Circuit Court for Montgomery County
Case No. C-15-FM-22-005347

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 0840

September Term, 2025

S.G.

v.

M.S.-M.

Arthur,
Ripken,
Kehoe, Christopher B.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Arthur, J.

Filed: January 28, 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).

The Circuit Court for Montgomery County entered interlocutory and final custody orders that allowed the mother to take the parties' child with her to Florida, where she had found a new job. The father appealed from the final order. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

S.G. ("Father") and M.S.-M. ("Mother") are the parents of eight-year-old Y.[1] Mother and Father were divorced on October 22, 2025.

On October 27, 2022, during the pendency of the divorce proceedings, Mother and Father executed a consent order granting them joint legal custody and shared physical custody of the child. On July 28, 2023, the court granted Mother "sole legal custody and decision-making authority regarding school selection and selection of medical providers[.]"

On October 24, 2024, Mother filed an emergency motion seeking permission to relocate with the child to Florida before a final determination on the issue of custody. In her motion, Mother asserted that in April 2024 she had been laid off from her job of 15 years as a data intelligence analyst, that she had applied for more than 100 jobs over seven months, and that she had received only one job offer, which was in Florida. She also asserted that Father had "failed to pay his court-ordered child support." Father

[1] We refer to the parties and their child by initials to protect their privacy. *See J.A.B. v. J.E.D.B.*, 250 Md. App. 234, 241 n.1, 242 n.4 (2021). The child's name does not begin with the letter "Y." We have chosen the letter "Y." at random. *See Augustine v. Wolf*, 264 Md. App. 1, 7 n.2 (2024).

opposed the motion.

At a hearing on the emergency motion, Mother testified that she had been unemployed for seven months, "[had] applied for and received SNAP benefits, obtained free school breakfast and lunch for [the child], and [obtained] state medical insurance for . . . [the child]." She testified that she was in "dire financial straits," as she had borrowed against her 401(k), defaulted on that loan, "maxed out . . . her credit cards," and borrowed money from her mother. Mother testified that she accepted the Florida job offer because she "[had] no other job prospects[.]"

On November 13, 2024, the court granted Mother primary physical custody of the child pending a merits trial on custody modification. The court also granted Mother permission to "immediately relocate with [the] child to Fort Lauderdale, Florida[.]"

On the issue of legal custody, the court found Mother to be "highly credible and more credible than Father." The court found that Father "repeatedly gave testimony that was false, misleading, [and] evasive[]" and that he would, "[w]hen caught in what were obvious false statements, . . . pause, delay, or shove them off."

On the issue of physical custody, the court found that Mother was "more heavily involved than Father in the material aspects of the . . . [c]hild's life, including involvement in his school activities." "[B]ased on the record," the court found that "Mother [was] a more fit parent than Father." The court further found that "[Mother] possesses fine character and is of higher character than Father." Although the court found that Father's "love [for the child] is sincere and genuine," it also found that his love was "tainted and outweighed by his contempt for Mother and his deep desire to

harm her."

Father appealed the emergency order. On June 4, 2025, however, this Court dismissed the appeal on the ground that it was moot because the emergency order had been superseded by a final custody order entered on May 27, 2025.

While Father's appeal of the emergency order was pending, the court had proceeded with a three-day merits trial on custody modification from April 15 to 17, 2025. At that trial Mother testified, as she had at the earlier hearing, that she lost her job in April 2024, that she looked for a job for many months, that she ended up on public assistance, and that the child was receiving SNAP benefits, free meals at school, and state-sponsored health insurance. Mother also testified that she had applied to many jobs, without success, until she found a job in Florida. In addition, Mother testified that after losing her job she had taken out two $50,000.00 loans from her 401(k) to pay for her expenses, that she had defaulted on one of the loans, and that she had incurred penalties and tax liabilities as a result of the default.

Several weeks after the testimony ended, the court delivered an oral opinion that spans 75 pages of transcript. In that opinion, the court discussed the evidence at length and evaluated the factors that bear on a custody decision.

Citing *Braun v. Headley*, 131 Md. App. 588 (2000), the court began by finding that Mother's move justified a modification of the custody regime.

The court expressly found that Mother's testimony was "credible in all respects[.]" By contrast, the court repeatedly found that Father was not credible.

The court specifically rejected Father's contention that Mother did not need to move to Florida and that she could (and perhaps was) working remotely. Instead, the court found that Mother relocated, with the court's permission, because of her job. The court credited Mother with asking permission to leave with the child instead of simply moving without permission, as many parents do.

The court found that when Mother lost her job "[s]he applied for jobs similar to what she was doing" and also applied for lower-paying accounting jobs, because she had "done accounting before[.]" She applied for jobs locally and nationwide. She applied for jobs in Florida besides the one that she ultimately got. She looked for remote work. She was," the court found, "really looking for anything she could find, having been unemployed for so long."

The court had no doubt that Mother was entitled to move to Florida to take the new job. It said: Mother "should not be expected to draw down on her retirement [assets], which requires the payment of taxes and penalties, particularly when [Father] is not even paying child support, nor . . . should she be expected to deplete all of her savings." In this regard, the court found that Father had not paid child support and that he "has no intention of voluntarily paying [Mother] anything."

The court found that Father has manifested a lack of interest in Y.'s wellbeing. Father went for months without making any attempt to speak to the child, even though Y. would call him on the telephone. At the time of the trial in April 2025, Father had not seen Y. for two months. Nor had Father exercised his right to see Y. during the winter break or over the Presidents Day holiday. The court found that Father "did not try to call

his son, [and] didn't take his son's calls for an extended period of months with no reasonable basis."

Similarly, during the summer of 2024, Mother brought Y. with her on an annual trip to her home country. Mother's mother paid the expenses, because Mother was unemployed. During the seven weeks when Mother and Y. were out of this country, Father did not call Y.

The court found that, unlike Father, Mother "is an involved parent." Mother tries to inform Father about what is happening in Y.'s life, sending him weekly updates. The court saw no evidence, however, that Father has ever responded.

The court expressed concern that Father had actively attempted to cut off Y. from Mother. The court commented that Father "tells [Y.] that [Mother]'s a horrible person, a liar; he refers to her by her first name and not as Mother; he calls her a vile creature, trash, and garbage." The court found that, when Father had access with Y. during spring break in 2025, he "thwarted" Mother's attempts to speak to Y. on the telephone. Mother "was concerned that if [Y.] stayed with his father, the father would do everything he could to break [Y.]'s relationship with [her.]"

The court found that Father "does not put [Y.'s] interests first." The court cited an incident that occurred when Father had physical custody of Y. during spring break in 2025. The court had ordered that Mother could call Y. every day at noon. On the premise that the reference to a "call" meant a telephone call and not a video call, Father refused to allow Mother to speak to Y. on video. Father, the court found, "would rather

punish [Mother] than do what[is] best for Y., which would be to see his mother when he's on vacation."

The court found that the parents have "difficulty communicating." The court attributed the difficulty to Father, giving many examples. For example: "[Father] does not respond to emails. He communicates abusively. Every time there's an important issue they have to go to court[.]" On the other hand, the court found that Mother "is civil and cordial in the communications that the Court reviewed in the face of being treated in an abusive manner, and she has demonstrated an ability to communicate information to [Father], even though his responses are many times offensive."

The court made many detailed findings about Father's lack of credibility. Some related to his financial circumstances. Although Father claimed to be unemployed, two of Father's witnesses testified about meeting him at his place of business. The court found that Father's claim of unemployment was "not credible." Some of his testimony, the court said, "didn't make any sense[.]" The court noted that, despite his alleged financial difficulties, Father had somehow managed to spend almost $240,000.00 on lawyers in this case. The court also noted that a financial statement that Father filed on November 3, 2023, showed business interests worth $472,000.00.

The court also found that one of Father's exhibits—which purported to be a record of texts and calls—was an "entirely fabricated exhibit." The court said: "it's hard to find someone credible who's, best-case scenario, manipulated evidence; worst-case, manufactured evidence."

In addition, the court found that Father "appears" to have "lied" to the court. The court explained that in early 2025 Father had persuaded another judge on the circuit court to grant him emergency access to Y. over spring break and to order Mother to pay to fly Y. to Maryland. The premise of Father's motion was that he is unable to fly. The court found that that premise is false: "The testimony he gave was that he flew three times in his life. That's just not the case. He's flown at least 10." "[H]is testimony about the number of flights," the court said, "was not credible."

After discussing the evidence for more than 50 pages of transcript, the court turned to the factors listed in *Montgomery County Department of Social Services v. Sanders*, 38 Md. App. 406 (1977), and *Taylor v. Taylor*, 306 Md. 290 (1986). We recount some of the more pertinent findings:

- The court found that "they're both very good parents" and that "the only real deficit on [Father's] part is his hatred of [Mother] and his inability to put his feelings about [Mother] to the side in the best interest of [Y.]."
- The court found that Mother's request for primary custody was "sincere," but that Father's was not. The court noted that Father "has gone months and months at a time without trying to reach out to [Y.]"
- The court found that each parent's ability to maintain the child's relationship with the other parent "weighs heavily in favor of [Mother] and against [Father.]"
- The court found that Mother was capable of communicating with Father and of making shared decisions, but that Father was not.

- On the issue of the parties' financial status, the court stated, again, that it did not believe Father's testimony that he was unemployed and had few resources.
- On the issue of the potential disruption to the child's social and school life, the court found that Y. had been in school in Florida since November 2024 and that he is "thriving" and doing "extremely well." The court found that "it certainly would be disruptive at this point to move [Y.] from Florida to Frederick," where Father lives, "and to start yet another new school."
- The court considered the parents' ability to meet the child's developmental needs, ensure physical safety, support emotional security and a positive self-image, and promote intellectual and cognitive growth. For the reasons that it had previously articulated, the court found that this factor "weighs heavily in favor of [Mother] and heavily against [Father]."
- The court also considered the parents' ability to meet the child's needs regarding education, mental and physical health, socialization, culture, and religion. Again, it found that, in general, this factor "weighs heavily in favor of [Mother] and heavily against [Father]."
- On the issue of the parents' ability to consider and act on the needs of the child, as opposed to the needs or desires of the parent, and protect the child from the adverse effects of any conflict between the parents, the court gave Mother 10 on a scale of 10 but gave Father one on a scale of 10. The court added that Father "seems bent on alienating the child from" Mother.

On the basis of these extensive and detailed findings, the court announced that it

would issue an order granting the parents joint legal custody, with the exception that Mother would have sole legal custody and decision-making authority on school selection and the selection of medical providers. The court also announced its intention to award primary physical custody to Mother, to establish a schedule for Father's access, and to require Father to pay child support and arrearages.

On May 27, 2025, the court entered an amended custody and child support order granting Mother primary physical custody of the child, tie-breaking authority if she and Father cannot agree on legal custody matters, and sole legal custody with respect to school selection and medical providers. The order requires Father to pay travel access expenses when the child travels to Maryland for his period of access during "Spring Break, Thanksgiving and Winter Break[,]" $1,109.00 per month in child support, and $6,654.00 in arrearages.

Father filed a timely notice of appeal to this Court.

QUESTION PRESENTED

Father poses three questions, which, for simplicity, we rephrase as follows: Did the court err or abuse its discretion in fashioning its custody decision?[2]

[2] In the "argument" section of his brief, Father posed these questions, which we quote verbatim:

1. Did the Trial Court err in Relying on a [sic] inadequate testimony of the Mother[,] thereby allowing her to remove the Minor Child from the care of his Father by moving to a State which is many states and miles away[?]

2. Did the Trial Court err in not letting Father put on testimony of others and as well himself[?]

For the reasons discussed below, we affirm the judgment of the circuit court.

STANDARD OF REVIEW

This court reviews child custody determinations using three interrelated standards of review. *Gillespie v. Gillespie*, 206 Md. App. 146, 170 (2012). First, when an appellate court scrutinizes factual findings, the clearly erroneous standard applies. *In re Yve S.*, 373 Md. 551, 586 (2003). Second, if it appears that the trial court erred as to matters of law, further proceedings in the trial court will ordinarily be required unless the error is determined to be harmless. *Id.* Finally, when the appellate court views the ultimate conclusion of the trial court, if that conclusion was "founded upon sound legal principles and based upon factual findings that are not clearly erroneous," the trial court's decision should be disturbed only "if there has been a clear abuse of discretion." *Id.*

DISCUSSION

In this appeal, Father asks this Court to vacate the lower court's amended custody and child support order. His brief, however, contains no cognizable legal argument.

Father's brief begins with an "Introduction and Statement of the Case," which consists of five pages of one-sided factual assertions unsupported by any citation to the record. The "Introduction and Statement of the Case" is followed by a single page addressing the scope of review. The "Statement of Facts" contains only two sentences, which incorporate the earlier section and add the date of the marriage and the date of the

3. Did the Trial Court err in making the Father pay for the cost of travel when the travel was caused by the Mother's choice to move states and miles away[?]

divorce. Although the brief purports to raise three questions, it summarily asserts, without analysis, citation, or authority, that the answer to each is "no," based solely on prior sections of the brief, which contain no argument.[3]

Under Md. Rule 8-504(a)(6), an appellate brief "shall" contain "[a]rgument in support of the party's position on each issue." "For noncompliance with this Rule, the appellate court may dismiss the appeal or make any other appropriate order with respect to the case[.]" Md. Rule 8-504(c). Under Rule 8-504(c), "Maryland courts have the discretion to decline to address issues that have not been adequately briefed by a party." *Tallant v. State*, 254 Md. App. 665, 689 (2022).

This Court has repeatedly exercised its discretion to disregard an appellant's brief that contains no argument in support of the party's position. For example, in *Tallant v. State*, 254 Md. App. at 689, this Court "decline[d] to address [the] issue[s] pursuant to Rule 8-504(a)(6)[,]" reasoning that the appellant did not "cite[] . . . controlling law in support of his assertion" and that we "[would] not search for law to sustain [the] party's position." *Id.*; *see also Johnson v. Spireon, Inc.*, 266 Md. App. 198, 250 (declining to consider a challenge to an award of attorneys' fees under Maryland Rule 1-341 because

[3] Among the unsupported contentions in Father's brief is the contention that the circuit court prohibited him from testifying and from calling witnesses. That contention is false. Father testified at length, and he called several witnesses, some of whom the court even found to be credible. Of course, because Father's brief contains no argument, Father does not explain when the circuit court prevented which witness from saying what. Furthermore, because Father's brief does not point to any proffer of what he or the unidentified other witnesses would have said, we could not conclude that he suffered any prejudice even if the court had erroneously limited their testimony (*see, e.g.*, *University of Maryland Med. Sys Corp. v. Waldt*, 411 Md. 207, 235 (2009)), which it did not do.

the appellant did "not provide any legal authority to support the argument that the court erred in determining that the fees charged in this case were reasonable"), *cert. denied*, 492 Md. 444 (2005); *Rollins v. Capital Plaza Assocs., L.P.*, 181 Md. App. 188, 202-03 (2008) (dismissing an appeal in part because the appellant failed to provide any legal authority for her contentions).

Similarly in *Oak Crest Village v. Murphy*, 379 Md. 229, 241 (2004), the Court held that the party's argument was "not properly before [the Court]" because the "three-line conclusory footnote in [the party's] brief d[id] not adequately present the issue" and gave "no reasons or . . . basis for challenging the Circuit Court's ruling[.]"

More recently, in *Westminster Management, LLC v. Smith*, 486 Md. 616, 674-75 (2024), the Court followed *Oak Crest* in holding that this Court did not err in declining to decide whether a group of tenants were entitled to summary judgment.

> [A]lthough the Tenants did state in several places in their Appellate Court brief that the circuit court had erred in denying their motion for summary judgment, they did so only as an add-on, without any further analysis or explanation, at the conclusion of each of their arguments that the circuit court had erred in granting [the landlord's] motion for summary judgment[.]

Id. at 674 (emphasis added).

The Court concluded the tenants' effort "was insufficient to meet the [their] obligation 'to articulate and adequately argue all issues the appellant desires the appellate court to consider in the appellant's initial brief.'" *Id.* (quoting *Oak Crest Village v. Murphy*, 379 Md. at 241).

Under these and many, many other similar cases,[4] Father's abject failure to include any argument in his brief would entitle us to affirm the circuit court's decision without any further discussion.[5] But even if we did what we have no obligation to do—i.e., even if we "delve[d] through the record to unearth factual support" for Father,[6] and even if we "s[ought] out law to sustain his position"[7]—we would still affirm the circuit court's judgment.

The record contains ample evidence supporting the court's detailed factual findings regarding Mother's financial circumstances, her efforts to find employment, parental fitness, Father's disdain for Mother, Father's inability to communicate with Mother, Father's inability to put the child's interests above his own, and other factors pertinent to a custody decision: the findings are clearly correct, not clearly erroneous. The court scrupulously followed the law, including the governing precedent in child custody cases. And the court's ultimate decision represents a nuanced exercise of judicial discretion. Far from abusing its discretion, the court exercised its discretion in an

[4] We refer the reader to the annotations to Rule 8-504 in Volume 2 of the 2026 edition of the Maryland Rules, and specifically to the three pages of cases cited and discussed in Section II, which begins on page 465.

[5] In addition to the opening brief, which contains no formal argument, Father filed a reply brief. A party, however, cannot make new arguments for the first time in a reply brief. *See, e.g.*. *Federal Lank Bank of Baltimore, Inc. v. Esham*, 43 Md. App. 446, 458-60 (1979).

[6] *Rollins v. Capital Plaza Assocs., L.P.*, 181 Md. App. at 202 (citing *von Lusch v. State*, 31 Md. App. 271, 282 (1976), *rev'd on other grounds*, 279 Md. 255 (1977)).

[7] *von Lusch v. State*, 31 Md. App. at 282; *accord Rollins v. Capital Plaza Assocs., L.P.*, 181 Md. App. at 202.

exemplary fashion.

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