Circuit Court for Prince George's County
Case No. CASR20-09164

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 930

September Term, 2021

SIDNEY WOODRUFF

v.

JANEE DENISE WALL, et al.

Nazarian,
Leahy,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 30, 2022

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

In this appeal from a child support action in the Circuit Court for Prince George's County, Sidney Woodruff, appellant, challenges an order of the court directing him to pay to appellee, Janee Denise Wall, support and an arrearage of support for the parties' minor child J.W. For the reasons that follow, we shall affirm the judgment of the circuit court.

On December 3, 2020, Prince George's County Office of Child Support ("PGCOCS") filed, on Ms. Wall's behalf, a petition to establish and enforce an order for child support and retroactive child support. On July 16, 2021, a hearing on the petition was held before a magistrate. Following the hearing, the magistrate recommended that Mr. Woodruff pay Ms. Wall $254 per month as child support, and an additional $16 per month toward the child support arrearage of $1778. On August 3, 2021, the court entered an order in which it adopted the magistrate's recommendations.

Mr. Woodruff first contends that the court violated his "right to due process" and Md. Code (1984, 2019 Repl. Vol., 2020 Supp.) § 12-101 of the Family Law Article ("FL"), which empowers a court to award child support and order payment of medical and hospital expenses, by "terminat[ing his] parental rights" without a "test of [parental] fitness." But, the court did not terminate Mr. Woodruff's parental rights. Also, Mr. Woodruff does not cite any authority that requires a court to determine parental fitness before awarding child support. Hence, the court did not violate Mr. Woodruff's right to due process or FL § 12-101.

Mr. Woodruff next contends that, for the following reasons, the court abused its discretion in adopting the magistrate's recommendations:

- The magistrate did not "have substantial evidence that would clearly justify a finding that relief would be appropriate" (quotations omitted), because "the only evidence was that [Mr. Woodruff] signed the birth certificate."
- FL § 5-1032, which empowers a court to order support of a child following the determination of the child's paternity, is unconstitutional.
- Mr. Woodruff "should have been told exactly what actions or non-actions would constitute a violation of a statute in . . . Maryland."
- "Within the complaint [it]self there was no mention of any elements that a claim could be made under" FL § 12-101.
- "[T]here was not any evidence or testimony presented to show or prove that [Mr. Woodruff] was not fulfilling or willfully failing at [his] duty of supporting" J.W..
- "The complaint never stated any wrong doing on [Mr. Woodruff's] behalf to defend."
- FL § 10-203, which imposes penalties for failing to support or deserting a minor child, "is unconstitutionally vague on its face because it . . . fail[s] to describe with sufficient particularity what a suspect must do in order to satisfy the statute."
- Mr. Woodruff's "5th and 6th Amendment right to counsel [was] violated," because he "was not made aware that [he] could have [counsel] and was not explained the nature of the hearing."

We first note that Mr. Woodruff failed to file exceptions to the magistrate's recommendations within ten days after the magistrate placed them on the record as required by Rule 9-208(f), and hence, Mr. Woodruff has forfeited any claim that the magistrate's findings of fact were clearly erroneous.[1] *See Barrett v. Barrett*, 240 Md. App. 581, 587 (2019) (a "party's failure to timely file exceptions forfeits any claim that the master's findings of fact were clearly erroneous" (internal citation and quotations omitted)). Also, Mr. Woodruff was not charged with failing to pay child support or violation of any other statute, and hence, PGCOCS was not required to "state[] any wrong doing on [Mr.

[1]We note that at the hearing on the petition, the magistrate admitted evidence regarding Mr. Woodruff's income, support obligations for his children other than J.W., employment status, and hourly wage. The magistrate also admitted evidence regarding Ms. Wall's employment status, potential hourly wage, source of income, rent expense, and source of medical insurance for J.W..

Woodruff's] behalf." Furthermore, Mr. Woodruff did not dispute at the hearing on the petition that he is J.W.'s father, and hence, FL § 5-1032 is inapplicable. Because Mr. Woodruff was not charged with failing to support or deserting J.W., FL § 10-203 is also inapplicable. Finally, the Supreme Court has stated that "the Sixth Amendment does not govern civil cases," *Turner v. Rogers*, 564 U.S. 431, 441 (2011), and Mr. Woodruff does not cite any authority that required the magistrate to appoint Mr. Woodruff counsel for a hearing on a petition for child support. Hence, the court did not abuse its discretion in adopting the magistrate's recommendations.

JUDGMENT OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.