Circuit Court for Anne Arundel County
Case No. C-02-FM-17-005098

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 869

September Term, 2020

SAMUEL DAVID SNEAD

v.

DAISY ANNA SNEAD

Fader, C.J.,
Reed,
Beachley,

JJ.

Opinion by Fader, C.J.

Filed: April 6, 2021

Samuel Snead ("Father"), the appellant, filed a petition to modify custody and a petition to modify child support against Anna Snead[1] ("Mother"), the appellee, in the Circuit Court for Anne Arundel County. Mother then filed a counter-petition to modify visitation and legal custody. Following a hearing, the court awarded sole legal custody of the parties' two minor children to Mother; reduced Father's visitation time; denied Father's requests to modify custody and child support; and ordered Father to pay Mother's attorneys' fees. Father now challenges each of those rulings, arguing that the court acted arbitrarily and abused its discretion in reaching its decision. We conclude that the court did not err or abuse its discretion, and will therefore affirm.

Additionally, Mother filed a motion in this Court seeking reimbursement from Father for the cost of printing an appendix to her brief. We will grant in part that motion and order that all costs be assessed to the appellant, as provided in Rules 8-607 and 8-608.

BACKGROUND

The Underlying Facts

Mother and Father were married in 2009. Their two children together were born in 2012 and 2015.

In December 2017, Father filed for divorce. Around the same time, the parties entered into a Voluntary Separation and Property Settlement Agreement, pursuant to which Mother received primary physical custody of the children, and Father received "dinner visits" with the children two nights per week and visitation every other Saturday and

[1] Ms. Snead's first name is identified as both "Daisy" and "Anna" in the proceedings. Ms. Snead's own brief identifies her as "Anna," so we adopt that here.

Sunday during the day. The parties also agreed to share joint legal custody. In addition, the parties agreed that Father would pay $2,161 per month for child support and maintain health insurance for the benefit of the children. The parties subsequently amended the agreement to provide Father overnight visitation on his weekends with the children.

In June 2018, the circuit court entered a Judgment of Absolute Divorce, which incorporated, but did not merge, the parties' separation agreement and the amendment to that agreement. Accordingly, the court awarded the parties joint legal custody of the children; Mother primary physical custody; Father visitation as set forth in the agreements; and Mother child support of $2,161 per month.

Father subsequently filed a motion to modify custody and child support. In May 2019, the circuit court entered a consent order in which the parties agreed that Father's dinner visits would be reduced to one night per week. The parties also agreed that if Father were to move to Anne Arundel County: (1) his visitation schedule would increase to having the children Thursday to Sunday, every other week, and for two hours every other Wednesday; and (2) Father's child support obligation would be reduced to $1,600 per month. The parties also filed a Child Support Guidelines Worksheet, which showed Mother's actual income at $9,158 per month and Father's actual income at $10,048 per month. Based on the parties' incomes, the recommended child support obligation according to the guidelines would have been $2,715 per month.[2]

[2] Because the parties' "combined adjusted actual income exceed[ed] the highest level specified in the schedule" provided in § 12-204(e) of the Family Law Article, the court had "discretion in setting the amount of child support." *See* Md. Code Ann., Fam. Law § 12-204(d) & (e); *see also Smith v. Freeman*, 149 Md. App. 1, 18-20 (2002)

In June 2019, Father filed motions to modify custody and child support, both of which are at issue in this appeal. In his motion to modify custody, Father asked for access to the children from Thursday to Monday every other week and for dinner visits once per week. In his motion to modify child support, Father asked that his support obligation be reduced to reflect a decrease in his income and an increase in Mother's income.

In June 2020, Mother filed a counter-petition for modification of custody. Mother asked that the circuit court: (1) strike the provision from the parties' consent order granting Father increased access upon moving to Anne Arundel County; (2) grant sole legal custody of the children to Mother; (3) maintain the parties' current access schedule; and (4) award reasonable attorneys' fees to Mother.

The Merits Hearing

At the ensuing hearing, Father testified that he had filed his petitions to modify custody and child support because of "several instances perpetrated by [Mother], one of which was calling the police to [his] residence when [he] had the children at the aquarium." Father testified that, during another incident, a babysitter Father had hired for the children had quit because Mother had yelled at her. Father also complained that Mother "was not performing the duties of agreement," such as "not doing Facetime calls on a regular basis"; that he had "difficulty with exchanges" due to "things being changed last moment"; that, on multiple occasions, Mother had been intoxicated during drop-offs; that one of the

(discussing that when the parents' combined adjusted income exceeds the statutory child support guidelines limit, the guidelines "do not apply," and it is the trial court's duty "to set the amount of child support").

children had suffered multiple injuries while interacting with Mother's dogs; and that "many different parties" had been involved in the care of the children.

Father testified that he had moved to Anne Arundel County and switched jobs to be closer to the children and have a more flexible schedule. He added that he had the financial burden of all health care expenses for the children, which totaled $612 per month, and that his change in employment had caused his yearly salary to decrease from $120,700 to $112,500 and his health insurance costs to increase. Regarding his involvement in the children's day-to-day activities, Father testified that he was a paid member of the PTA at the children's school; that he had been appointed by the school board to the Citizen Advisory Committee; and that he volunteered at the children's school.

Mother testified that she had tried to accommodate Father in facilitating the current visitation schedule but that Father had a history of forfeiting or rescheduling his visitation time and submitting last-minute requests to change the location of exchanges. Mother testified that, during one exchange, Father became angry and berated her in the presence of the children. Mother added that Father had exhibited similar behavior at other exchanges; that Father had "mental health" issues that affected his ability to care for the children over extended periods of time; and that Father had been hospitalized for mental health reasons on "six or seven" occasions, most recently in 2017.

Mother testified that she handled virtually all the children's school and health-related needs and that Father had not expressed any desire to be involved in those matters. Mother testified that she had repeatedly tried to reach out to Father via email to "find a

compromise and co-parent together" but that Father had consistently responded with "disparaging language" and "false accusations." Copies of such emails were admitted into evidence.

Regarding the allegations made by Father, Mother testified that there had been an incident with her dog where one of the children got "a small little scrape on his face" and that Father had responded to the incident by calling Animal Control. Mother testified that there had not been any other incidents, but that, if there had been, she would have gotten rid of the dog. Mother stated that there was no verbal or written agreement regarding Facetime, adding that she and the children had attempted to Facetime with Father but that he had often refused. Regarding financial issues, Mother testified that: (1) her yearly salary was $140,000, which was the same salary she had when the court entered the consent order in May 2019; and (2) she had incurred $15,935.35 in attorneys' fees in defending against Father's petitions and bringing her own. Mother introduced documentation supporting her claim for attorneys' fees.

At the conclusion of the hearing, the trial court found that there had been "a lot of changes, material changes in circumstances that occurred after the parties' agreement," including "a series of emails" showing "a lot of animosity there, particularly on the part of [Father] toward [Mother]." The court also noted that one of the children had been "nipped" by a dog and that Father had moved to Anne Arundel County and taken a new job.

The court then went on to discuss the evidence as it pertained to the petitions for modification of custody:

Now, I think it's clear from the testimony that – I'll look at the joint legal custody factors. One is the capacity of the parents to communicate and reach shared decisions affecting the child's welfare. I don't find that they can communicate with each other and reach shared decisions at this point. They have reached some agreements, but it's got to be a two-way street.

I find that [Mother] has done her best to keep the children involved with their father and to try and civilly communicate with him, but he wants to act as an independent operator with the children and that's manifested with respect to the school situation and anything with the PTA.

* * *

The emails indicate that it's reached such a crescendo that the parties can't make joint decisions together. Now, there are a couple of things I think [Father] is justified in getting a little bit upset with, and I think [Mother] has to understand that these children have two parents and only two.

* * *

Willingness of each party to share custody. The parties do not have a willingness to share custody. The psychological and fitness of each parent. I haven't heard any testimony that they have any physical problems, so that would be equal. Relationship between the children and the parent. I'm assuming the children have a good bond with their dad and their mom.

Preference of the children. I wouldn't consider that at age eight and five. . . . Potential disruption of child social and school life. We[]ll they don't have much of a social life, but school will make these decisions. . . . During the earlier years, . . . it's not a big deal in my opinion. But once they get into the grades, it is, and school nights are something different and special.

Geographic proximity of the parental homes. It's about a 25-minute drive. . . . The kids can't walk there and it takes some time in a car, which is not fatal.

* * *

Demands of parental employment. They both are able to work in their homes and they both have the ability to accommodate the children and spend time with them. Age and number of the children. There's two, ages eight and five. Sincerity of the parents' request. I'm not – and I kind of agree

with [Mother's counsel]. I don't know exactly what [Father's counsel] wants other than he wants more than what he has. I haven't heard anything from him that's say, well, I'll be able to do this with [the children] and this will allow, this will be in his best interest or her best interest. And that's the overriding guide for a Court is what's in the best interest of the children.

Financial status of the parents. Father makes $110,000, mother $140,000. So . . . they both make good incomes and they're fortunate that [Father]'s fiancé is working – sounds like a very good job, and [Mother] has a good job.

So I've considered those factors. I don't find any support for [Father]'s concern that there are multiple people involved with the exchanges.

* * *

[Mother] has laid out a very good, detailed history of changes. Now, there's going to be some changes based on illness, based on work schedule and things. But [Father] has a little bit more than you would expect on a normal back and forth. It's not fatal because, but it's just an indication that he doesn't have the same stability with respect to the children as [Mother] does.

He said he was worried, intoxication by the mother and lateness and there was really no evidence to support that. The dog situation concerns the Court, but just to a certain point. I don't find [Mother] is the type of mother that's going to not protect her children and that if the dog, as she said, if the dog got that uncontrollable . . . the dog's got to go. A kid should not have to – the dog should respond to a child pulling the dog's ears and doing things that kids do. Now, if they're old enough where they can learn not to do that, . . . but I just, and I emphasize, obviously, you've got to keep an eye on that.

But [Father], you over-reacted and dogs might nip. But we don't have a pitbull living there. We don't have any – I don't see this as a dangerous situation.

* * *

I think it's clear that [Father] loves his children because he moved to Anne Arundel County, got a different job and less money to be closer to his kids, and that's commendable. But I think it's a hard thing for the non-

custodial parent to understand that it's not all about them. It's what's in the best interest of the children. It's not what I would like to have.

* * *

Kids, especially little guys, they have all their stuff in one spot. They're going to school. They get to the night before, they're all ready and it gets disruptive when you just move them around. Plus, [Father] is not precluded from attending any of their activities[.]

* * *

[Mother gave] detail of the school and I think she clearly knows it and takes care of what these children need, doctors, dentists, all those kinds of things. Now, [Father] goes, "Well, she won't, she doesn't let me." I didn't find any evidence that she prevented him from doing anything. He can get doctor's reports. He can find out who they are.

* * *

And kids do need that consistency and that structure and I think they find it, they're going to find it much better with their mother. And they've also had the consistency of living primarily with their mom since they came into this world. The marriage, unfortunately, didn't work out or they'd still be with the both of you. But since you separated, they've been consistently with their mother and there's no reason to change that.

Legal custody is an important thing because somebody's got to make these decisions as these kids get older. Now, a lot of times parents can make all the major decisions together. . . . But there's no indication to me that you two can make a decision together anymore. It's just, unfortunately, the relationship has gone, it's gone too far the other way.

And I think that intimidation tactics, I think was the phrase used by [Mother] and I think it's backed up by the evidence. Another factor is who would be more likely of the two parents to make sure the kids have a relationship with the other parent.

And clearly, I find [Mother] would be, would go out of her way to make sure that her two children know their dad, love their dad, see their dad, have a relationship with their dad.

* * *

> I do find it's in the best interest of the children for all the factors I said that [Mother] have sole legal custody and I find that she is a fit and proper person to have sole legal custody.
>
> I think [Father] is a fit and proper person to have reasonable rights of visitation and I think Friday . . . at 5:00 to Sunday at 5:00 works fine every other week and then Wednesday, if that's good. If Tuesday's a better night, as long as you give – from 5:30 to 7:30.

* * *

> And rounding down, . . . I'll deny [Father's] request for modification [of custody and visitation]. I don't believe that he has proven to the Court that he should get the, what he's looking for in the way of visitation.

The court also denied Father's request to modify child support. The court found that there was no evidence to support a downward deviation from the previously agreed-upon amount of $1,600. The court noted that, according to the child support guidelines, which were made part of the record, Father's obligation "would be a lot higher if we used the guidelines."

Finally, the trial court granted Mother's request for attorneys' fees. The court stated that it had "considered the father's income, the mother's income, the expenses, and . . . all the other financial information[.]" The court also expressly found that Mother had been "clearly justified" in asking the court to modify custody and visitation, while Father had not. The court ordered Father to pay $15,000 in attorneys' fees.[3]

[3] In response to a subsequent request from Father, the court permitted him to pay the $15,000 award in monthly installments of $625.

DISCUSSION

I. THE CIRCUIT COURT DID NOT ERR OR ABUSE ITS DISCRETION IN GRANTING MOTHER SOLE LEGAL CUSTODY OF THE CHILDREN OR IN REDUCING FATHER'S VISITATION TIME.

Father contends that the trial court erred and abused its discretion in granting sole legal custody of the children to Mother and in reducing his visitation time. He argues that in making those decisions, the court failed to consider the relevant case law; relied on personal life experiences rather than the evidence; failed to consider Father's material changes in circumstances; and failed to consider the safety of the children.

"When an action has been tried without a jury, the 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." Md. Rule 8-131(c). We review a circuit court's child custody determination for abuse of discretion. *Petrini v. Petrini*, 336 Md. 453, 470 (1994). A trial court abuses its discretion when its decision is "manifestly unreasonable, or exercised on untenable grounds, or for untenable reasons," *Levitas v. Christian*, 454 Md. 233, 243 (2017) (emphasis removed) (quoting *Neustadter v. Holy Cross Hosp. of Silver Spring*, 418 Md. 231, 241 (2011)), or when it "acts 'without reference to any guiding rules or principles,'" *Santo v. Santo*, 448 Md. 620, 626 (2016) (quoting *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 312 (1997)). "If there is any competent evidence to support the factual findings" of the circuit court, "those findings cannot be held to be clearly erroneous." *Omayaka v. Omayaka*, 417 Md. 643, 652-53 (2011) (quoting *Fuge v. Fuge*, 146 Md. App. 142, 180 (2002)). We review without deference the

trial court's rulings as to matters of law. *See Jackson v. Sollie*, 449 Md. 165, 173-74 (2016).

"On a motion for modification of custody, a trial court employs a two-step process: (1) whether there has been a material change in circumstances, and (2) what custody arrangement is in the best interests of the children." *Santo*, 448 Md. at 639. "A material change of circumstances is a change in circumstances that affects the welfare of the child." *Gillespie v. Gillespie*, 206 Md. App. 146, 171 (2012). "Deciding whether those changes are sufficient to require a change in custody necessarily requires a consideration of the best interest of the child." *Id.* (quoting *McCready v. McCready*, 323 Md. 476, 482 (1991)). "The burden is then on the moving party to show that there has been a material change in circumstances since the entry of the final custody order and that it is now in the best interest of the child for custody to be changed." *Sigurdsson v. Nodeen*, 180 Md. App. 326, 344 (2008).

"'Legal custody carries with it the right and obligation to make long range decisions' that significantly affect a child's life, such as education or religious training." *Santo*, 448 Md. at 627 (quoting *Taylor v. Taylor*, 306 Md. 290, 296 (1986)). When parents are granted joint legal custody, "both parents have an equal voice in making [long range decisions], and neither parent's rights are superior to the other." *Id*. In *Taylor*, the Court of Appeals set forth the following non-exhaustive list of factors for a court to consider when determining whether joint legal custody is appropriate in a given case: (1) the capacity of the parents to communicate and reach shared decisions affecting the child's welfare; (2) the

willingness of the parents to share custody; (3) the fitness of the parents; (4) the relationship established between the child and each parent; (5) the preference of the child; (6) any potential disruption to the child's social or school life; (7) the geographic proximity of parental homes; (8) the demands of parental employment; (9) the age and number of children; (10) the sincerity of the parents' request; (11) the financial status of the parents; (12) any impact on state or federal assistance; (13) the benefit to the parents; and (14) any other factors that reasonably relate to the issue. *Id.* at 304-11. The Court emphasized that, in considering an award of joint legal custody, "no single list of criteria will satisfy the demands of every case," but "in any child custody case, the paramount concern is the best interest of the child." *Id.* at 303. "The best interest of the child is therefore not considered as one of many factors, but as the objective to which virtually all other factors speak." *Id.*; *see also Gizzo v. Gerstman*, 245 Md. App. 168, 199 (2020) ("The court's primary objective, when deciding disputes over child access, 'is to serve the best interests of the child.'" (quoting *Conover v. Conover*, 450 Md. 51, 54 (2016))).

"This Court has observed that there is no such thing as a simple custody case, and that a judge agonizes more about reaching the right result in a contested custody issue than about any other type of decision." *Gizzo*, 245 Md. App. at 200 (quotations and internal quotation marks omitted). "Accordingly, trial courts are entrusted with 'great discretion in making decisions concerning the best interest of the child,'" *id.* (quoting *Petrini*, 336 Md. at 469), and "the trial court's decision governs, unless the factual findings made by the trial court are clearly erroneous or there is a clear showing of an abuse of discretion," *Gizzo*,

245 Md. App. at 200 (quoting *Gordon v. Gordon*, 174 Md. App. 583, 637-638 (2007)). "Because 'appellate review is properly limited in scope, the burden of making an appropriate decision necessarily rests heavily upon the shoulders of the trial judge.'" *Gizzo*, 245 Md. App. at 201 (quoting *Taylor*, 306 Md. at 311). "Indeed, custody decisions are 'unlikely to be overturned on appeal.'" *Gizzo*, 245 Md. App. at 201 (quoting *Domingues v. Johnson*, 323 Md. 486, 492 (1991)).

Against that backdrop, we hold that the trial court did not err or abuse its discretion in granting sole legal custody of the children to Mother. In making that determination, the court engaged in an exhaustive and thoughtful analysis of the *Taylor* factors, as a result of which the court concluded that it was in the children's best interest to award sole legal custody to Mother. We cannot say that the court's factual findings were clearly erroneous or that it abused its discretion in reaching its custody determination. *See Bienenfeld v. Bennett-White*, 91 Md. App. 488, 503 (1992) ("The [court] had the opportunity to observe personally the witnesses, and [its] judgment of their credibility is entitled to deference."). The court's factual findings were supported by competent evidence in the record, and its ultimate decision was based on a comprehensive review of that evidence. The court's decision also demonstrated an overarching concern for the children's best interests. *See id*. at 504 (noting that a court has discretion in "applying the best interests standard to consider any evidence which bears on a child's physical or emotional well-being"). Father's assertions that the court acted arbitrarily, did not apply the correct law, and did not consider the evidence are without merit.

Father's contentions that the trial court did not consider his changes in circumstances or the safety of the children are also without merit. As revealed by the record, the court considered Father's testimony regarding Mother's intoxication, her failure to abide by the visitation schedule, and her involving multiple people in the care of the children. The court ultimately discounted those claims as unsupported by the evidence. The court also expressed concern regarding the incident involving Mother's dogs, but concluded that the children were not in danger. And, contrary to Father's contention, the court expressly acknowledged his move to Anne Arundel County and that he had taken a new job for less money, calling those actions "commendable." The court found, however, that those changes did not warrant the relief Father sought because the children's best interests would be better served by Mother having sole legal custody. In light of the substantial deference afforded to trial courts, *see Gizzo*, 245 Md. App. at 200, we hold that the court did not abuse its discretion in awarding Mother sole legal custody.

We further conclude that the trial court did not abuse its discretion in granting Mother's petition to reduce Father's visitation or in denying his petition to increase visitation. The court explained that, despite Father's move to Anne Arundel County, the children's routines would be disrupted by going to Father's for overnight visits during the school week. The court found, therefore, that it was in the children's best interests that Father's overnight visits be limited to Friday to Sunday, every other week. We discern no abuse of discretion in that decision.

In connection with his complaints concerning custody, Father objects to two comments allegedly made by the trial court during the hearing. First, Father contends that the court "actually stated that because '[the judge's] wife is a principal, I do not believe exchanges should occur during the school year or week.'" Second, Father asserts that the trial court "arbitrarily provided three weeks of custody in the summer and stated 'Take them camping or something.'" Father argues that those two comments were erroneous and did not "bear[] on the case."

Unfortunately for Father, we cannot properly evaluate his claims because he has failed to provide any citations to the record for the alleged statements. *See* Md. Rule 8-504(a)(4) (requiring the contents of an appellate brief to contain reference to the record or to the transcript of testimony in support of an assertion). In undertaking our own review of the record, we found one instance in which the trial judge remarked that his wife was an elementary school principal and noted that she had shared stories regarding her experiences in that capacity. The remark, however, was made during a discussion of the trial judge's own experiences in making decisions that affect children's lives. The comment did not suggest that the judge's decision was controlled by his wife's experiences.

The second comment about which Father complains appears to concern a statement the court made toward the end of the hearing, following its oral ruling. After Father asked for clarification regarding the court's award of three non-consecutive weeks of summer visitation, the court explained that the weeks were to be non-consecutive because the children "shouldn't be away from their mother for more than a week." The court then

stated: "And a week's somewhat stretching it, but I think . . . it'll be okay because you've got Facetime and all the other – it'll give you a chance if you want to take them somewhere, even it it's camping, you know, that good, quality time." Assuming that is the comment about which Father complains, we discern no fault in the court's reference.[4]

II. THE CIRCUIT COURT DID NOT ERR OR ABUSE ITS DISCRETION IN DENYING FATHER'S PETITION TO MODIFY CHILD SUPPORT.

Father contends that the trial court erred in denying his petition to modify child support. Father asserts that he "had a legal right to alter custody and support based on change in income of [Mother] by an increase of $30,000 and a decrease in his income of $10,000 as well as a request to increase visitation to five overnights per week and four vacation weeks per year." Father also asserts that "[t]he court had the discretion to adjust support based on the high-income calculator factor at [its] discretion." We find no error or abuse of discretion in the court's denial of Father's motion to modify child support.

Section 12-104(a) of the Family Law Article (2019 Repl.; 2020 Supp.) provides that a court "may modify a child support award subsequent to the filing of a motion for

[4] Father also complains in his brief that he was prejudiced because his attorney was prohibited from entering the courtroom after exhibiting a symptom of COVID-19, and so participated by telephone. Father contends that this was prejudicial because his attorney "was not able to hear, speak or present evidence and object to questions posed by the defendant's counsel." However: (1) Father did not identify this issue in his brief as a question presented on appeal or as a ground for reversal; (2) Father consented to proceeding with the hearing while his attorney participated telephonically; and (3) the record does not support Father's factual assertions. Contrary to Father's arguments on appeal, the record demonstrates that his counsel fully participated in the hearing, questioned all witnesses, lodged objections, and made arguments. On the few occasions where Father's counsel identified difficulty hearing, the relevant statements were repeated and the hearing continued. We find no support in the record for Father's contention that he was prejudiced by his counsel's telephonic participation.

modification and upon a showing of a material change in circumstance." "The burden of proving a material change in circumstance is on the person seeking the modification." *Corby v. McCarthy*, 154 Md. App. 446, 477 (2003). To be "material," the change "must be 'relevant to the level of support a child is actually receiving or entitled to receive . . . [and] of a sufficient magnitude to justify judicial modification of the support order.'" *Id.* (quoting *Wills v. Jones*, 340 Md. 480, 488-89 (1995)). "Whether to grant a modification rests with the sound discretion of the trial court and will not be disturbed unless that discretion was arbitrarily used or the judgment was clearly wrong." *Ley v. Forman*, 144 Md. App. 658, 665 (2002).

Here, as detailed above, the record shows that the court properly considered all the evidence and concluded that the changes identified by Father did not warrant a modification of his support obligation. *See Smith v. Freeman*, 149 Md. App. 1, 21 (2002) (in context of child support, "a material change in circumstances does not necessarily compel a modification," and "a decision regarding modification is left to the sound discretion of the trial court"). Notably, by prior agreement of the parties, Father was already paying significantly less than the amount recommended under the child support guidelines. Father has not identified any basis on which we could conclude that the court abused its discretion in denying his request to modify child support.

III. THE CIRCUIT COURT DID NOT ERR OR ABUSE ITS DISCRETION IN ORDERING FATHER TO PAY MOTHER'S ATTORNEYS' FEES.

Father contends that the trial court erred in ordering him to pay Mother's attorneys' fees. He asserts that the court erred in imposing "legal fees on an already financially

limited plaintiff even though he was within his rights to pursue changes to custody and child support based on multiple material changes." We conclude that the court did not err in assessing attorneys' fees against Father.

Father's argument misunderstands the court's broad authority to award attorneys' fees in custody, visitation, and child support proceedings. In an action for modification of custody or child support, "[t]he court may award either party the costs and counsel fees that are just and proper under all the circumstances[.]" Fam. Law § 12-103(a). Before awarding such costs and fees, "the court shall consider: (1) the financial status of each party; (2) the needs of each party; and (3) whether there was substantial justification for bringing, maintaining, or defending the proceeding." *Id.* § 12-103(b). "Upon a finding by the court that there was an absence of substantial justification of a party for prosecuting or defending the proceeding, and absent a finding by the court of good cause to the contrary, the court shall award to the other party costs and counsel fees." *Id.* § 12-103(c). Substantial justification "relates solely to the merits of the case against which the judge must assess whether each party's position was reasonable." *Davis v. Petito*, 425 Md. 191, 204 (2012).

"[T]he trial court has significant discretion in applying the [§ 12-103(b) factors] to decide whether to award counsel fees and, if so, in what amount." *David A. v. Karen S.*, 242 Md. App. 1, 39 (quoting *Ruiz v. Kinoshita*, 239 Md. App. 395, 438 (2018)), *cert. denied*, 466 Md. 219 (2019) (internal quotation marks omitted). This Court "will affirm a finding of bad faith or substantial justification unless 'it is clearly erroneous or involves an erroneous application of law.'" *David A.*, 242 Md. App. at 38 (quoting *State v. Braverman*,

228 Md. App. 239, 260 (2016)) (internal quotation marks omitted). We also consider the reasonableness of the amount of attorneys' fees awarded. *David A.*, 242 Md. App. at 40. "Reasonableness 'is a factual determination within the sound discretion of the court,' and '[t]he party requesting fees has the burden of providing the court with the necessary information to determine the reasonableness of its request.'" *David A.*, 242 Md. App. at 40 (quoting *Nova Research, Inc. v. Penske Truck Leasing Co.*, 405 Md. 435, 448 n.4 (2008)).

We hold that the trial court did not abuse its discretion in awarding Mother attorneys' fees in the amount of $15,000. The court expressly stated that it had considered the parties' financial status and needs in reaching its decision, and then discussed each party's "substantial justification" for bringing or defending the actions. In doing so, the court found that Mother was "clearly justified" in bringing and defending the actions while Father was not. Those findings were supported by the evidence and did not involve an erroneous application of the relevant law. The court likewise did not abuse its discretion in setting the award at $15,000, which was supported by evidence of the parties' finances. Under the circumstances, we cannot say that the court committed reversible error or abused its discretion, and will affirm the fee award.

IV. MOTHER IS ENTITLED TO AN AWARD OF COSTS.

With Mother's appellee brief, she filed an appendix, which included a transcript of the merits hearing. Mother filed a motion in which she asks this Court to assess against Father $925 as the cost of printing the appendix, which she contends was necessary only

because Father failed to file a record extract and failed to consult with Mother on the contents of the appendix.

Rule 8-501(a) requires the appellant in every civil case, including self-represented appellants, to file a record extract. *See Tretick v. Layman*, 95 Md. App. 62, 68 (1993) (stating that the Maryland Rules equally "apply to laymen and lawyers alike"). The Rule also "requires the parties to cooperate in the preparation of the record extract and sets forth the procedure to be used when the parties cannot agree on what should be included." *Steamfitters Local Union No. 602 v. Erie Ins. Exch.*, 241 Md. App. 94, 112, *aff'd*, 466 Md. 193 (2019). Father failed to comply with the requirements of Rule 8-501.

The relief Mother seeks, however, is already contemplated by Rules 8-607 and 8-608. Pursuant to Rule 8-607(a), the prevailing party in an appeal is generally "entitled to costs." As relevant to Mother's motion, costs subject to award including the cost "for reproducing . . . any necessary appendices to briefs." Md. Rule 8-608(a). The rules also provide that the method of computation of such costs is "multiplying the number of pages in . . . any necessary appendices to briefs by the standard page rate established from time to time by the Court of Appeals." Md. Rule 8-608(c). When the mandate issues in this case, it shall include an award of costs that will include the cost of reproducing Mother's appendix, calculated according to the standard page rate established by the Court of Appeals, which is currently $0.24 per page.

JUDGMENT OF THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY AFFIRMED. APPELLEE'S MOTION FOR COSTS GRANTED IN PART; COSTS, INCLUDING FOR REPRODUCTION OF MOTHER'S APPENDIX, TO BE PAID BY APPELLANT, AS PER RULE 8-608.