

Circuit Court for Howard County
Case No.: C-13-FM-21-001914

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1113

September Term, 2024

JEFFERY A. COLLINS

v.

TAKIYAH A. COLEMAN

Wells, C.J.,
Graeff,
Getty, Joseph M.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Getty, J.

Filed: April 10, 2025

*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).

This appeal originates from a custody award of the parties’ two minor children. After a custody hearing, the Circuit Court for Howard County (“trial court”) granted Appellee Takiyah A. Coleman (“Ms. Coleman”) sole legal custody and shared physical custody with primary residential custody during the school year. Appellant Jeffery A. Collins (“Mr. Collins”) was granted a regular and liberal access arrangement. Both parties were granted up to three weeks of non-consecutive summer access time with the children. Mr. Collins challenges both the legal and physical custody findings of the trial court’s memorandum opinion and order.

The parties present us with the following questions:

1. Did the trial court err in granting sole legal custody to Ms. Coleman?
2. Did the trial court err in granting shared physical custody with primary residential custody to Ms. Coleman?

For the reasons herein, we affirm the trial court’s decision as to both issues.

FACTUAL AND PROCEDURAL HISTORY

Initial Filings

The parties married in June 2016. They had two children during the course of their marriage: J.C., a son born in 2013, and C.C., a daughter born in 2017. In October 2021, Ms. Coleman, along with the minor children, moved out of the marital home in Columbia, Maryland. On November 2, 2021, she filed a complaint for limited divorce seeking sole legal and physical custody of both children.

Mr. Collins first filed an answer to the complaint in early December 2021. Later in December, Mr. Collins filed a counter-complaint seeking joint legal custody, tie-breaking authority, and sole physical custody of the two minor children.

Following their separation, the parties agreed to the following two-week custody schedule to accommodate their respective work schedules. During this time, the minor children stayed with Mr. Collins for either six or seven out of the fourteen nights. In week one, the minor children stayed with Ms. Coleman on Friday, Saturday, and Sunday. Mr. Collins then had the minor children Sunday evening, Monday evening, Tuesday evening, and Wednesday morning. The minor children returned to Ms. Coleman on Wednesday evening and stayed through Friday morning. During the second week, Mr. Collins resumed custody from Friday evening through Monday morning. Ms. Coleman then had the minor children from Monday evening through Friday. The parties adhered to this schedule until the court entered the *pendente lite* hearing order on August 11, 2022.

Pendente Lite Hearing and Order

The trial court entered a *pendente lite* order on August 11, 2022, which awarded Mr. Collins and Ms. Coleman shared physical and legal custody. The schedule in the *pendente lite* order continued the agreement that followed the parties' work schedules: on a two-week rotating schedule, Mr. Collins had the children overnight for six out of the fourteen nights. For example, during week one, the children were with Mr. Collins on Wednesday and Thursday nights, and then the following week, on Monday, Tuesday, Friday, and Saturday nights. The transitions were to occur at 6:30 p.m. or from school or daycare.

This schedule accommodated the unique work schedules of Mr. Collins and Ms. Coleman. Prior to and at the time of the *pendente lite* hearing, Mr. Collins worked Monday through Friday from 2:00 p.m. to 10:00 p.m. for the Department of Defense as a police officer at the Pentagon. Ms. Coleman worked for the Department of Defense in Alexandria, Virginia, following a two-week rotational schedule by which she worked two days on, two days off, and every other weekend. On the days that she worked, Ms. Coleman left for work between 4:45 a.m. and 5:00 a.m. and returned home between 7:45 p.m. and 8:00 p.m. except for one day every two weeks when she returned at 4:00 p.m.

Mr. Collins would drive the children to school and day care in the mornings. During this time, Ms. Coleman would drive the minor children to the marital home where she would provide care during the nighttime hours, wait for Mr. Collins to return home from his 10 p.m. shift, and then leave to her separate home. Ms. Coleman and the minor children often slept at Ms. Coleman's mother's home in order to accommodate the early hours of her own work schedule. The minor children's maternal grandmother then provided early morning childcare until J.C. and C.C. went to school and daycare.

In May 2023, following a filing of a motion to modify child support and to clarify access/parenting time by Mr. Collins, the trial court modified the *pendente lite* child support owed by Mr. Collins but declined to convene a second hearing or to modify the *pendente lite* access schedule to a strict 50/50 schedule.

Changes to the Parties' Work Schedules

The changes in the parties' work schedules were a significant factor in the trial court's physical custody decision. After the issuance of the *pendente lite* order and before

the final custody hearing, Mr. Collins and Ms. Coleman’s work schedules both changed. Mr. Collins began working from 6:00 a.m. to 6:30 p.m., and he worked two days on, two days off, and every other weekend. In order to continue to drop the children off at school, he was using leave time. Ms. Coleman testified that she changed jobs in April 2023 in order to spend more time with her children and shorten her commute. Ms. Coleman took a new job at Fort Meade where she works Monday through Friday from 8:00 a.m. to 4:00 p.m. and leaves for work around 7:30 a.m.

The Trial Court’s Hearing

A three-day trial ensued in February 2024. Mr. Collins, Ms. Coleman, and Ms. Coleman’s mother, LaWania Crossland-Ferguson, testified. The trial court “heard testimony concerning the personalities, interests, activities, and educational development of the children, as well as the parties’ fitness as parents and their respective relationships with the children.” In particular, during the hearing, the court admitted evidence of contentious communication between the parties regarding the minor children including copies of text messages and emails. Also admitted into evidence were financial earning statements, mortgage statements, and tax returns for both parties. The trial court held the issue sub curia.

The Trial Court’s Memorandum Opinion and Order

On July 1, 2024, the trial court entered a judgment of absolute divorce. The trial court’s memorandum opinion and order awarded Ms. Coleman sole legal custody and shared physical custody with primary residential custody during the school year awarded to Ms. Coleman. Both Mr. Collins and Ms. Coleman received up to three weeks of non-

consecutive summer access, and the trial court divided the holidays equally. In the opinion, the trial court reviewed the grounds for divorce, the distribution of marital property, child custody, child support, and attorneys’ fees. Only the child custody determinations are at issue in this appeal.

The court noted that Ms. Coleman requested primary physical custody and sole legal custody or joint legal custody with tie-breaking authority of the two minor children. Mr. Collins requested joint legal and joint physical custody.

The trial court began addressing the issue of legal custody by emphasizing the importance of the *Taylor* factor concerning the capacity of the parents to communicate and reach shared decisions. The trial court stressed its “concerns about the parties’ ability to effectively reach shared decisions concerning the minor children about important issues including, but not limited to, education, discipline, structure [of] the children’s days, and health issues.”

The trial court explained that, prior to the separation, Ms. Coleman took the lead on the needs and activities of the children such as attending school conferences and doctor’s appointments. The trial court noted that, following the separation, Mr. Collins’ has attempted to be more involved in the lives of his children. However, in addressing the parties’ ability to communicate, the trial court found:

[Mr. Collins] has demonstrated a continuing lack of desire to work cooperatively. He gets angry at what he terms interference from [Ms. Coleman] regarding the children. He believes that [Ms. Coleman] is interfering with his parenting when she [acts in a manner] that might well be described as helpful and stable for the children. To be sure, [Mr. Collins] loves the children and wants the best for them. He remains, however, unable to compromise when the parties disagree on a topic. [Ms. Coleman] has

demonstrated more flexibility and a child centered approach. This dynamic is not the basis of a positive coparenting relationship, and therefore, joint legal custody is contrary to the interests and needs of the children. ^[1]

The trial court cited to the following examples to showcase the “dysfunction” between Mr. Collins and Ms. Coleman. The parties disagreed about which extra-curricular activities would be best for the minor children, and when they could not come to an agreement, Mr. Collins ignored Ms. Coleman’s wishes and signed them up for his desired activities without her approval. Furthermore, Mr. Collins moved tenants into the marital home, where the children stayed when they were with him, without prior notification to Ms. Coleman.

Further, the trial court found Ms. Coleman “is more likely than . . . [Mr. Collins] to be cooperative and communicative with the other parent regarding the decision-making for the children.” The trial court cited to Ms. Coleman’s invitation to Mr. Collins to join her and the children on a Disney World trip as an example of her cooperative nature. Further, the trial court noted Ms. Coleman prior to their separation was the primary decision maker regarding the children’s education and care. In addition, she has “a history of seeking input from [Mr. Collins] and of keeping him informed.” The trial court, for these reasons, concluded that granting Ms. Coleman sole legal custody was in the best interests of the children.

¹ The trial court refers to Mr. Collins as the Defendant in its memorandum opinion and to Ms. Coleman as the Plaintiff. To ensure consistency throughout the opinion, we have edited the cited portions of text and refer to the parties as Mr. Collins and Ms. Coleman.

After discussing the legal custody award, the trial court analyzed all of the ten *Sanders* factors in order to determine the physical custody award which would be in the best interests of the children. In addressing the fitness of the parents, the trial court stated:

During trial, the Court heard testimony, mainly from the parties. Credible testimony proves that [Ms. Coleman] loves her children and is concerned with and involved in the daily lives of her children. [Ms. Coleman] is fit and proper to have custody of the children. She described herself as a comforter to the children. She expressed that the children come to her to seek reassurance and comfort. The parties' daughter seeks out [Ms. Coleman] when she is tired in order to be physically close to [Ms. Coleman]. [Ms. Coleman] seeks to remain connected with the children while they are in the care of [Mr. Collins], and she permits the children to call their father whenever they like.

[Mr. Collins] is a fit parent as well. He participated in the caretaking of the children, both while the parties were together and afterwards. He describes his relationship with the children as a fun and loving one. He agrees that he can be stern, especially with [J.C.], because he wants to push the child to be better than himself. He describes himself as more of a disciplinarian and believes it is important for the children to follow his directions. He describes the daughter as opinionated; she knows what she likes. [Mr. Collins] describes his relationship with the son as playful. He wishes to set the children up for success later in life.

Discussing another *Sanders* factor, the character and reputation of the parties, the trial court found that:

Nothing in the record indicates that either parties' character or reputation should keep them from parenting their children. There was, however, credible testimony from [Ms. Coleman] about some physical abuse upon her at the hands of [Mr. Collins]. There was also credible evidence about [Mr. Collins'] controlling behaviors over [Ms. Coleman]. This is some evidence of poor behavior that reflects negatively on [Mr. Collins'] character.

The court subsequently addressed the factor of the desire of the natural parents and agreements between the parties, in depth:

The parents had been able to cooperate regarding the children's schedule while they were living together and also during the period

immediately after separation. The parties worked hard to work around their respective work schedules. The cooperation between them, however, had [Ms. Coleman] spending the night at her mother's home with the children on a regular basis to gain her mother's help with the caretaking of the children because [Mr. Collins] was unable to be available. In addition, after separation, [Ms. Coleman] was delivering the children to [Mr. Collins] on a regular basis.

After separation and prior to the entry of the PL Order, the parties worked their schedule around the schedule of [Ms. Coleman] and also accommodated [Mr. Collins'] ongoing 2:00 p.m. to 10:00 p.m., Monday through Friday schedule. The children were with [Mr. Collins] every other weekend and, just for sleeping purposes, about two overnights per week. [Ms. Coleman] was bringing them to [Mr. Collins'] home at about 9:30 p.m. and getting them to bed prior to [Mr. Collins] arriving home late from work. This would permit [Ms. Coleman] to go early to work the next day and for [Mr. Collins] to take the children to school/daycare in the morning.

The PL Order from 2022 had the children with [Mr. Collins] overnight on two days of the week on one week and on four days of the week on the alternating week for a total of six out of every 14 days.

[Ms. Coleman] changed jobs in April 2023 to rid herself of her long commute and to have a more regular schedule with the children. [Ms. Coleman] now has a more local and more typical Monday to Friday schedule. She is available for the children after school.

[Mr. Collins'] work schedule changed in January 2023. He now works two days on and two days off for 12 hours each day that he works and every other weekend. His hours are from 6:00 a.m. until 6:30 p.m. This is the schedule from which [Ms. Coleman] changed. The schedule to which [Ms. Coleman] moved is more useful to the children's regular school and activity schedule.

In turning to the remaining six *Sanders* factors, the trial court addressed them each briefly. Regarding the potentiality to maintain natural family relations, the court found both parents involve their children with extended family, and the maternal grandmother is a large presence because she lives in Maryland whereas the paternal grandparents are out of state. In addressing the preference of the children, the trial court stated:

The preference of the children was not focused upon at trial. Both parents agree that the children love both parents and that they wish to have time with each parent. The children have regularly engaged with [Ms. Coleman] while with [Mr. Collins] when [he] will allow it. The children do not reach out to [Mr. Collins] while in the care of [Ms. Coleman] although [she] allows this.

In addition, the trial court found the minor children were in good health, and the parties “live in close enough proximity to permit ample access with both parties.” The trial court also noted that the factors concerning the length of separation from the natural parents and prior voluntary abandonment or surrender were not relevant in this case.

With the aid of the *Sanders* factors, the trial court determined that shared physical custody of the minor children with Ms. Coleman having primary residential custody during the school year and with Mr. Collins having a regular and liberal access schedule was in the best interests of the child.

One month later, Mr. Collins noted this appeal. Additional facts will be included as they become relevant to the issues.

STANDARD OF REVIEW

The principal consideration in custody cases is the best interests of the child. *Ross v. Hoffman*, 280 Md. 172, 174 (1977). This standard is “firmly entrenched in Maryland and is deemed to be of transcendent importance.” *Id.* at 174-75; *see Azizova v. Suleymanov*, 243 Md. App. 340, 347 (2019) (“Unequivocally, the test with respect to custody determinations begins and ends with what is in the best interest of the child.”). The best interests of a child may take precedence over a parent’s liberty interest should they be at odds. *Boswell v. Boswell*, 352 Md. 204, 219 (1998).

Maryland courts have established two sets of potential factors to consider before awarding custody. First, this Court’s decision in *Montgomery County Department of Social Services v. Sanders* provides ten non-exclusive factors for a trial court to consider when determining custody: (1) fitness of the parents; (2) character and reputation of the parties; (3) desire of the natural parents and agreements between the parties; (4) potentiality of maintaining natural family relations; (5) preference of the child; (6) material opportunities affecting the future life of the child; (7) age, health, and sex of the child; (8) residences of parents and opportunities for visitation; (9) length of separation from the natural parents; and (10) prior voluntary abandonment or surrender. 38 Md. App. 406, 420 (1977).² A court should assess the totality of the circumstances and not narrow in on one specific factor. *Id.* at 420-21.

The second set of factors are from *Taylor v. Taylor* that outline specific considerations for awarding joint custody. 306 Md. 290, 304-11 (1986). Those factors are: (1) capacity of the parents to communicate and to reach shared decisions affecting the child’s welfare; (2) willingness of parents to share custody; (3) fitness of parents; (4) relationship established between the child and each parent; (5) preference of the child; (6) potential disruption of child’s social and school life; (7) geographic proximity of parental homes; (8) demands of parental employment; (9) age and number of children; (10) sincerity of parents’ request; (11) financial status of the parents; (12) impact on state or federal

² The trial court referred to these factors as the *Best* factors. *Best v. Best*, 93 Md. App. 644, 655-56 (1992), is a more recent case that restates the ten factors which were first enumerated in *Montgomery County Department of Social Services v. Sanders*, 38 Md. App. 406, 420 (1977).

assistance; (13) benefit to parents; and (14) any other factor that reasonably relates to the issue. *Id.* These factors do not replace any considerations enumerated by *Sanders* or any other factors that a trial court might deem important to consider in custody evaluations. *Id.* at 303.

Appellate courts review child custody awards using three different standards. *Davis v. Davis*, 280 Md. 119, 125 (1977). First, factual findings are reviewed under a clearly erroneous standard. *Id.* at 125-26. Second, any errors as a matter of law will typically require further proceedings in the trial court . . . unless the error is determined to be harmless. *Id.*

Third, we review the ultimate conclusions in a custody determination under an abuse of discretion standard. *Id.* “There is an abuse of discretion 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.” *Bord v. Baltimore County*, 220 Md. App. 529, 566 (2014) (quoting *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 312 (1997)). To constitute an abuse of discretion, the conclusions must be “well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable.” *North v. North*, 102 Md. App. 1, 14 (1994). An appellate court should not reverse simply because it would have made a different ruling. *Id.* Lastly, the reviewing court gives “due regard to the opportunity of the trial court to judge the credibility of the witnesses.” Maryland. Rule 8-131(c).

DISCUSSION

The Trial Court Did Not Err in Granting Sole Legal Custody to Ms. Coleman

Mr. Collins contends that the trial court abused its discretion by granting Ms. Coleman sole legal custody because the court excessively relied on the finding that the parties do not effectively communicate. Mr. Collins alleges that *Santo v. Santo*, 448 Md. 620, 630 (2016), bars a trial court from holding effective communication between parties as a prerequisite to joint custody. He also claims the trial court’s characterization of him as uncommunicative was unsubstantiated and asserts that Ms. Coleman is the barrier towards a cooperative co-parenting relationship. Ms. Coleman replied that the trial court, in balancing the totality of the circumstances, correctly evaluated their inability to communicate as an insurmountable obstacle towards effective joint legal custody. We conclude that the trial court did not err or abuse its discretion in awarding Ms. Coleman sole legal custody.

We find the trial court’s emphasis on the parties’ inability to effectively communicate is appropriate provided the parents’ capacity for effective communication is “the most important factor in the determination of whether an award of joint legal custody is appropriate.” *Taylor*, 306 Md. at 304. Only in rare occasions should joint custody be permitted if the parties cannot communicate. *Id.* The trial court provided clear reasoning and justifications for its sole legal custody determination.

In *Santo v. Santo*, our Supreme Court affirmed a trial court award of joint custody despite a finding that Mr. Santo and Ms. Santo failed to effectively communicate. 448 Md. at 646. The *Santo* Court in large part declined to reverse the trial court’s joint custody

award because of its understanding of the factual complexity of a child custody determination and respect for this weighty task placed on trial courts:

In asking us to hold that joint legal custody “should be awarded *only if* a custody court” concludes that parents “are or likely will be capable of communicating and reaching joint (i.e., shared) parenting decisions,” Father would have us impose an inflexible template on equity courts making child custody decisions. (Emphasis added.) But, as the *Taylor* Court recognized, “[f]ormula[s] or computer solutions in child custody matters are impossible because of the unique character of each case, and the subjective nature of the evaluations and decisions that must be made.” *Id.* at 303. To elevate effective parental communications so that it becomes a prerequisite to a joint custody award would undermine the trial court’s complex and holistic task.

Santo, 448 Md. at 629.

However, *Santo* did not disturb *Taylor*’s “proposition that effective parental communication is weighty in a joint legal custody.” *Id.* at 628. Further, our Supreme Court mandated that trial courts that decide to grant joint custody to parties that cannot effectively communicate must provide justifications on the record for this decision. *Id.* at 631.

This trial court stated its concern about the “parties’ ability to effectively reach shared decisions concerning the minor children.” When sole legal custody is awarded, the parent with custody is responsible for keeping the other parent well-informed, and the trial court determined that Ms. Coleman was more inclined to shoulder this burden. Prior to the parties’ separation, Ms. Coleman primarily took the children to after-school activities, medical appointments, and school conferences. Following their separation, Mr. Collins became more involved in the children’s lives but “demonstrated a continuing lack of desire to work

cooperatively.” Ms. Coleman had already demonstrated her ability to make decisions about the well-being of the children and to communicate with Mr. Collins about their care and education.

Mr. Collins is correct when he asserts that the trial court did make one incorrect factual finding: that it was Ms. Coleman who invited Mr. Collins to travel to Disney World with her and the children when it was actually Mr. Collins who extended the invitation. However, this one error does not affect the final conclusion of the trial court.

The record further supports the trial court’s finding that Mr. Collins’ was reluctant to communicate. On two occasions, Mr. Collins took the minor children to North Carolina to visit Mr. Collins’ parents without informing Ms. Coleman that they were leaving the state. In December 2022, Mr. Collins kept both J.C. and C.C. home from school because C.C. had a fever. Mr. Collins did not inform Ms. Coleman of C.C.’s illness or his decision to keep both children home. Ms. Coleman was only informed of their absence because she was contacted by the school.

In summary, we find the trial court did not abuse its discretion in focusing on the parents’ lack of capacity to communicate and in granting sole legal custody to Ms. Coleman.

The Trial Court Did Not Err in Granting Shared Physical Custody with Primary Residential Custody During the School Year to Ms. Coleman

Mr. Collins alleges that the trial court erred in granting Ms. Coleman primary residential custody during the school year and by failing to preserve the stability in

the minor children’s lives established following the parties’ separation and under the *pendente lite* arrangement, citing as support the holding in *McCready v. McCready*, 323 Md. 476, 482-83 (1991). He also asserts that the trial court’s physical custody award is not in the best interests of the child. Ms. Coleman asserted the trial court did carefully weigh the necessary factors and that the physical custody award was in the best interests of both children. We hold the trial court did not err or abuse its discretion in awarding both parties shared physical custody and in awarding Ms. Coleman primary residential custody during the school year.

Mr. Collins argues that the material change in circumstances requirement, which is the condition precedent to modify a child custody award, should apply here. However, changes from *pendente lite* orders to final custody awards do not have this prerequisite. *Knott v. Knott*, 146 Md. App. 232, 259 (2002) (“The change in circumstances requirement is not applicable in establishing a final award that terminates a *pendente lite* order.”). A *pendente lite* order by its nature is a temporary measure. *Speropulos v. Speropulos*, 97 Md. App. 613, 617 (1993). *Pendente lite* orders are “designed to provide some immediate stability pending a full evidentiary hearing and an ultimate resolution of the dispute.” *Frase v. Barnhart*, 379 Md. 100, 111 (2003). Because a *pendente lite* order operates as a stopgap, it is “not intended to have long-term effect and therefore focuses on the immediate, rather than on any long-range, interests of the child.” *Id.* Therefore, the trial court was well within its discretion to make a physical custody determination that differed from the arrangement under the *pendente lite* order.

While significant changes in each party’s work schedule did occur between the execution of the *pendente lite* order and the final custody hearing, the trial court adequately considered the impact of the work schedules on the day-to-day lives of the children. Mr. Coleman’s shift change prevented him from being able to drop off the children in the mornings without using up his leave time. Ms. Coleman also changed jobs which allowed her to be more available to the children throughout the week, especially after school, during the evenings, and on the weekends. In arriving at the physical custody determination, the trial court balanced the ten factors enumerated in *Sanders*, 38 Md. App at 420, and reiterated in *Best v. Best*, 93 Md. App. 644, 655-56 (1992).

In response, Mr. Collins asserts that the trial court erred in its evaluation of the second, third, and eighth factors: the character and reputation of the parties, the desire of the natural parents and agreements between the parties, and the geographic proximity between the parties. We disagree because the trial court carefully evaluated each *Sanders/Best* factor and came to a reasonable determination supported by three days of testimony. We will address each of the three contested factors and the trial court’s respective analysis.

1. Character and Reputation of the Parties

The trial court found the record did not indicate anything in the character or reputation of the parties that would bar them from parenting both minor children. However, the trial court found there was credible testimony that Mr. Collins had

been physically abusive to Ms. Coleman and had exhibited controlling behaviors towards her as well. Mr. Collins disputes this finding.

The trial court's finding is supported by the evidence presented at trial, and in particular, two examples are cited in both parties' briefs to this Court. On one occasion, Ms. Coleman testified that Mr. Collins pushed her to the ground while she was pregnant with C.C. The parties were arguing over whether J.C. had made a pen mark on the fabric of their couch. Ms. Coleman testified that Mr. Collins was angered by her nonchalant attitude to the pen mark. Mr. Collins then grabbed J.C. and shoved Ms. Coleman. Mr. Collins maintains that Ms. Coleman was the initial aggressor and that he pushed her away in order to defend himself because Ms. Coleman was hitting him. Ms. Coleman's mother, who was called immediately after the incident, arrived at the scene soon after. She testified that both parties were very upset, and Ms. Coleman told her that Mr. Collins had pushed her down the steps.

Ms. Coleman testified about a second incident involving discipline when Mr. Collins grabbed J.C. by the back of the neck when J.C. was running around the house and not listening. Mr. Collins responded that while he did grab J.C. by the neck and the arm, it was not a violent situation because J.C. was laughing and smiling the entire time.

The trial court made factual findings that Mr. Collins exhibited physically abusive and controlling behaviors toward Ms. Coleman on different occasions. This Court will only set aside factual findings of the trial court for clear error.

Here, the trial court relied on testimony from Ms. Coleman and Ms. Crossland Ferguson, which the trial court deemed credible. This Appellate Court gives due regard to the credibility determinations of the trial court. Maryland Rule 8-131(c); *Davis*, 280 Md. at 122. Therefore, we will not disturb the trial court’s finding on the character and reputation of the parties.

2. *Desire of the Natural Parents and Agreements Between the Parties*

Mr. Collins maintains that the arrangement under the *pendente lite* order was working and that the children were doing well. Mr. Collins asserts that the trial court had no basis to find Ms. Coleman’s new 8:00 a.m. to 4:00 p.m. work schedule was “more useful to the children’s regular school and activity schedule.” In addition, he alleges that the children were accustomed to the parties’ atypical work schedules. Ms. Coleman testified that her new work schedule does allow her to be home with the children by 4:25 p.m. during the school week and that she switched jobs in order to accommodate the children’s schedules.

While the trial court found that the parties were able to cooperate in working around both their respective work schedules immediately following their separation, it also noted that the record details the compromises, affecting the daily lives of the children, that were necessary for the post-separation and *pendente lite* arrangements to function.

Prior to the *pendente lite* order, when Mr. Collins worked from 2:00 p.m. to 10:00 p.m. in Arlington, Virginia, on the nights that Mr. Collins had the minor children, Ms. Coleman brought J.C. and C.C. to Mr. Collins’ home around 9:30

p.m., and she remained there late into the evening until he returned from work. When his work schedule changed to the 6:00 a.m. to 6:30 p.m. shift in January 2023, Mr. Collins testified that he was forced to “burn leave every week to get the kids to school to drop them off.”

Prior to Ms. Coleman’s job change, she often slept at her mother’s house with the minor children, so their maternal grandmother could watch them in the mornings after Ms. Coleman left for work around 4:45 a.m. This arrangement allowed for J.C. and C.C. to have a normal schedule for sleeping. Ms. Coleman’s mother, Ms. Crossland Ferguson, testified that she only remembered two occasions when Ms. Coleman did not join the children in sleeping over at her home.

The trial court also found that Ms. Coleman’s recent job change, which she started in April 2023, was “more useful to the children’s regular school and activity schedule.” The trial court’s finding that Ms. Coleman is in a better position to care for the children during the school year is also supported by the record. Ms. Coleman’s new job allows her to be available to the children after school and in the evenings. She also now works twenty-five minutes from the home and not during the weekends. The demands of parental employment are a proper consideration outlined by the *Taylor* Court. *Taylor*, 306 Md. at 309. Therefore, the trial court did not err in its findings on the desire of the natural parents and agreements between the parties.

3. *Geographic Proximity*

Mr. Collins argues that the trial court did not properly consider the geographic proximity of Mr. Collins and Ms. Coleman in deciding to award primary residential custody to Ms. Coleman. Mr. Collins asserts that the close proximity of the parties' homes alleviated the concerns that "joint physical custody may seriously disrupt the social and school life of a child." *Taylor*, 306 Md. at 308-09.

The trial court did not ignore this factor. The trial court noted the geographic proximity of the parties as a factor in the memorandum opinion on two occasions. First, when discussing the legal custody determination, the trial court stated geographic proximity is one factor in relation to the best interests of the child analysis. Subsequently, however, the trial court noted that "a demonstrated ability on the part of the parties to communicate effectively concerning the best interests of the child" is critical to joint custody. Second, when evaluating the *Sanders* factors, the trial court stated the parties "live in close enough proximity to permit ample access with both parties."

In the memorandum opinion, the trial court also highlighted the importance of the parties facilitating the children's regular school and activity schedule. In this case, the parties' work schedules was a more significant factor in ensuring the maintenance of the children's schedule than the geographic proximity of the homes. Furthermore, the record shows that neither Ms. Coleman nor Mr. Collins raised the geographic proximity of their homes as a significant consideration during trial.

Therefore, the trial court did not abuse its discretion by finding the parties' close geographic proximity was not a dispositive factor necessitating shared residential custody throughout the school year. *See Best*, 93 Md. App at 643 (encouraging the trial court to examine the totality of the situation and not one single factor when determining what is in the best interests of the child).

We find the trial court did not abuse its discretion by issuing a physical custody arrangement that differs from the *pendente lite* order or in its application of the best interests of the child standard.

CONCLUSION

The trial court did not err or abuse its discretion as Mr. Collins challenges. At the hearing and in the accompanying memorandum opinion and order, the judge considered and analyzed the relevant *Sanders-Taylor* factors. Evidence presented regarding the parent's lack of capacity to communicate adequately justified an award of sole legal custody to Ms. Coleman. The changes in the parent's work schedules provided ample ground for the shared physical custody award with primary residential custody to Ms. Coleman during the school year. Accordingly, we shall affirm the judgment of the trial court.

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