

Circuit Court for Montgomery County
Case No. 134073FL

UNREPORTED*

IN THE APPELLATE COURT
OF MARYLAND

No. 944

September Term, 2025

IAN BARTELS

v.

KRISTIN SPEALMAN

Friedman,
Tang,
Hotten, Michele D.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Friedman, 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 MD. RULE 1-104(a)(2)(B).

Res judicata prevents a court from revisiting issues already resolved in a prior case, but custody law makes an important exception for a material change of circumstances. In this appeal, we decide whether a parent’s efforts to address their drug addiction qualify as the kind of change that justifies modifying a prior custody order.

BACKGROUND

Kristen Spealman and Ian Bartels are the unmarried parents of L. In 2016, they separated and entered a consent custody order granting primary residence of L. to Spealman. In 2021, the Circuit Court for Montgomery County modified this order after Bartels raised concerns about Spealman’s substance abuse and its effect on L. In its written order entered in April 2021, the court found Spealman had abused or neglected L. under MARYLAND CODE, FAMILY LAW (“FL”) § 9-101(a), and found a likelihood of further abuse or neglect under FL § 9-101(b). As a result, the court limited Spealman’s visitation to remote, supervised sessions and required her to pay for supervision by L.’s therapist, Dr. Sanders. This order allowed Dr. Sanders to terminate visits if they deemed Spealman unfit. The order also required Spealman to complete a series of psychological and substance abuse evaluations, an adult attachment study, drug and alcohol monitoring, and individual therapy before seeking further modifications from the court.¹ Finally, this order allowed Bartels to relocate out of state with L., which he did when they moved to New Jersey in June 2021.

¹ For simplicity, we refer to these evaluations, studies, monitoring, and therapy as “modification prerequisites.”

In January and June 2024, Spealman filed petitions to modify child support and visitation. She alleged several material changes of circumstances in these petitions: that a disability prevented her from working, thus making her unable to afford her child support obligations or remote visitations; that she completed the modification prerequisites; and that Dr. Sanders refused to continue her remote visitations with L.

At a hearing on Spealman's petitions, the circuit court asked her, "What have been the material change of circumstances?" to which she responded, "I'm clean. I'm sober." Spealman testified that she had been sober for nineteen months and had the necessary tools to manage her recovery: she attended support group meetings, had numerous prospective employment opportunities, and got approved for an apartment. Throughout the hearing, Bartels argued that Spealman's circumstances have not changed since the entry of the 2021 order. Specifically, Bartels alleged that Spealman continued to abuse the same prescription drugs that were the subject of the 2021 modification, that she developed a new drug addiction, and that she was not equipped to handle recovery because, at the time of the hearing, she was unemployed and lived in a domestic violence shelter.

In its oral order that followed, the circuit court concluded, without further explanation, that "Mom's compliance with the [modification prerequisites], ... the change in time, ... or ... Mom addressing her addiction issues," were material changes of circumstances.² After a best interests of the child analysis, the court awarded joint legal

² We hold that neither compliance with a court order nor changes in time are material changes of circumstances. *First*, compliance with a court order does not constitute a material change of circumstances. The 2021 order stated, "before the Court shall consider modification of [Spealman's] access ... [she] shall fully comply with the [modification

custody with tie-breaking authority to Bartels, granted Spealman unsupervised visitation under a graduated plan, and reduced Spealman’s child support to nothing.³ The court entered its written child support and custody orders on June 12 and 13, 2025, respectively.

Bartels filed this timely appeal, where he raises the following issues:

1. Did the circuit court abuse its discretion when it found a material change of circumstances occurred?
2. Did the circuit court abuse its discretion when it granted Spealman unsupervised access to L.?
3. Was the circuit court clearly wrong in granting Spealman’s child support motion?
4. Did the circuit court err by modifying legal custody when neither party raised it as an issue in their pleadings?
5. Did the circuit court err when it did not address and award Bartels attorney’s fees?

prerequisites].” The order required Spealman to complete the prerequisites before seeking another modification, which itself must be based on a material change of circumstances. It is illogical to conclude that compliance with a court order would justify modifying that same order. *Barry v. Schwender*, No. 2522, Sept. Term 2024, Slip Op. at 14-15 (unreported opinion) (filed Aug. 14, 2025). *Second*, “change in time” does not constitute a material change in circumstances. Just as “age[] is an inexorable progression prevalent in all custodial contests,” so is time. *McMahon v. Piazze*, 162 Md. App. 588, 596 (2005) (quoting *Campbell v. Campbell*, 477 S.W.2d 376, 378 (Tex. App. 1972)). Accordingly, our analysis of this issue focuses on whether Spealman “addressing her addiction issues” is a material change of circumstances.

³ The graduated visitation plan was ordered as follows: Spealman “shall have phone contact with L., supervised by Bartels or his current wife for the first two months, transitioning to unsupervised calls thereafter.” Additionally, Spealman “shall have [in-person visitation] with [L.] in New Jersey once a month for five hours,” and “the in-person visits … may be loosely supervised,” but “after four months … the visits will become unsupervised.” And beginning in March 2026, Bartels was to transport L. to Spealman, who resides in Montgomery County, “for [an additional] 5 hour visit” each month.

DISCUSSION

Our resolution of the first issue renders the remaining issues moot. For the reasons that follow, we hold the circuit court abused its discretion by finding that Spealman “addressing her addiction issues” was a material change of circumstances that affected the welfare of the child.

Res judicata is a legal doctrine that bars relitigation of a prior final judgment that involved the same parties, subject matter, and causes of action—including those issues that were actually litigated or those that should have been raised. *McMorrow v. King*, 264 Md. App. 708, 721-22 (2025). Res judicata does not, however, bar new litigation when circumstances have changed, because the doctrine applies only to the facts as they existed at the time of the first judgment. *Id.* at 722. A court may, therefore, reconsider an issue when new facts or changed conditions alter the status of what is being evaluated. *Id.*

When a court enters a custody or visitation order, that order constitutes a final judgment for purposes of res judicata. *Id.* FL § 9-202 permits a court to modify these orders if it “determines that there has been a material change in circumstances since the issuance of the order that relates to the needs of the child or the ability of the parents to meet those needs and that modifying the order is in the best interest of the child.” This standard prevents litigious or disappointed parents from repeatedly relitigating custody on the same facts and, as a result, helps preserve the child’s stability under the existing custody order. *McCready v. McCready*, 323 Md. 476, 481 (1991). The party moving for this modification bears the burden of proving that a material change of circumstances occurred after the entry of the custody order. *Gillespie v. Gillespie*, 206 Md. App. 146, 171-72 (2012).

We review child custody and visitation modifications under three interrelated standards of review. *In re Yve S.*, 373 Md. 551, 586 (2003). *First*, we will not disturb a trial court’s factual findings unless they are clearly erroneous. *Id.* *Second*, if we find the trial judge erred as a matter of law and that error was not harmless, we will remand for further proceedings. *Id.* *Third*, we will not disturb a trial court’s ultimate conclusion, which is founded upon sound legal principles and factual findings that are not clearly erroneous, unless there has been a clear abuse of discretion. *Id.*

We conclude that the circuit court abused its discretion in finding that Spealman “addressing her addiction issues” constituted a material change of circumstances affecting L.’s welfare. Even affording deference to the circuit court’s factual findings, we hold that its legal conclusion—that addressing addiction is a material change of circumstance—was incorrect.

We are skeptical of the circuit court’s factual finding that Spealman “addressed her addiction issues.” As the movant, Spealman bore the burden to prove her sobriety had materially changed since the 2021 order. We are not convinced, based on the record before us, that she satisfied this burden. The 2021 modification order arose from Bartels raising concerns about Spealman abusing Adderall, Xanax, and Oxycodone that were prescribed to her. At the hearing on Spealman’s 2024 petitions, she testified that, despite her nineteen months of sobriety, she had used Oxycodone a week earlier. Further, Bartels produced evidence that Spealman tested positive for amphetamines, methamphetamines, benzodiazepines, and barbiturates. Spealman argued that these were false positives, but could not produce admissible evidence to corroborate these claims. Nonetheless, we give

deference to the circuit court’s credibility determinations and do not stake our reversal on its factual findings.

We do, however, hold that the circuit court erred as a matter of law by concluding that Spealman merely “addressing addiction” was a material change of circumstances under FL § 9-202. Specifically, we are concerned that the circuit court was premature in its finding and overlooked that recovery, rather than sobriety or initial treatment efforts to address addiction, is the appropriate measure of whether a change is significant enough to be “material,” and provides the stability to affect the child’s welfare.

Addressing addiction and achieving sobriety are important steps in recovery, but on their own, they are not significant enough to define true progress. “Addressing addiction” refers to the pursuit of initial treatment efforts towards recovery. *See The Betty Ford Institute Consensus Panel, What Is Recovery? A Working Definition from the Betty Ford Institute*, 33 J. SUBSTANCE ABUSE TREATMENT 221, 223 (2007) [hereinafter *What Is Recovery?*]. Simply addressing addiction issues does not demonstrate lasting change.

NATIONAL INSTITUTE ON DRUG ABUSE, PRINCIPLES OF DRUG ADDICTION TREATMENT: A RESEARCH-BASED GUIDE 3 (3d ed. 2018), <https://nida.nih.gov/sites/default/files/podat-3rdEd-508.pdf> (explaining that “recovery from drug addiction is a long-term process and frequently requires multiple episodes of treatment.”). Similarly, sobriety is a state of abstaining from drugs at a given moment. *What Is Recovery?*, *supra* at 222-23. Recovery, however, is the “voluntarily maintained lifestyle characterized by sobriety, personal health, and citizenship.” *Id.* at 222. Recovery encompasses broader quality of life dimensions that promote significant and positive lifestyle changes. *See Alexandre B. Laudet, The Case for*

Considering Quality of Life in Addiction Research and Clinical Practice, ADDICTION SCI. & CLINICAL PRAC., July 2011, at 44, 46. These dimensions include secure housing, consistent employment, and participation in support programs. *Id.*

Assessing these quality of life dimensions alongside sobriety better determines whether a parent's progress in recovery provides the stability necessary to affect the child's welfare. Specifically, these considerations help explain how our courts can distinguish routine improvements from those that alter the parent's overall stability. *See Green v. Green*, 188 Md. App. 661, 689 (2009) (holding that a parent did not "reach[] a level of stability" in maintaining their employment or sobriety sufficient to constitute a material change of circumstances). Thus, true progress in recovery requires more than the isolated achievements of "addressing addiction" or sobriety. Instead, it demands significant, sustained improvements that enhance a parent's overall stability. By examining quality of life dimensions, such as housing, employment, and support systems, our courts can determine whether a parent's progress constitutes a material change of circumstances affecting the child's welfare.

The circuit court erred in concluding that, by simply "addressing her addiction," Spealman made a change in her circumstances that was so significant she could provide L. with the stability he needs. In 2021, Spealman struggled with addiction and lacked adequate support for her recovery. This remained true at the 2024 petitions hearing. Despite conflicting testimony and evidence about her sobriety, Spealman admitted that she attended, but did not participate in, support group meetings. She also testified to living in a domestic violence shelter, being unemployed, estranged from family members, having

friends who supported her drug addiction, and recently leaving an abusive relationship. Make no mistake: we commend Spealman for her efforts in her recovery thus far and encourage her continued progress. But without evidence of actual—rather than potential—progress that shows she materially changed her circumstances since April 2021, we reverse the 2025 child support and custody orders.

**JUDGMENT OF THE CIRCUIT COURT
FOR MONTGOMERY COUNTY IS
REVERSED. COSTS TO BE PAID BY
APPELLEE.**