

UNREPORTED\*  
IN THE APPELLATE COURT  
OF MARYLAND\*\*

No. 1028

September Term, 2022

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IN RE: M.M.

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Berger,  
Beachley,  
Ripken,

JJ.

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Opinion by Ripken, J.

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Filed: April 17, 2023

\*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.

\*\*At the November 8, 2022 general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

This challenge is to the Circuit Court for Baltimore City’s finding that the child, M.M., is a child in need of assistance (“CINA”)<sup>1</sup> and order that M.M.’s parents share custody. M.M.’s father noted a timely appeal. For the reasons discussed below, we shall vacate the court’s disposition order in its entirety and remand for further proceedings in accordance with this opinion.

### **ISSUES PRESENTED FOR REVIEW**

Father presents the following issues for our review:<sup>2</sup>

- I. Whether the court abused its discretion by finding M.M. to be a CINA.
- II. Whether the court erred by not making a finding addressing likelihood of further abuse or neglect of M.M. by Mother.

### **FACTUAL AND PROCEDURAL BACKGROUND**

In July of 2020, when M.M. was eight years old, D.A.M. (“Father”) called the Baltimore City Police Department, alleging that H.B. (“Mother”) was physically abusing

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<sup>1</sup> A CINA is

a child who requires court intervention because: (1) The child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and (2) The child’s parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child’s needs. Md. Code, Cts. & Jud. Proc. § 3-801(f).

<sup>2</sup> Rephrased from:

- I. Whether the Court erred in finding Respondent to be a child in need of assistance at disposition rather than dismiss the case with custody granted to Father, pursuant to MD. CODE ANN. [CTS. & JUD. PRO.] §§3-819(e) and 3-801(f).
- II. Whether the Court erred in failing to specifically find that there is no likelihood of abuse or neglect of Respondent in Mother’s shared unsupervised physical custody, pursuant to MD. CODE ANN. [FAM. LAW] §9-101.

M.M. and that M.M. had arm bruises.<sup>3</sup> In response, the Baltimore City Department of Social Services (“the Department”) transported M.M. to Johns Hopkins Hospital, where M.M. was examined. The exam was “diagnostic for abuse,” and hospital notes described M.M. as having a “clearly inflicted pattern of injury.” Subsequently, the Department petitioned the circuit court, asserting that M.M. was a CINA and requesting an Order of Shelter Care to provide for M.M.’s safety. The court then conducted a hearing and ordered M.M. to be placed with relatives. Then, in March of 2021, the court placed M.M. with Father. Mother was permitted four hours of unsupervised visitation each week. Subsequently, the court also granted Mother access to M.M. for overnight visits while M.M. remained under Father’s primary care.

In May of 2022, the court held an adjudicatory hearing. Therein, the court ruled in favor of Department allegations and found that M.M. had been abused and neglected. The court then held a disposition hearing to determine whether M.M. was a CINA and whether the existing custody arrangement should be modified. Recognizing uncertainty related to the source of M.M.’s injuries, the court found that the injuries had occurred while M.M. was in Mother’s care but declined to find that Mother had inflicted them. The court acknowledged Mother’s partial rehabilitation and her willingness to engage in anger management classes and family therapy and described Father as an asset to the family, noting that he had acted “above and beyond” to help M.M. The court accepted the parties’ shared assertion that M.M. wanted to spend equal time with each parent. Even so, the court

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<sup>3</sup> To protect the identity of the involved child, we refer to the parties by their initials.

found that Mother and Father had not engaged in family therapy and that they continued to have an antagonistic relationship. Ultimately, in August of 2022, the court found M.M. to be a CINA and ordered Mother and Father to share custody. The court indicated that declining to find M.M. a CINA would place M.M. in “a very frustrating” and “very unfriendly” situation and that awarding sole custody to either parent would not be in M.M.’s best interest. The court also placed M.M. under an Order of Protective Supervision, enabling the Department to have access to M.M. on an announced and unannounced basis and to provide services related to family therapy. Father filed this timely appeal.<sup>4</sup>

### DISCUSSION

In reviewing CINA proceedings, we apply three interrelated standards of review. *In re R.S.*, 470 Md. 380, 397 (2020). The court’s factual findings are reviewed for clear error. *Id.* Matters of law are reviewed *de novo*, without deference to the juvenile court. *Id.* We review final conclusions for abuse of discretion when they are based on “‘sound legal principles’ and factual findings that are not clearly erroneous[.]” *Id.* (quoting *In re Yve S.*, 373 Md. 551, 586 (2003)). An abuse of discretion occurs “‘where no reasonable person would take the view adopted by the [trial] court’ or when the court acts ‘without reference to any guiding rules or principles.’” *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 312 (1997) (quoting *North v. North*, 102 Md. App. 1, 13 (1994)). With respect to the issues before us, we review the court’s CINA finding under an abuse of discretion standard and

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<sup>4</sup> Mother, M.M., and the Department filed as separate appellees. Only M.M. submitted a brief. Mother adopted M.M.’s arguments, but did not submit a separate brief. The Department did not submit a brief.

the statutory interpretation and application of section 9-101 of the Family Law Article (“FL”) of the Maryland Code<sup>5</sup> as a matter of law, without deference to the circuit court’s ruling. *See In re R.S.*, 470 Md. at 397; *see also Schisler v. State*, 394 Md. 519, 535 (2006) (“[W]here an order [of the trial court] involves an interpretation and application of Maryland constitutional, statutory or case law, [the appellate court] must determine whether the trial court’s conclusions are ‘legally correct’ under a *de novo* standard of review.”).

**I. THE COURT ABUSED ITS DISCRETION BY FINDING M.M. TO BE A CINA.**

Although the court sustained allegations of abuse against Mother, Father contends that the court erred in finding M.M. to be a CINA, because Father was able and willing to care for M.M. Father emphasizes that, pursuant to section 3-819(e) of the Courts and Judicial Proceedings Article of the Maryland Code (“CJP”), “the court may not find that the child is a [CINA],” if “the allegations in the petition are sustained against only one parent of a child, and there is another parent available who is able and willing to care for the child[.]” CJP § 3-819(e). Because Father was able and willing to care for M.M., he

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<sup>5</sup> FL section 9-101 provides:

- (a) In any custody or visitation proceeding, if the court has reasonable grounds to believe that a child has been abused or neglected by a party to the proceeding, the court shall determine whether abuse or neglect is likely to occur if custody or visitation rights are granted to the party.

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- (b) Unless the court specifically finds that there is no likelihood of further child abuse or neglect by the party, the court shall deny custody or visitation rights to that party, except that the court may approve a supervised visitation arrangement that assures the safety and the physiological, psychological, and emotional well-being of the child.

argues that the court should not have committed M.M. to the Department under an Order of Protective Supervision solely because Mother and Father do not get along.<sup>6</sup> Mother and M.M. agree with Father that the court erred in finding M.M. to be a CINA but argue that *both* parents were able and willing to care for M.M. despite their unfriendly relationship. Mother asserts that she and Father were able to successfully co-parent M.M. during the one

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<sup>6</sup> Father also asserts that the court should not have permitted Mother to submit additional evidence. However, Father’s brief is unclear as to what the evidence was and when Mother presented such evidence. Mother and M.M. assert that Father’s argument is not preserved for our review because he never objected to the court engaging in a best interest analysis or the presentation of additional evidence. Moreover, Mother argues that the court properly considered her rehabilitation and M.M.’s desire for equal time with each parent, as part of its best interest analysis. We note that it is within a court’s discretion to hear additional relevant evidence under CJP section 3-819(e):

We see nothing in [CJP section 3-819(e)] that would preclude a juvenile court from holding a hearing to determine whether and, if so, how to [award custody]. To the contrary, inherent in the grant of authority under § 3-819(e) is the ability to conduct appropriate proceedings to properly exercise that authority. . . . Although such a hearing may be unnecessary in some (perhaps many) cases in light of evidence already presented at the adjudicatory hearing or by stipulation of the parties, in other cases additional evidence not yet presented may be relevant.

*In re T.K.*, 480 Md. 122, 151–52 (2022). Under certain circumstances, courts are required to hear additional evidence:

We hold that when a party asks a juvenile court to make an award of custody under § 3-819(e), if requested by the parent who stands to lose custody, a juvenile court *must* hold an evidentiary hearing if, after consideration of the evidence already presented or stipulated at an adjudicatory hearing, there are factual disputes as to any consideration that is material to (a) whether the parent to whom the court is considering awarding custody is able and willing to provide proper care for the child, or (b) the juvenile court’s determination of whether it is in the child’s best interest to leave the current custody arrangement in place or to award custody (legal, physical, or both) to the parent against whom allegations were not sustained.

*Id.* at 153 (emphasis added). Because Father did not specify what additional evidence he is now contesting, we are unable to assess whether Father’s claim was preserved for our review and, if so, whether the court’s admittance of such evidence was required or discretionary.

and a half years preceding the court’s CINA finding. Mother and M.M. also emphasize that M.M. wanted to spend equal time with each parent and that Mother had been rehabilitated.

“Parents have a constitutionally protected right to raise their children as they choose, free from excessive intrusion by the State, a liberty interest long recognized by the United States Supreme Court.” *In re T.K.*, 480 Md. 122, 144 (2022). “The rights of a parent in the raising of his or her children, however, are not absolute.” *In re Yve S.*, 373 Md. at 568. For instance, a “child’s welfare is a consideration that is of transcendent importance when the child might otherwise be in jeopardy.” *In re Mark M.*, 365 Md. 687, 706 (2001) (internal quotations and citation omitted). In such instances, a “CINA proceeding provides a mechanism to determine whether government intrusion in a parent’s relationship with a child is clearly justified.” *In re T.K.*, 480 Md. at 144.

If the court makes a CINA finding,<sup>7</sup> then the court may either: “[n]ot change the child’s custody status;” or “[c]ommit the child on terms the court considers appropriate to the custody of [a] parent; . . . a relative . . . or [a] local department, the Maryland Department of Health, or both.” CJP § 3-819(b)(1)(iii). The court’s custody determination is guided by what is in the child’s best interests. *In re J.R.*, 246 Md. App. 707, 751 (2020) (“The principal focus of the CINA statute is to ‘ensure that juvenile courts (and local departments of social services) exercise authority to protect and advance a child’s best interests when court intervention is required.’” (quoting *In re Najasha B.*, 409 Md. 20, 33 (2009))).

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<sup>7</sup> See note 1, *supra*.

If, however, the court does not find the child in need of assistance, then, except as provided in CJP section 3-819(e), the court shall dismiss the case. CJP § 3-819(b)(1)(i).

Under CJP section 3-819(e):

If the allegations in the petition are sustained against only one parent of a child, and there is another parent available who is able and willing to care for the child, the court may not find that the child is a child in need of assistance, but, before dismissing the case, the court may award custody to the other parent.

In application,

[s]ection 3-819(e) grants the juvenile court discretion to award custody only if the court, by a preponderance of the evidence: (a) sustains allegations in a CINA petition that are sufficient to support a CINA disposition against one, but only one, parent; and (b) finds that the other parent is able and willing to care for the child[.]

*In re T.K.*, 480 Md. at 160. In addition, just as in other custody settings, “the best interest of the child standard is applicable to the juvenile court’s exercise of discretion under § 3-819(e)[.]” and “a juvenile court should exercise its discretion to award custody of a child to the parent who it finds available, willing, and able to provide care only if it determines that doing so is in the best interest of the child.” *Id.* at 151.

Before finding M.M. to be a CINA, the court was statutorily required to find that M.M. had been abused or neglected and that neither Mother nor Father were able and willing to properly care for M.M. *See* CJP § 3-801(f). Despite declining to find that Mother had inflicted M.M.’s injuries, the court sustained the Department’s allegations of abuse and neglect and found that M.M. was abused while in Mother’s care. No allegations of abuse were raised against Father. Therefore, the court sustained allegations sufficient to support a CINA disposition solely related to Mother. Accordingly, the court was precluded from

finding M.M. to be a CINA if Father was able and willing to care for M.M. *See* CJP § 3-819(e); *see also In re T.K.*, 480 Md. at 160; *In re X.R.*, 254 Md. App. 608, 636–37 (2022) (upholding the juvenile court’s application of CJP section 3-819(e), where the court sustained allegations of abuse against only one parent for placing the child in an “abusive situation”).<sup>8</sup>

Notably here, the juvenile court commended Father:

[Father] has been an asset to the family. The things that he did to try to help [M.M.] . . . was above and beyond. He came to the house. He cleaned the house. . . . He participated in pest extermination. He did many things and he paid his child support. That was in the best interests of [M.M.]

Even so, the court found M.M. to be a CINA because otherwise “the child would be in a very frustrating” and “a very unfriendly” situation. The court noted that Mother and Father could not “deal with each other with respect and deal with each other with keeping in mind what is best for [M.M.]”

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<sup>8</sup> In *In re X.R.*, the juvenile court found the following:

The [c]ourt affirmly (sic) finds that the mother has failed to provide safe care for [Child 3] and place, [Child 3], placing them in an abusive situation.

. . . It is found further, in accordance with 9-101 of the Family Law Article, that there be no further likelihood that abuse or neglect would occur

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. . . [T]he child is not found to be a child in need of assistance because there is a parent who is willing and able and capable of caring for the child. And it’s in the child’s best interest.

The [c]ourt further finds that there have been sustained allegations against one parent only and finding that the other parent is available and able and willing to care for the child, custody is awarded to [Child 3’s father].

254 Md. App. at 636. Accordingly, this Court “conclude[d] that it was not an abuse of discretion for the juvenile court to award custody of Child 3 to her father because . . . Mother placed Child 3 in an ‘abusive situation[,]’ and it would be ‘contrary to the child’s welfare’ to return her to Mother’s custody.” *Id.* at 637.

Without more, Mother and Father’s hostile relationship could not adequately support the court’s finding that M.M. was a CINA. Although the court sustained the Department’s allegations of abuse, M.M. could not be declared a CINA if Father was able and willing to care for her. *See* CJP § 3-819(e). Mother and Father’s antagonistic relationship had been ongoing during the approximately one and a half years preceding the court’s CINA finding, when M.M. had been under Father’s primary care. Yet, the court described “[t]he things that [Father] did to try to help [M.M.]” as “above and beyond.” There was no evidence indicating that Father’s care for M.M. had deteriorated or that it would deteriorate in the future. Therefore, Mother and Father’s ongoing antagonistic relationship did not sufficiently support finding Father unable or unwilling to care for M.M. nor did the court make such a finding. The court abused its discretion by finding M.M. to be a CINA.

Hence, we shall vacate the court’s Order of Protective Supervision. *See In re T.K.*, 480 Md. at 136 (“[I]f the statutory prerequisites [of CJP section 3-819(e)] are met, . . . the child (1) cannot be determined to be in need of assistance and (2) therefore cannot be subject to ongoing court intervention.”). Nevertheless, given the circuit court’s engagement in a best interest analysis to determine a custody arrangement for M.M., we shall examine Father’s second claim. Had the court found M.M. not to be a CINA but continued on to determine M.M.’s custody arrangement under CJP section 3-819(e),<sup>9</sup> the requirement that

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<sup>9</sup> Alternatively, if the court had found M.M. not to be a CINA, the court could have dismissed the case instead of engaging in a best interest analysis to determine custody. *See* CJP § 3-819(b)(1)(i) (“In making a disposition on a CINA petition[,]” if the court “[f]ind[s] that the child is not in need of assistance[,]” then the court shall “except as provided in

the court conduct a thorough best interest analysis would not have been negated. *See In re T.K.*, 480 Md. at 151.

**II. THE COURT ERRED BY NOT MAKING A FINDING ADDRESSING LIKELIHOOD OF FURTHER ABUSE OR NEGLECT BY MOTHER.**

Father claims that the court failed to specifically find that there was no likelihood of further abuse by Mother, as required under FL section 9-101, prior to granting Mother shared custody of M.M. Given that the court sustained the Department’s abuse allegations, Father contends that Mother should have been denied custody without such a finding. In response, Mother and M.M. concede the absence of a specific finding regarding further abuse but contend that we may presume the court made the necessary finding.<sup>10</sup> Mother and M.M. emphasize the court’s consideration of M.M.’s safety with Mother and Mother’s unsupervised contact with M.M. during the one and a half years preceding the court’s CINA finding. They also argue that Father failed to preserve his claim by expressing any concern to the court regarding M.M.’s safety under Mother’s care. Specifically, Mother

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subsection (e) of this section, dismiss the case”); *see also In re T.K.*, 480 Md. at 150 (“If the two prerequisites to the juvenile court’s exercise of discretion under § 3-819(e) are satisfied, the court then must decide whether to exercise that discretion.”).

<sup>10</sup> Notably, M.M. asserted for the first time during oral argument that the court specifically made a finding of no likelihood of further abuse or neglect of M.M. while in Mother’s care, when the circuit court granted Mother unsupervised visitation privileges with M.M. in August of 2021. However, we do not discern any such finding within the court’s order granting Mother unsupervised visitation or the transcripts of preceding or subsequent hearings. Regardless, the court’s order granting unsupervised visitation was issued prior to the court’s sustainment of the Department’s allegations. A court is only required to specifically find no likelihood of further abuse or neglect after first having “reasonable grounds to believe that a child has been abused or neglected by a party.” *See* FL § 9-101(a)–(b). Accordingly, the court’s alleged findings in 2021 would not have been sufficient to satisfy FL section 9-101(b).

and M.M. emphasize Father’s agreement to M.M. residing with Mother on weekends and his acceptance of Mother’s unsupervised time with M.M.

At the outset, we address the preservation of Father’s claim. “Ordinarily,” we shall not consider an issue “unless it plainly appears by the record to have been raised in or decided by the trial court[.]” Md. Rule 8-131(a). Additionally, “[t]he right to appeal may be lost by acquiescence in, or recognition of, the validity of the [court’s] decision . . . or by otherwise taking a position which is inconsistent with the right of appeal.” *In re M.H.*, 252 Md. App. 29, 45–46 (2021) (quoting *In re Nicole B.*, 410 Md. 33, 64 (2009)).

Father preserved his claim regarding the likelihood of further abuse by consistently expressing concern with granting Mother shared custody of M.M. *See* Md. Rule 8-131(a). To be sure, Father agreed to permit Mother to have regular access to M.M.; however, Father’s support of Mother’s access to M.M. was limited to specific potential visitation.<sup>11</sup> Father’s concern with granting Mother custody of M.M. was separate and distinct. Father contended that if the court were to place M.M. “in the custody of Mother again, that [M.M.] might be at risk for further abuse[.]” Father emphasized that the court sustained the Department’s allegations of abuse and argued that Mother’s therapy, anger management,

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<sup>11</sup> Father’s answers at the disposition hearing demonstrate the narrowness of his support of Mother:

Q: . . . With regards to visitation, are you stating that . . . you would be comfortable with Monday through Friday with yourself and weekends with Mother?  
[Father]: In regards to visitation?  
Q: Visitation.  
[Father]: Yes, sir.

and parenting classes were ineffective.<sup>12</sup> Hence, we conclude Father’s claim is preserved for review.

“In any custody or visitation proceeding” where “the court has reasonable grounds to believe that a child has been abused or neglected by a party,” the court’s determination is further constrained by the requirements set forth in FL section 9-101.<sup>13</sup> FL § 9-101(a); *see In re X.R.*, 254 Md. App. at 636–37 (upholding the application of FL section 9-101, where “Child 3” was not found to be a CINA and allegations were sustained against only one parent). According to the Supreme Court of Maryland (at the time named the Court of Appeals of Maryland),<sup>14</sup> “in cases where evidence of abuse [or neglect] exists, courts are required by statute [FL section 9-101] to deny custody or unsupervised visitation unless

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<sup>12</sup> Specifically, Father contended that Mother’s inability to accept responsibility for abusing M.M. rendered her attempted rehabilitation ineffective:

Are we to give the mother custody of a child whom she physically abused when, as recently as just last week or two weeks ago, when I asked her a question, she was saying she did not do anything wrong in this case in terms of physical abuse of this child? If she cannot accept the responsibility, then you’ve got to wonder, what good is the therapy she went to? If she can’t accept responsibility for what she did, then what good was the anger management that she went through? If she can’t accept responsibility for what she did, what good was her parenting classes? I submit those are nothing but pieces of paper saying she did these things so it makes it look good[.]

<sup>13</sup> *See* note 4, *supra*.

<sup>14</sup> At the November 8, 2022 general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Appeals of Maryland to the Supreme Court of Maryland. The name change took effect on December 14, 2022. *See, also*, Md. Rule 1-101.1(a) (“From and after December 14, 2022, any reference in these Rules or, in any proceedings before any court of the Maryland Judiciary, any reference in any statute, ordinance, or regulation applicable in Maryland to the Court of Appeals of Maryland shall be deemed to refer to the Supreme Court of Maryland . . .”).

the court makes a specific finding that there is no likelihood of further child abuse or neglect.” *In re Mark M.*, 365 Md. at 706 (citing FL § 9-101).<sup>15</sup> Notably, FL section 9-101(b) may not be satisfied by an implicit finding of no likelihood of further abuse or neglect. *See In re T.K.*, 480 Md. at 159 n.23 (cautioning against construing its holding as “suggest[ing] that an *implicit* finding of no likelihood of further neglect is sufficient to satisfy § 9-101(b)”).

Given that the court sustained allegations sufficient to uphold a CINA finding against Mother, the court could only grant Mother shared custody or unsupervised visitation rights if it made a specific finding that there was no likelihood of further abuse. *See* FL § 9-101; *see also In re X.R.*, 254 Md. App. at 636–37. However, without making such a finding, the court granted Mother shared custody of M.M. Even if the facts appear to imply that the court found no likelihood of further abuse or neglect by Mother, the requirements of a specific finding per FL section 9-101(b) would not be met. *See In re T.K.*, 480 Md. at 159 n.23. “While CINA hearings require flexibility based on the individual circumstances of the child, parents, or caretaker, this does not mean the statutorily required procedures are optional.” *In re M.H.*, 252 Md. App. at 44. Accordingly, the court erred in awarding Mother shared custody of M.M. without specifically finding that there was no

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<sup>15</sup> With respect to the finding required by FL section 9-101(b):

It does not set an insurmountable burden; even upon substantial evidence of past abuse or neglect, it does not require a finding that future abuse or neglect is impossible or will, in fact never occur, but only that there is no likelihood—no probability—of its recurrence. Webster defines likelihood as probability, something that is *likely* to happen.

*In re Yve S.*, 373 Md. at 588 (quoting *In re Adoption No. 12612*, 353 Md. 209, 238 (1999)).

likelihood of further abuse or neglect of M.M. while in Mother's care. We vacate the court's entire disposition order and remand for further consideration as specified.

On remand, the circuit court is instructed as follows. The court shall decide whether to determine a custody arrangement in M.M.'s best interest in the CINA case, according to our guidance below. Alternatively, as mentioned *supra* in footnote 9, the court may dismiss the CINA case in its entirety, freeing the parents to pursue a custody determination outside of the CINA proceeding. If the court elects to address custody issues, then pursuant to FL section 9-101(b), the court shall promptly hold a disposition hearing to determine the likelihood of further abuse or neglect of M.M. while in Mother's care, and, based thereon, the court shall determine a custody arrangement in M.M.'s best interest. The court's best interest analysis should be thorough.<sup>16</sup> *See Azizova v. Suleymanov*, 243 Md. App. 340, 347

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<sup>16</sup> Even though courts are not limited to a specific set of factors when conducting a best interest analysis, our appellate courts have set forth a non-exhaustive list of factors for courts to consider when determining a custody arrangement:

- (1) The fitness of the parents;
- (2) The character and reputation of the parties;
- (3) The requests of each parent and the sincerity of the requests;
- (4) Any agreements between the parties;
- (5) Willingness of the parents to share custody;
- (6) Each parent's ability to maintain the child's relationships with the other parent, siblings, relatives, and any other person who may psychologically affect the child's best interest;
- (7) The age and number of children each parent has in the household;
- (8) The preference of the child, when the child is of sufficient age and capacity to form a rational judgment;
- (9) The capacity of the parents to communicate and to reach shared decisions affecting the child's welfare;
- (10) The geographic proximity of the parents' residences and opportunities for time with each parent;
- (11) The ability of each parent to maintain a stable and appropriate home for the child;

(2019) (“The [Supreme Court] and this Court have time and time again affirmed custody determinations where the trial judge embarked upon a thorough, thoughtful and well-reasoned analysis congruent with the various custody factors.”). Both parties shall be permitted to present additional relevant evidence regarding any events that occurred after the court’s shared custody order to aid in the court’s determination. M.M.’s existing custody arrangement shall be maintained while the court makes findings in accordance with this opinion. *See In re M.H.*, 252 Md. App. at 56 (maintaining the “custody arrangement for M.H. in place at the time of the issuance of the mandate . . . while the juvenile court conducts hearings in accordance with this opinion”).

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- (12) Financial status of the parents;
  - (13) The demands of parental employment and opportunities for time with the child;
  - (14) The age, health, and sex of the child;
  - (15) The relationship established between the child and each parent;
  - (16) The length of the separation of the parents;
  - (17) Whether there was a prior voluntary abandonment or surrender of custody of the child;
  - (18) The potential disruption of the child’s social and school life;
  - (19) Any impact on state or federal assistance;
  - (20) The benefit a parent may receive from an award of joint physical custody, and how that will enable the parent to bestow more benefit upon the child;
  - (21) Any other consideration the court determines is relevant to the best interest of the child.

*Azizova*, 243 Md. App. at 345–46 (first citing *Montgomery County Dep’t of Soc. Servs. v. Sanders*, 38 Md. App. 406 (1977); and then citing *Taylor v. Taylor*, 306 Md. 290 (1986)) (as consolidated in Cynthia Callahan & Thomas C. Ries, *Fader’s Maryland Family Law* § 5-3(a), at 5-9 to 5-11 (6th ed. 2016)).

**JUDGMENT OF THE CIRCUIT COURT  
FOR BALTIMORE CITY VACATED AND  
REMANDED FOR FURTHER  
PROCEEDINGS IN ACCORDANCE WITH  
THIS OPINION. COSTS TO BE PAID BY  
APPELLEES.**