was noncompliant with discovery requests was false because she provided all requested financial documents to Father. She further contends that Father was responsible for denying her access and communication with J based on an unsubstantiated complaint to the Department of Child Services.

FL § 12-103(b) authorizes a court to award costs and counsel fees in an action for the modification of child support after considering: "(1) the financial status of each party;

[9] Father incurred total attorney's fees of $37,981.

(2) the needs of each party; and (3) whether there was substantial justification for bringing, maintaining, or defending the proceeding." A court's decision to award attorney's fees in family law cases is reviewed for abuse of discretion. *Sang Ho Na v. Gillespie*, 234 Md. App. 742, 756 (2017) (citing *Steinhoff v. Sommerfelt*, 144 Md. App. 463, 487 (2002)).

With respect to the financial status of each party, the court noted the financial statements submitted by the parties and pointed out the number of hearings and orders required to address Mother's discovery responses, ultimately resulting in the court's finding of voluntary impoverishment. In considering the parties' needs, the court stated that the Father's income was twice as much as Mother was able to earn. The court found that there was substantial justification for bringing the case because the parties were unable to come to an agreement and exchange basic information. The court explained that Mother's "failure to produce information was something that substantiated an attorneys' fees award of some amount." The court decided that an award of $2,000 "was reasonable under the circumstances." Given the circuit court's consideration of the statutory factors and findings as to the parties' financial resources, we perceive no abuse of discretion in the court's order awarding Father $2,000 of the $37,981 he incurred in attorney's fees, which were due, in large part, to Mother's failure to produce requested financial information.

Mother also contends that the circuit court abused its discretion in ordering her to pay $600 of the best interest attorney's fees because she was denied the opportunity to respond to the request and the best interest attorney "spent near zero time with [J]." Mother had received a waiver from Family Services in the amount of $500 for the best interest attorney fees. On December 27, 2022, the best interest attorney filed a petition requesting

payment of his fees in the amount of $2,200, less the $500 that he was awaiting from Family Services. Mother did not file a response to the best interest attorney's petition for payment. On May 23, 2023, the circuit court entered an order providing for the payment of Mr. Brewster's fees as follows: (1) that the $500 previously paid by Father and held in escrow be paid to Mr. Brewster; (2) that Mr. Brewster be permitted to apply the $500 from Family Services towards the amount of $2,200; (3) that Father pay $600 towards the remaining balance; and (4) Mother pay $600 towards the remaining balance.

FL § 1-202(a)(l)(ii) authorizes the court to appoint a best interest attorney to represent the minor child, and subsection (a)(2) provides that the court may "impose counsel fees against one or more parties to the action." In considering whether to award counsel fees for a best interest attorney, the factors set forth in FL § 12-103(b) are relevant to the analysis. *Meyr v. Meyr*, 195 Md. App. 524, 555–56 (2010). We conclude that the court's analysis of the factors under FL § 12-103(b) in determining an award of attorney's fees applies equally to the best interest attorney's fees. We perceive no abuse of discretion in the court ordering Mother to pay $600 of the best interest attorney's fees, and ordering Father to pay $600, in addition to the $500 he paid previously.

IV.

Mother's Child Support and Custody Requests

Mother argues that the circuit court abused its discretion by striking her "[c]ustody and child support request" on the grounds that it was untimely and completed on a pre-printed form. The record does not support this contention.

Following a hearing before a magistrate on September 2, 2022, the magistrate issued a Report on September 6, 2022, recommending that the circuit court grant Father's motion to strike Mother's counter-complaint. Mother filed exceptions to the magistrate's findings, requesting that the issue be addressed at the merits hearing on September 9, 2022. At the custody hearing on September 9, 2022, the parties reached an agreement as to the issues of custody and access, and their agreement was memorialized in a Consent Order entered by the court on January 4, 2023.

As a general rule, "no appeal lies from a consent order." *Barnes v. Barnes*, 181 Md. App. 390, 411 (2008). The rationale for the rule is that "'[t]he availability of appeal is limited to parties who are aggrieved by [a] final judgment,'" and "[a] party cannot be aggrieved by a judgment to which he or she acquiesced." *Id.* at 410 (quoting *Suter v. Stuckey*, 402 Md. 211, 224 (2007)).

In this case, the circuit court did not strike Mother's counter-complaint. Rather, the counter-complaint became moot once Mother agreed to resolve the parties' custody and access issues, and the Consent Order was entered by the court. Thus, even if the June 2023 appeal was timely as it relates to this issue, which it is not, the contention in this regard is without merit.

JUDGMENT OF THE CIRCUIT COURT FOR ST. MARY'S COUNTY AFFIRMED. APPELLANT TO PAY COSTS.