Circuit Court for Montgomery County
Case No. C-15-FM-22-002562

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1313

September Term, 2025

C.J.

v.

N.N.

Reed,
Kehoe, S.
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Kehoe, J.

Filed: March 10, 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 Rule 1-104(a)(2)(B).

This appeal is the latest chapter in a custody dispute between Appellant, C.J. ("Father"), and Appellee, N.N. ("Mother"), concerning their minor children, Z.J. and M.J. (collectively, "the children"). On September 20, 2023, the Circuit Court for Montgomery County entered a Custody and Access Order, awarding the parties joint legal custody of the children and granting Mother primary physical custody. On November 26, 2024, Father filed a "Motion for Notice of Intent to Relocate," in which he sought an order directing Mother to disclose her "new residential address." Mother, in turn, filed a motion to modify custody on December 13, 2024, seeking sole legal custody of the children. While that motion was pending, Father moved to vacate the custody and access order. The court denied Father's motion in an order entered on January 30, 2025. Father subsequently moved to revise that ruling, which the court likewise denied. Father appealed that judgment, and we affirmed in *C.J. v. N.N.*, No. 19, Sept. Term, 2025 (unreported) (filed Sept. 30, 2025) ("*C.J. I*").

On June 5, 2025, Mother filed an amended motion to modify custody. In that motion, Mother alleged several material changes in circumstances, including Father's having filed a second action against her for, among other things, defamation. Approximately one week later, Father filed his own motion to modify custody, seeking shared physical custody of the children and tie-breaking authority. When Mother did not timely respond to Father's motion, the circuit court entered an order of default against her. Mother subsequently moved to vacate that order, which the court granted.

Beginning on August 11, 2025, the circuit court held a consolidated, five-day

hearing on the parties' motions to modify custody and Father's separate defamation action against Mother. At the conclusion of that hearing, the court found Mother not liable in the defamation action and denied Father's motion to modify custody. It then granted, in part, Mother's motion to modify custody. Among other things, the court awarded Mother sole legal custody of the children and authorized her to obtain passports for the children without Father's cooperation or consent. The court memorialized its oral ruling in a written order entered on August 22, 2025, which also denied Father's motion for a notice of intent to relocate. Father timely appealed the court's custody determinations.[1]

I. QUESTIONS PRESENTED

In this *pro se* appeal, Father presents fourteen issues for our review. To the extent that they are properly before us, we have consolidated and rephrased those issues as follows:

1. Are we bound under the law of the case doctrine by our prior holding that the circuit court properly denied Father's motion to vacate the initial custody and access order?

2. Did the circuit court abuse its discretion in vacating the order of default entered against Mother?

3. Did the circuit court erroneously reject the definition of a "material change in circumstances" set forth in *McCready v. McCready*, 323 Md. 476 (1991)?

4. Did the circuit court violate Maryland Rule 16-208(b)(3) by prohibiting Father from using electronic devices inside the courtroom?

[1] On August 25, 2025, Father noted a separate appeal from the circuit court's judgments in the defamation case. The appeal is currently designated as Case Number 1311, September Term, 2025.

5. Did the circuit court clearly err in crediting Mother's testimony, discounting contrary evidence, and misconstruing Father's testimony?

6. Did the circuit court commit reversible error in weighing the parties' competing translations of recorded conversations between Mother and Z.J.?

7. Did the circuit court err in characterizing Father's use of litigation as abusive, while disregarding a prior act of domestic violence committed by Mother?

8. Did the circuit court err or abuse its discretion in applying the best interests of the child standard when making its custody determination?[2]

[2] In addition to the issues thus recast, Father poses the following questions:

5. Whether the circuit court erred in refusing to provide Father with the children's regular address where they reside with Mother?

* * *

11. Whether the circuit court erred by violating Father's 14th Amendment Due Process rights by denying all of Father's motions to obtain the video of the [p]arties' eldest child's forensic interview from the Montgomery County Police, then arbitrarily claiming not to believe Montgomery County Police Detective Carolina Wormuth's . . . testimony about the forensic interview?

12. Whether the [t]rial [c]ourt abused its discretion by refusing to implement sanctions, pursuant to Maryland Rule 2-433(b), against Mother and Angela Lee . . . for verifiably erasing recipients from the access list of their Google Drive file containing the audio recordings?

Although he initially presents these questions in his brief, Father does not provide any argument in support of his apparent positions. Accordingly, he has waived appellate review of these issues, and we decline to consider them. *See Baltimore Street Builders v. Stewart*, 186 Md. App. 684 (2009) ("By failing to present argument in support of its position, appellant waived its right to have us consider this question."); *State v. Jones*, 138 Md. App. 178, 230 (2001) ("'[W]here a party initially raised an issue but then failed to provide supporting argument, this Court has declined to consider the merits of the question so

(continued . . .)

For the reasons that follow, we shall affirm the judgments of the circuit court.[3]

II. DISCUSSION

A. A Familiar Contention

In presenting his first issue, Father seeks to relitigate a matter raised and resolved in *C.J. I.* Accordingly, a brief review of the pertinent procedural history is necessary to put his contention in the proper context.

1. Procedural History

Father filed a motion under Maryland Rule 2-535(b) to vacate the circuit court's custody and access order on January 5, 2025, claiming that Mother had committed extrinsic fraud by failing to produce transcripts and translations of certain audio recordings during discovery.[4] The court denied Father's motion in an order entered on January 30th, concluding that he had failed to establish fraud, mistake, or irregularity. On February 3, 2025, Father filed a second Rule 2-535(b) motion requesting that the court revise the denial of his first (collectively, the "Rule 2-535(b) motions"). In a supporting memorandum, Father alleged that Mother had intentionally withheld transcripts and English translations

presented but not argued.'" (quoting *Federal Land Bank of Balt., Inc. v. Esham*, 43 Md. App. 446, 457-58 (1979)); *Beck v. Magels*, 100 Md. App. 144, 149, *cert. granted*, 336 Md. 405 (1994), *and cert. dismissed as improvidently granted*, 337 Md. 580 (1995).

[3] As the parties are familiar with the underlying facts and procedural history, we will dispense with a separate background section and instead incorporate that history, as relevant, into our discussion of the issues.

[4] Rule 2-535(b) provides: "On motion of any party filed at any time, the court may exercise revisory power and control over the judgment in case of fraud, mistake, or irregularity."

of audio recordings of conversations between her and Z.J., which had been conducted in Mandarin. According to Father, Mother's concealment of the transcripts and translations amounted to extrinsic fraud because it "prevented [him] from fully and fairly presenting his case and prevented the actual dispute from being submitted to the [court] at all." (internal quotation marks and citations omitted). On March 3, 2025, the court summarily denied Father's motion to revise.

On appeal, Father challenged the circuit court's denial of his Rule 2-535(b) motions. In support of that challenge, Father maintained that Mother's failure to produce the transcripts and translations during discovery constituted extrinsic fraud for purposes of Rule 2-535(b). Father further asserted that without that evidence, he "could not prove . . . that [Mother] had directly mistranslated the [a]udio recordings."

In affirming the circuit court's denial of Father's Rule 2-535(b) motions, we held that "the alleged fraud [wa]s intrinsic and [did] not trigger the circuit court's revisory power under Maryland Rule 2-535(b)." *C.J. I*, slip op. at 14. At the outset, we observed that in order to invoke the court's revisory power on the ground of fraud under Rule 2-535(b), a movant must establish extrinsic fraud, not intrinsic fraud. "Extrinsic fraud," we explained, "'perpetrates an abuse of judicial process by preventing an adversarial trial[,]'" as where the fraud "'keeps a party ignorant of the action and prevents them from presenting their case . . . or . . . the fraud prevents the actual dispute from being submitted to the fact finder at all[.]'" *Id.*, slip op. at 10–11 (quoting *Facey v. Facey*, 249 Md. App. 584, 633, *cert. denied*, 475 Md. 680 (2021)). "Intrinsic fraud," by contrast, concerns "'facts that were

before the court in the original suit and could have been raised or exposed at the trial level.'" *Id.*, slip op. at 11 (quoting *Facey*, 249 Md. App. at 633).

In applying those definitions, we first rejected Father's premise that "withholding evidence properly requested in discovery . . . constitute[s] extrinsic fraud when the opposing party does not choose to settle and participates in pertinent discovery and trial." *Id.*, slip op. at 12. We then concluded that the alleged fraud at issue was not extrinsic because, "although the recordings, transcripts, and translations were not introduced into evidence," they "pertain[ed] to facts contained within the original custody trial" such that "the alleged fraud [wa]s not collateral to the entry of the Custody and Access Order[.]" *Id.*, slip op. at 12–13. Finally, we determined that Mother's alleged nondisclosure "did not prevent an adversarial trial[,]" reasoning:

> [A]s the supporting exhibits Father filed accompanying his Motion to Revise illustrate, **Father had notice of the existence of the four recordings and corresponding transcripts and English translations on July 13, 2023, at the latest -- more than a month before the custody trial**. Father made no argument at trial about not having received the full set of recordings and translations. Moreover, when cross-examining Ms. Lee, Father asked if she had listened to and interpreted the recordings.[5] Ms. Lee responded affirmatively, but no further questions regarding the recordings were asked.

Id., slip op. at 13-14 (emphasis added). Because the alleged fraud neither prevented Father "from fully presenting his case, nor . . . foreclose[d] [his] ability to contest Mother's intent in making the underlying sexual abuse allegations[,]" we concluded that it was intrinsic

[5] Angela Lee was Mother's friend who assisted in translating the recordings.

and therefore did not trigger the court's revisory power pursuant to Rule 2-535(b). *Id.*, slip op. at 14.

2. A *Post-Hoc* Contention

In his brief, Father acknowledges that he "now understands from the Court's opinion that Maryland law considers the concealment of material non-collateral evidence to be intrinsic fraud." Father maintains, however, that "he did not . . . have proper notice of the existence of Mother's four sets of transcripts and translations on July 13, 2023, at the latest." Rather, Father asserts that he first suspected that Mother may have prepared English translations of three of the four audio recordings "[a]pproximately one to two weeks after the original custody trial[.]" According to Father, that suspicion was not confirmed until July 6, 2024, when Mother produced "the full set of her transcripts and translations" in response to his discovery requests in a separate defamation action. Accordingly, Father concludes that he was unable to question Mother and Ms. Lee regarding the allegedly withheld transcripts and translations at the original custody trial because he had not yet received them nor even "intuited the[ir] existence[.]"

3. The Law of the Case Doctrine

As Father acknowledges in his brief, we must first determine whether the law of the case doctrine precludes him from reraising this issue in the present appeal. "Whether the law of the case doctrine should be applied in particular circumstances is a legal question; accordingly, we review a lower court's invocation of that doctrine without any special deference." *Baltimore Cnty. v. Fraternal Order of Police, Balt. Cnty. Lodge*

No. 4, 449 Md. 713, 731 (2016). The Supreme Court of Maryland has summarized this rule of appellate procedure as follows:

> Under the doctrine, once an appellate court rules upon a question presented on appeal, litigants and lower courts become bound by the ruling, which is considered to be the law of the case. Not only are lower courts bound by the law of the case, but decisions rendered by a prior appellate panel will generally govern the second appeal at the same appellate level as well, unless the previous decision is incorrect because it is out of keeping with controlling principles announced by a higher court and following the decision would result in manifest injustice.

Scott v. State, 379 Md. 170, 183–84 (2004) (cleaned up). "In Maryland, the law of the case doctrine applies to both questions that were decided and questions that **could have been** raised and decided." *Holloway v. State*, 232 Md. App. 272, 282 (2017) (emphasis added). *See also Dabbs v. Anne Arundel Cnty.*, 458 Md. 331, 345 n.15 (2018) ("The law of the case doctrine operates to bar litigants from raising arguments on questions that have been decided previously or could have been decided in that case."). The purpose and function of the doctrine "is to avoid piecemeal litigation—that is, to prevent litigants from prosecuting successive appeals in a case that raises the same questions that were decided in a prior appeal." *Fraternal Order of Police*, 449 Md. at 730. "[W]ithout it[,] any party to a suit could institute as many successive appeals as the fiction of his imagination could produce new reasons to assign as to why his side of the case should prevail, and the litigation would never terminate." *Dabbs*, 458 Md. at 345 n.15 (quotation marks and citations omitted).

4. Analysis

In *C.J. I*, we addressed Father's theory that Mother's alleged nondisclosure of the recordings, transcripts, and translations during discovery constituted extrinsic fraud

sufficient to trigger the circuit court's revisory power under Rule 2-535(b). Assuming, without deciding, that Father had produced facts sufficient to establish fraud, we held that the fraud was intrinsic and therefore did not warrant revisory relief as a matter of law. As set forth above, that holding rested on our determination that the alleged nondisclosure concerned matters litigated at the custody trial and did not deprive Father of an adversarial trial.

Father essentially asks us to revisit *C.J. I*'s determination that the alleged nondisclosure did not prevent an adversarial trial and therefore did not constitute extrinsic fraud. That question was decided in the prior appeal based on the record and theory Father presented in support of his Rule 2-535(b) motions. To the extent Father now contends that our analysis should be reexamined based on a revised chronology concerning what he suspected, what notice he had, or when he received the "full set of . . . transcripts and translations[,]" that issue either was raised or could have been raised in the first appeal. Indeed, *C.J. I* recounted Father's allegation in his January 2025 motion to vacate that he "did not receive all four recordings and the corresponding transcripts and translations until July 2024[,]" and nevertheless held that the alleged fraud was intrinsic and therefore did not warrant revisory relief as a matter of law. *Id.* at 7. As Father does not invoke a recognized exception to the doctrine, the law of the case bars him from advancing that chronology now as a basis to reconsider our application of the extrinsic-fraud standard. *See Holloway*, 232 Md. App. at 282; *Dabbs*, 458 Md. at 345 n.15. *See Fraternal Order of*

Police, 449 Md. at 730.[6] Accordingly, we decline to address the merits of Father's first contention.

B. The Vacated Order of Default

Father also contends that the circuit court erred in vacating the order of default entered against Mother. He argues that the court lacked the authority to do so because "Mother failed to plead any legally or factually meritorious basis for her defense." Father further asserts that the court "gave invalid reasoning for vacating" the default order—namely, that it would not conduct the custody-modification proceeding unless both parties could testify fully about what was occurring.

1. Procedural History

On June 11, 2025, Father filed his motion for modification of child custody, claiming that there had been a material change in circumstances since the most recent custody order was entered. Mother failed to file a response to Father's motion within thirty days. Accordingly, Father moved for an order of default on July 15, 2025. The circuit court granted that motion and entered an order of default against Mother on July 16th. The

[6] In *Fraternal Order of Police*, the Supreme Court of Maryland identified the following "three sets of circumstances in which the law of the case doctrine is not applied[:]"

> 1) the evidence in a subsequent trial is substantially different from what was before the court in the initial appeal; (2) a controlling authority has made a contrary decision in the interim on the law applicable to the particular issue; or (3) the original decision was clearly erroneous and adherence to it would work a manifest injustice

Id.

following day, Mother filed both a motion to vacate the default order and an answer to Father's motion to modify custody. In her motion to vacate, Mother provided the following explanation for her failure to timely respond to Father's motion for modification: "I am in an address confidentiality program, which delays mail delivery[,] and then I was out of town with my children for approximately ten days, so I only recently received [Father's motion for modification of custody]." In her answer to Father's motion, Mother denied the material allegations made therein.

On July 22, 2025, Father filed an opposition to Mother's motion to vacate the default order. In that opposition, Father argued, *inter alia*, that Mother's motion to vacate did "not provide excusable reason(s) for her failure to [timely] plead" and that her answer did "not provide legally and factually meritorious defense(s) to [Father's] allegations." The day after filing his opposition, Father moved for default judgment. On July 31st, Mother, in turn, filed a reply to Father's opposition, as well as an opposition to his motion for default judgment.

On August 11, 2025, the first day of the custody modification hearing, the circuit court granted Mother's motion to vacate the order of default. In its written order, the court reasoned that it was "in the minor child[ren]'s best interest for the matter of modification of custody to proceed to trial with full participation by both parties[.]" At the outset of the custody modification hearing, the court similarly explained that it had vacated the order of default because it refused to hold a modification hearing at which the parties were

prevented from testifying fully, as doing so would hinder its ability "to determine what is in the best interest of these children."

2. Maryland Rule 2-613

Maryland Rule 2-613 governs orders of default and default judgments. Subsection (b) of that Rule provides, in pertinent part: "If the time for pleading has expired and a defendant has failed to plead as provided by these rules, the court, on written request of the plaintiff, shall enter an order of default." Md. Rule 2-613(b). "If an order of default is entered, pursuant to Rule 2-613(b), the defaulting party has the right to move to vacate pursuant to subsection (d)[.]" *Montgomery Cnty. v. Post*, 166 Md. App. 381, 389 (2005). That subsection states: "The defendant may move to vacate the order of default within 30 days after its entry. The motion shall state the reasons for the failure to plead and the legal and factual basis for the defense to the claim." Md. Rule 2-613(d). Rule 2-613(e), in turn, requires the court to grant a motion to vacate a default order if it "finds that there is a substantial and sufficient basis for an actual controversy as to the merits of the action and that it is equitable to excuse the failure to plead[.]" Md. Rule 2-613(e).

Although a trial court must grant a timely filed motion to vacate an order of default if it finds that the movant satisfied Rule 2-613(e), it need not deny such a motion solely because the movant fails to meet the requirements of Rule 2-613(d). Thus, although noncompliance with Rule 2-613(d) *may* warrant denying a motion to vacate, it does not divest the court of authority to grant it. *See Attorney Grievance Comm'n v. Ward*, 394 Md. 1, 21 (2006) ("Although a motion to vacate an order for default must include a legal and

factual basis for the defense claimed, the 'failure to comply with the mandate of this rule may not deprive the trial judge of the right to grant the motion[.]'" (quoting *Banegura v. Taylor*, 312 Md. 609, 620 (1988))); *Carter v. Harris*, 312 Md. 371, 378 (1988) ("[T]hough there was noncompliance with Rule 2-613, and for that reason the motion to vacate could properly have been denied, nevertheless [the court] was not . . . compelled to follow that course."); *Flynn v. May*, 157 Md. App. 389, 401 (2004) ("[A] trial court possesses the inherent discretion to notice the issues listed in subsection (e) notwithstanding the failure of the defendant to satisfy subsection (d).").

Maryland appellate courts have consistently emphasized that because an order of default is interlocutory in nature, it is "subject to [the] broad general discretion of the [trial] court." *Holly Hall Publ'ns, Inc. v. Cnty. Banking & Tr. Co.*, 147 Md. App. 251, 261, *cert. denied*, 371 Md. 614 (2002). *See also Att'y Grievance Comm'n v. Alston*, 428 Md. 650, 673 (2012) ("Trial courts have broad discretion to determine whether to grant or deny a motion to vacate an order of default." (quotation marks and citation omitted)). Accordingly, a default order "may be [vacated or] revised by the court at any time up until it becomes a default judgment." *Velasquez v. Fuentes*, 262 Md. App. 215, 231 (2024). *See also Franklin Credit Mgmt. Corp. v. Nefflen*, 436 Md. 300, 323 (2013) ("As an interlocutory order, [the order of default] was subject to revision within the general discretion of the trial court until a final judgment was entered on the claim."). Moreover, appellate courts review a circuit court's "decision to vacate a default order liberally because 'the Maryland Rules and case law contain a preference for a determination of claims on their merits[.]'" *Ward*, 394 Md.

at 20 (quoting *Holly Hall Publ'ns*, 147 Md. App. at 266). That preference applies with particular force in custody litigation, where the child "ha[s] an indefeasible right to have any custody determination concerning him [or her] made, after a full evidentiary hearing, in his [or her] best interest." *Flynn*, 157 Md. App. at 410. Indeed, this Court has opined that "default judgment cannot substitute for a full evidentiary hearing when a court, in order to determine custody, must first determine the best interest of the child." *Id.* at 407. *Accord Wells v. Wells*, 168 Md. App. 382, 395 (2006).

3. Analysis

As explained above, trial courts possess broad discretion to vacate an order of default pursuant to Maryland Rule 2-613(e) notwithstanding the movant's failure to comply with Rule 2-613(d). Accordingly, we reject Father's assertion that Mother's alleged failure "to plead any legally or factually meritorious basis for her defense" deprived the court of authority to vacate the default order. The question remains, however, whether the court abused its discretion in granting Mother's motion to vacate. On appeal, Father does not challenge the equitability of excusing Mother's failure to timely plead.[7] Our review is therefore limited to whether the record supports a finding that there existed a "substantial and sufficient basis for an actual controversy as to the merits of the action[.]" Md. Rule 2-613(e).

[7] Even if Father had challenged this prong, we would hold that Mother's explanation for her belated filing provided a sufficient basis for the court to conclude that it was equitable to excuse her failure to timely file an answer.

Father is correct in observing that Mother's motion to vacate the default order did not detail the legal and factual bases for her defense. In her contemporaneously filed answer, however, Mother denied the material allegations set forth in Father's motion for modification. In *Ward, supra*, the Supreme Court of Maryland held that such denials may establish a sufficient basis for an actual controversy as to the merits of the action. In his motion to vacate an order of default in that attorney grievance case, Mr. Ward wrote, in relevant part: "Respondent's legal basis for the defense to the claim clearly centers on the requirements for proof by Bar Counsel of the alleged violations . . . . The Respondent challenges all of the factual allegations set forth in the Petition for Disciplinary Action and demands strict proof." 394 Md. at 17 (paragraph numbering omitted). The circuit court granted Mr. Ward's motion, reasoning:

> [Ward] had denied all of the allegations set forth in the Petition and demanded direct proof. This direct proof can only be satisfied by the examination of documents and evaluating the credibility of the witnesses testifying against him. This, in turn, can only be accomplished by holding an evidentiary hearing.

Id. at 17 (cleaned up).

In challenging the circuit court's ruling on appeal, the Attorney Grievance Commission argued that Mr. Ward had "failed to provide a detailed statement as to the merits of his defense." *Id.* at 20. Although it acknowledged that Mr. Ward had not provided "detailed legal and factual sufficiencies of his case," the Supreme Court reasoned that his motion "demanded proof that he violated the [Maryland Rules of Professional Conduct], and challenged the validity of Bar Counsel's factual allegations." *Id.* at 22. Accordingly,

the Court held that the trial judge had not abused her discretion in vacating the order of default.

Here, as in *Ward*, Mother denied the material allegations on which Father's motion for modification of custody was based. Those denials established the existence of a merits-based dispute. Such a dispute should not ordinarily be resolved solely through procedural default. Rather, it warranted a merits determination as to whether Father had proven a material change in circumstances and, if so, whether modification would serve the children's best interests. In sum, even if Mother's motion to vacate did not set forth a detailed defense, her answer demonstrated "a substantial and sufficient basis for an actual controversy as to the merits of the action[.]" Md. Rule 2-613(e). On this record, therefore, the circuit court could reasonably conclude that Rule 2-613(e)'s "actual controversy" requirement was satisfied.

Father's contention that the circuit court relied on "invalid reasoning for vacating the [o]rder of [d]efault" fares no better. As noted above, the court explained that it would not proceed with a custody-modification hearing unless both parties could testify fully regarding issues relating to the children's best interests. Father now responds that leaving the default order in place "would not have prevented Mother from arguing her own" motion to modify custody. That point does not, however, resolve the problem identified by the court. Even if Mother could proceed on her own motion, the order of default would have limited her ability to challenge the factual allegations underlying Father's motion. *Cf. Franklin Credit Mgmt. Corp.*, 436 Md. at 317 ("The order of default is, in effect, an adverse

finding on liability." (cleaned up)). The court correctly acknowledged that fact and reasonably concluded that the custody issues warranted resolution only after a full evidentiary hearing. Accordingly, we are not persuaded that the court abused its discretion by vacating the order of default.

C. An Unsupported Contention

Father also summarily asserts that the circuit court erred in "reject[ing] the language of *McCready v. McCready*, 323 Md. 476[.]" Specifically, in his brief, Father quotes from the following passage in that opinion:

> [W]hile custody decrees are never final in Maryland, any reconsideration of a decree should emphasize changes in circumstances which have occurred subsequent to the last court hearing. Even this general statement may be subject to exception in the case of prior facts existing but unknown and not reasonably discoverable at the time of the entry of the original order, such as the fact that a parent to whom custody had been granted was, and continues to be, a sexual abuser of the child.

Id. at 481–82 (quotation marks, citation, and footnote omitted). Father then cites the following exchange from the first day of the hearing, regarding a witness whom he intended to call:

> THE COURT: . . . Who's . . . Lingyi Zhang?
>
> [FATHER]: Lingyi Zhang is the certified translator, and also she's a court interpreter for the audio transcripts and translations. And so this is the key part -- like when I cited material change, the material change was that I discovered the full set of audio transcripts and translations . . . almost a year after the original custody trial. Per McCready v. McCready, 1991, that constitutes --
>
> THE COURT: I know McCready -- no, it doesn't. No, it doesn't. I know McCready, and that does not constitute a material change in the

> circumstances that you've discovered something about the translations. But okay. All right. So[,] she's for the custody and the defamation?
>
> [FATHER]: Yes.

The circuit court's comment—made before Father had presented evidence or argument—did not constitute a ruling rejecting *McCready*. At most, it reflected the court's preliminary disagreement with Father's premature attempt to characterize his discovery of "transcripts and translations" as a material change in circumstances.[8] In any event, Father has failed to provide any legal argument as to why this passing remark constitutes reversible error. Accordingly, we decline to address it. *See Anne Arundel Cnty. v. Harwood Civic Ass'n, Inc.*, 442 Md. 595, 614 (2015) ("'[A]rguments not presented in a brief or not presented with particularity will not be considered on appeal.'" (quoting *Klauenberg v. State*, 355 Md. 528, 552 (1999))); *HNS Dev., LLC v. People's Counsel for Balt. Cnty.*, 425 Md. 436, 459 (2012) ("The brief provides only sweeping accusations and conclusory statements [and] we are disinclined to search for and supply [appellant] with authority to support its bald and undeveloped allegation[.]"); *Mezu v. Mezu*, 267 Md. App. 354, 390 (2025) ("[I]t is not this Court's responsibility to attempt to fashion coherent legal theories to support an appellant's sweeping claims." (cleaned up)); *Honeycutt v. Honeycutt*, 150 Md. App. 604, 618 ("[T]he Estate failed to adequately brief this argument, and thus, we decline to address it on appeal." (footnote omitted)), *cert. denied*, 376 Md. 544 (2003).

[8] In his brief, Father does not argue that the circuit court applied an erroneous standard in its ensuing ruling on his motion to modify custody, nor does he explain how the *McCready* exception applies to the instant case or may have affected the court's ultimate custody determination.

D. In-Court Use of Electronic Devices

Father next contends that the circuit court violated Maryland Rule 16-208(b)(3), which permits attorneys to make reasonable and lawful use of electronic devices in connection with "a proceeding currently being heard or scheduled to be heard . . . that day[.]" Md. Rule 16-208(b)(3)(A). That permission is subject to certain enumerated conditions, as well as the court's authority to restrict such use upon an on-the-record finding of good cause. Father maintains that this provision applied to him because he was self-represented at the merits hearing, arguing that federal and Maryland jurisprudence consider a *pro se* litigant "to be his own attorney at trial." Accordingly, Father claims that he was entitled "to take any action in the courtroom that an attorney would be presumptively permitted to take on [a client's] behalf." Because the court did not make an on-the-record finding of good cause to restrict his use of electronic devices, Father concludes that its refusal to permit him to do so was "arbitrary" and "procedurally deficient[.]"

Alternatively, Father asserts that the Equal Protection Clause of the Fourteenth Amendment forbids a trial court from imposing procedural restrictions on self-represented litigants "that are more onerous than those for represented [parties]." Accordingly, he argues that Rule 16-208 must be construed to afford *pro se* litigants "the same presumptive

right to reasonable and lawful use of electronic devices in a courtroom that it provides to attorneys[.]"[9]

Father asserts that the Equal Protection Clause of the Fourteenth Amendment forbids a trial court from imposing procedural restrictions on self-represented litigants "that are more onerous than those for represented [parties]." Accordingly, he argues that Rule 16-208 must be construed to afford *pro se* litigants "the same presumptive right to reasonable and lawful use of electronic devices in a courtroom that it provides to attorneys[.]" Because Father did not raise an equal-protection argument before the circuit court, the issue is not preserved for our review, and we decline to address it. *See* Md. Rule 8-131(a) ("Ordinarily, an appellate court will not decide any [non-jurisdictional] issue unless it plainly appears by the record to have been raised in or decided by the trial court."); *Krause Marine Towing Corp. v. Ass'n of Maryland Pilots*, 205 Md. App. 194, 223 (2012) ("'On matters of such import and significance as constitutional questions, we cannot overstress the necessity of fully preserving the issue below. The trial court should be given not only the opportunity to rule, but also the assistance of counsels' arguments and memoranda in reaching its result.'" (quoting *Hall v. State*, 22 Md. App. 240, 245 (1974))). As we will explain, Father's argument on Equal Protection overlooks the underlying

[9] Father also contends that the court's refusal to permit him to use electronic devices in court violated his Fourteenth Amendment right to due process. However, he does not provide any argument in support of that assertion. We, therefore, do not consider this assertion.

purposes of Md. Rule 16-208 and ignores the reasons why he sought to have access to his cell phone during the trial.

1. Procedural History

On the fourth day of the custody modification hearing, Mother offered into evidence an exhibit, which the court described as "a screenshot of people with access to [her] Google Drive." Father objected, asserting that "there's a Maryland rule that does not allow you to present electronic evidence that cannot be perfectly replicated." He then added, "I can look up that Maryland rule right now." Shortly thereafter, Father identified Maryland Rule 5-901 as the governing authority and argued that it "does not allow you to offer electronic evidence that cannot be verified to be accurate." Before ruling on Father's objection, the court admonished him: "[J]ust because you had your phone in your lap doesn't mean you can have it on, okay?" The court then admitted the exhibit into evidence.

The circuit court's restrictions on Father's use of electronic devices arose again on the final day of the hearing. At the outset of that day's proceeding, Father requested the court's permission to leave his computer on, explaining: "I will need it to show something today." The following colloquy ensued:

> THE COURT: To show what?
>
> [FATHER]: To show something evidence related. It's to verify the authenticity of -- is that okay?
>
> THE COURT: No.
>
> [FATHER]: Oh.

> THE COURT: How are you going to -- how are we going to preserve evidence on your computer?
>
> [FATHER]: No, no. The evidence is already in paper. Now, all I need to do is show the -- because I expect [Mother] to dispute it. So[,] I would like to show it electronically from the original email.
>
> THE COURT: No, sir.
>
> [FATHER]: Okay. Okay.
>
> THE COURT: Okay. If you think something will refresh recollection, that's one thing. And you can ask them. But no, you don't get to go to your computer.
>
> [FATHER]: Oh. It's --
>
> THE COURT: Sir, the answer's no.

During Mother's ensuing direct examination, the circuit court asked Father, "Are you on your phone, sir?" When Father answered in the affirmative, the court directed him to give his phone to the court clerk. Shortly after complying with the court's directive, Father expressed a desire to refresh Mother's memory with emails that they had purportedly exchanged and requested that the court either return his phone or permit him to print those emails so that he might do so. The court agreed to afford Father an opportunity to print the emails after direct examination.

When Mother's direct examination concluded, the court asked Father how much time he would require to print the emails. Father answered, "An hour."[10] The court, however, granted him only forty minutes, saying:

[10] Father initially responded, "an hour and a half." He then revised his answer to "an hour."

> I'm going to give you until noon. Let's see . . . it's 11:20 now. I'm going to give you 40 minutes. That's what you have. Be back here by noon, please.
>
> * * *
>
> THE COURT: And you can have your phone back, but you're going to have to give it back to the clerk when you come back here, because I asked you to stay off your phone, and you know that if you needed to refresh your recollection or you needed to look at something, you would have to tell me that. And you decided, instead of doing that, you were going to try to hide the phone. You did it once, I asked you to stop, and then you came today and did it again. And that's why your phone -- you cannot have your phone during trial. That's why, sir. So[,] you can get your phone back. You have until noon. Please be back here on time. Thank you.

Father was late in returning to court following the recess. Upon his arrival, the following occurred:

> [FATHER]: It was on my other phone. It took a while for me to find the message. So, I panicked. I'm so sorry.
>
> THE COURT: So, . . . I did ask you to be back here by 12:00. . . .
>
> [FATHER]: I had to go (unintelligible).
>
> THE COURT: Well, that's not -- that's not the issue. I asked you to be back here by 12:00. It's now 12:19. You have 45 minutes to cross examine her, and --
>
> [FATHER]: Yes, Your Honor.
>
> THE COURT: -- and I'm subtracting the 19 minutes you were late. So[,] you actually have less than 45 minutes. You have 45 minus 19.
>
> [FATHER]: Yes, Your Honor.

Father then proceeded with his cross-examination of Mother.

2. Maryland Rule 16-208

Maryland Rule 16-208 governs the possession and use of electronic devices in court facilities and provides, in pertinent part:

(b) Possession and Use of Electronic Devices.

* * *

(2) *Restrictions and Prohibitions.*

* * *

(E) Courtroom. **Except with the express permission of the presiding judge** or as otherwise permitted by this Rule, Rules 16-502, 16-503, 16-504, or 16-603, **all electronic devices inside a courtroom shall remain off and no electronic device may be used to receive, transmit, or record sound, visual images, data, or other information.**

* * *

(3) *Reasonable and Lawful Use by Attorneys.*

(A) Generally. Subject to subsection (b)(2)(F) of this Rule, **the attorneys in a proceeding currently being heard or scheduled to be heard on a court docket that day**, their employees, and their agents **are permitted the reasonable and lawful use of an electronic device in connection with the proceeding** provided that:

(i) the electronic device makes no audible sound;

(ii) the electronic device is positioned so the screen is unseen by the trier of fact or any witness;

(iii) the electronic device is not used to record any part of the proceeding; and

(iv) the electronic device is not used to communicate with any other person during the proceeding without the express permission of the court.

(B) Denial of Use. **A court may not deny reasonable and lawful use of an electronic device in a courtroom by an attorney, except upon a finding of good cause made on the record**.

(Emphasis added). Rule 16-208 thus establishes a general prohibition against the use of electronic devices inside a courtroom, while providing an exception for attorneys participating in proceedings currently being heard or scheduled to be heard that day.[11]

As is evident from its plain language, Rule 16-208(b)(3)'s reasonable-and-lawful-use exception applies exclusively to "attorneys . . . , their employees, and their agents[.]" Md. Rule 16-208(b)(3)(A). In ordinary usage, "attorney" is synonymous with "lawyer." *See Attorney*, Merriam-Webster Online Dictionary, https://www.merriam-webster.com/dictionary/attorney [https://perma.cc/P2F2-L5L9] (last visited: Feb. 15, 2026).[12] A "lawyer," in turn, is "[s]omeone who, **having been licensed to practice law**, is qualified to advise people about legal matters, prepare contracts and other legal instruments, and represent people in court." *Lawyer*, BLACK'S LAW DICTIONARY (12th ed. 2024) (emphasis added). *See also* Md. Rule 19-701(b) (defining "attorney," as used in that chapter, as "an individual admitted by the Supreme Court to practice law in this State"). Father maintains, however, that because he appeared *pro se*, he was effectively "an attorney" for purposes of Rule 16-208(b)(3) and therefore exempt from the prohibition set

[11] Notably, Rule 16-208(b)(3)(B) only applies when the court denies "reasonable and lawful use of an electronic device . . . by an attorney[.]" Thus, if Father was not an "attorney" for purposes of the Rule, the court was not required to make an on-the-record good-cause finding before prohibiting him from using electronic devices in court.

[12] Merriam-Webster defines "attorney" as follows:

> one who is legally appointed to transact business on another's behalf especially : lawyer

forth in subsection (b)(2)(E). That construction—for which Father offers no supporting authority—would require us to "read into [the Rule] a meaning that is not expressly stated or clearly implied" and thus depart from settled rules of construction. *Allfirst Bank v. Dep't of Health & Mental Hygiene*, 140 Md. App. 334, 364 (2001).

Father's interpretation is also inconsistent with the well-established principle that the Maryland Rules "are 'precise rubrics' which are to be strictly followed[,]" *General Motors Corp. v. Seay*, 388 Md. 341, 344 (2005) (citation omitted), and thus apply equally to represented and *pro se* parties. *See, e.g.*, *Dep't of Labor v. Woodie*, 128 Md. App. 398, 411 (1999) ("It is a well-established principle of Maryland law that *pro se* parties must adhere to procedural rules in the same manner as those represented by counsel."); *Tretick v. Layman*, 95 Md. App. 62, 68 (1993) ("The principle of applying the rules equally to *pro se* litigants is so accepted that it is almost self-evident."). Although Rule 16-208 permits attorneys to make reasonable and lawful use of an electronic device in connection with a court proceeding, it does not confer that same privilege upon the parties whom they represent. Interpreting "attorneys" to include self-represented litigants would not only stretch the definition of "attorney" beyond its breaking point, but also improperly afford self-represented litigants a privilege that represented parties do not themselves enjoy.

The rulemaking history reinforces our conclusion that Father may not claim Rule 16-208(b)(3)'s attorney-only allowance by virtue of his *pro se* status. In its One Hundred Sixty-Fifth Report, dated August 24, 2010, the Standing Committee on Rules of Practice and Procedure ("Rules Committee") proposed the addition of Rule 16-110, the predecessor

to Rule 16-208. Rules Committee, One Hundred Sixty-Fifth Report at 6–10 (Aug. 24, 2010). On October 20, 2010, the Supreme Court of Maryland adopted the proposed Rule with minor changes not here relevant. *See* Md. Rule 16-110 (2011).

Minutes from the Rules Committee meeting on March 5, 2010, indicate that the Committee considered whether self-represented parties should be included among those permitted to bring an electronic device into the courtroom pursuant to proposed Rule 16-110:

> Mr. Johnson pointed out that the issue of pro se litigants had not been discussed. These litigants may need to have their cell phones in the courtroom. . . . The Chair commented that the problem is that there is no way to credential them, and they are not easily identifiable. . . . Ms. Ogletree suggested that pro se litigants should have permission to bring in their cell phones ahead of time, and it should be up to the administrative judge as to whether this category of persons should be allowed to bring in a cell phone. The Vice Chair noted it could be done on an individual basis. Ms. Ogletree added that the person can ask the court for permission.

Rules Committee, Minutes of Meeting at 92–93 (Mar. 5, 2010). The Rules Committee thus declined to create a categorical exception permitting *pro se* litigants to bring electronic devices into the courtroom. Instead, the Minutes reflect that self-represented parties were expected to seek and obtain the permission of the presiding judge. That discussion, though framed in terms of bringing electronic devices into the courtroom, is consistent with Rule 16-208, as currently codified, which allows the in-court use of electronic devices by non-attorneys only with the presiding judge's express permission under subsection (b)(2)(E). Notably, at another point in the discussion, a Committee member asked whether "paralegals and staff are included under the umbrella of attorneys" for purposes of the Rule.

Id. at 73. Judge Alan Wilner, then Chair of the Rules Committee, replied that "this could be discussed, but the word 'attorneys' means only attorneys." *Id.* The minutes of the March 5, 2010, meeting thus reflect that the Rules Committee used "attorneys" to mean individuals licensed to practice law, and declined to extend Rule 16-208(b)(3)'s exception to parties appearing *pro se*.[13]

At a subsequent Rules Committee meeting held on April 16, 2010, the majority of members voted to amend the proposed Rule to permit individuals to bring cell phones into the courthouse, while separately regulating how such devices may be used once inside. Rules Committee, Minutes of Meeting at 21–22 (Apr. 16, 2010). The Rules Committee thus shifted its focus from possession of electronic devices in court facilities to the conditions under which such devices could be used in the courtroom. In that vein, Judge Wilner noted that "attorneys who are in court may need to postpone a hearing and have to call their offices, or they need a laptop computer to try their case[.]" *Id.* at 25. By consensus, the Rules Committee members agreed to amend the proposed Rule to generally prohibit the use of cell phones inside the courtroom.

When the Rules Committee reconvened on June 17, 2010, it had revised the language of proposed Rule 16-110 to permit persons to "bring an electronic device into a court facility[,]" while requiring that they generally "remain off" "inside a courtroom[.]" Rules Committee, Minutes of Meeting at 10–11 (June 17, 2010). However, the proposed

[13] This point is further reinforced by the fact that Rule 16-208(b)(3) separately authorizes the in-court use of electronic by attorneys' agents and employees.

Rule included an exception for counsel, stating that "the Court shall liberally allow the attorneys in a proceeding currently being heard and persons associated with the attorney to make reasonable and lawful use of an electronic device in connection with the proceeding." *Id.* at 11–12. During its discussion of the revisions, the Rules Committee revisited the issue of self-represented parties:

> Ms. Smith asked whether self-represented litigants are being considered under this provision. The Chair responded that the problem is that it is not known who the self-represented litigants are. To accord them the same privilege as attorneys, who are officers of the court, is questionable. The Reporter noted that the judge can always permit a person to use a cell phone or a laptop. The Chair told the Committee that the issue of self-represented litigants with cell phones should be deferred.

Id. at 22. Although the Rules Committee thus considered allowing *pro se* litigants to use electronic devices, the Rule proposed to the Supreme Court of Maryland on August 24, 2010, created an exception solely for attorneys "and persons associated with the attorney[.]" Rules Committee, One Hundred Sixty-Fifth Report at 8 (Aug. 24, 2010). As ultimately adopted, Rule 16-110 retained that attorney-specific exception, leaving *pro se* litigants' device use subject to the presiding judge's discretion.

The Court is mindful that today, with Maryland Electronic Courts ("MDEC"), many attorneys have their files stored electronically and bring a laptop into the courtroom to access their files. Using a laptop also allows for attorneys to access exhibits that have been pre-filed. Father did not have a laptop that he was using to access his files. Had he had a laptop for that purpose, he could have sought leave from the court to access it. Instead, he wanted to use his cell phone to pull up conversation threads that he had with Mother. What

Father wanted to do with his cell phone during the trial is fundamentally different from having a laptop on which counsel's files are stored. The trial court, in its discretion denied his request to present evidence in this manner. Instead, the trial court afforded Father an opportunity to print the text messages so that they would be in a proper format to be made part of the record. It was well withing the trial court's discretion to afford Father this opportunity.

For the foregoing reasons, we hold that a *pro se* litigant is not an "attorney" for purposes of Rule 16-208(b)(3). Thus, Father remained subject to subsection (b)(2)(E)'s prohibition against in-court use of electronic devices absent the presiding judge's permission. Having resolved this issue, we turn briefly to Father's equal protection argument.

Former Maryland Rule 16-110 was promulgated in response to the "legitimate security concerns" presented by electronic devices and was intended to "carefully regulat[e] the use of these devices in courtrooms[.]" Rules Committee, One Hundred Sixty-Fifth Report at 4 (Aug. 24, 2010). Courtroom security and the orderly administration of judicial proceedings clearly constitute legitimate governmental interests. *See Robinson v. State*, 410 Md. 91, 102–03 (2009) (recognizing that a trial court has a "legitimate and substantial interest in maintaining security and order in the courtroom" (quotation marks and citation omitted)). Because cell phones and other electronic devices pose a potential security risk and may disrupt court proceedings, the Rule's general prohibition against their use inside a courtroom is rationally related to advancing those interests.

The attorney exception is likewise rationally related to legitimate State interests. Permitting licensed attorneys to use electronic devices in court without first obtaining the presiding judge's express permission may promote the efficient and expeditious conduct of judicial proceedings. Moreover, because attorneys are officers of the court, their use of electronic devices may reasonably be viewed as posing fewer concerns for courtroom security and order than would allowing such use by non-attorneys. *Cf. Com. Union Ins. Co. v. Porter Hayden Co.*, 116 Md. App. 605, 643 ("As officers of the court, lawyers occupy a position of trust and our legal system relies in significant measure on that trust."), *cert. denied*, 348 Md. 205 (1997); *Hamilton v. State*, 79 Md. App. 140, 147 ("[A]ttorneys . . . are officers of the court and are presumed to do as the law and their duty require them." (quoting *Stevens v. State*, 232 Md. 33, 39 (1963))), *cert. denied*, 316 Md. 550 (1989). These considerations thus provide a rational basis for permitting limited, court-supervised electronic-device use by attorneys while otherwise maintaining the Rule's general prohibition. Accordingly, we find Father's equal protection argument unavailing.

E. The Court's Credibility Determinations

At various points throughout his brief, Father challenges the circuit court's credibility determinations, its assessment of testimony, and its resolution of purportedly conflicting evidence. He advances two attacks on Mother's credibility. First, he argues that the court erred by failing to draw a negative inference against Mother based on her professed inability to recall the Chinese characters for "Xinyuan," which Father alleged

was an "organized crime enterprise" in which she had invested funds.[14] Second, Father maintains that Mother's lack of credibility was demonstrated by her allegation that Z.J. had been sexually assaulted at the home of her paternal grandfather. According to Father, the falsity of that allegation is evident from Mother's later insistence that the children stay overnight "at that very same house[.]" Father concludes that the former "feign[ed] forgetfulness" and the latter "false allegation[]" not only impeached Mother's credibility, but also bolstered his own.

Father also claims that the circuit court erred by crediting Mother's testimony that Z.J. had identified him as "the monster," while disbelieving Detective Carolina Wormuth's testimony that Z.J. indicated during a forensic interview that Mother had encouraged her to identify Father as such. Finally, Father accuses the court of having "deliberately misconstrued" his testimony that Mother had hidden his keys "[i]n November or December 2021" and "did not return the[m] . . . until Summer 2022[.]"

1. Standard of Review

As an appellate court, it is not "'our function to determine the comparative weight of conflicting evidence.'" *Leavy v. Am. Fed. Sav. Bank*, 136 Md. App. 181, 200 (2000) (quoting *Carling Brewing Co. v. Belzner*, 15 Md. App. 406, 412 (1972)). Nor is it our role "to second-guess the trial judge's assessment of a witness's credibility." *Gizzo v. Gerstman*,

[14] The name of this organization is alternately spelled "Shenyang," "Qingyuan," and "Xin Yuan" in the transcripts. In his brief, Father uses the lattermost spelling, referring to the alleged "organized crime enterprise" as "Xinyuan." For the sake of consistency, we will do the same.

245 Md. App. 168, 203 (2020). Rather, "[w]e leave the determination of credibility to the trial court, who has 'the opportunity to gauge and observe the witnesses' behavior and testimony during the trial.'" *Barton v. Hirshberg*, 137 Md. App. 1, 21 (2001) (quoting *Ricker v. Ricker*, 114 Md. App. 583, 592 (1997)). In assessing witness credibility, the trial court is "entitled to accept—or reject—*all, part, or none* of the testimony of any witness, whether that testimony was or was not contradicted or corroborated by any other evidence." *Omayaka v. Omayaka*, 417 Md. 643, 659 (2011) (emphasis retained). *See also Hollingsworth & Vose Co. v. Connor*, 136 Md. App. 91, 136 (2000) ("[T]he fact-finder has the discretion to decide which evidence to credit and which to reject. In this regard, it may believe part of a particular witness's testimony but disbelieve other parts." (internal citations omitted)).

2. Analysis

i. An Alleged Inconsistency

We first address Father's contention that Mother's alleged efforts "to pressure [him] to host the children overnight at his parents' house, despite previously alleging that [Z.J.] was sexually assaulted at that very same house," undermined Mother's credibility by suggesting that she "never believed her own false allegations."

At the merits hearing, Father introduced into evidence an excerpt from a custody evaluator's report dated October 28, 2022. In that excerpt, the evaluator recounted Mother's report of a conversation during which Z.J. purportedly indicated that Father had sexually abused her at her paternal grandfather's home. On direct examination, Father

asked Mother whether she had testified at a December 30, 2022, deposition that "the sexual abuse happened at my parents' house by a monster with two balls." Mother answered: "My daughter had said something about this."

For his part, Father testified that Z.J. had "repeatedly asked to stay at [his] father's house," the same house where, according to Father, Mother had accused him of raping Z.J. Father further attested that, after Z.J. denied making any such statement, he told her that they could not stay overnight at his father's home because Mother "had accused [him] of hurting her" there. He then claimed that, notwithstanding Mother's allegation that the assault had occurred at the paternal grandfather's home, Mother nevertheless "castigated" Father for not "permanently hosting . . . the children" at his father's residence.

Father essentially contends that Mother's allegation of sexual abuse at the paternal grandfather's home is inconsistent with her later alleged insistence that Z.J. spend the night there. From that asserted inconsistency, Father appears to argue that the circuit court erred by declining to treat Mother's entire testimony as unreliable. That argument presupposes that the court believed Father's claim that Mother pressured him to permit overnight stays at his parents' home. There is, however, no indication that the court credited that assertion.

Even if the court had credited Father's claim and construed it as evidence that Mother did not believe he had abused Z.J. at her grandfather's home, it would not have been required to reject as incredible the remainder of her testimony. Rather, even if Mother had made numerous demonstrably false statements, as Father claims, the court was entitled to disregard questionable portions of her testimony while accepting others. *See Omayaka*,

417 Md. at 659; *Hollingsworth*, 136 Md. App. at 136. Accordingly, Father's argument is unavailing.

ii. "Feigned Forgetfulness"

We next address Father's assertion that the circuit court erred by declining to construe Mother's professed inability to remember the Chinese characters for "Xinyuan" as "feigned forgetfulness." Father contends that Mother's testimony to that effect amounted to "deliberate evasion[,]" and thus supported his "allegations regarding [her] past involvement in organized crime[.]"

During direct examination, Father asked Mother: "Have you failed to provide the written Chinese characters for your former enterprise, [Xinyuan], despite being properly served with discovery requests in both the divorce case and the defamation case asking you to do so?" Mother answered: "[T]he lawyer asked me to do that, but I refused because it was 10 years ago, and I don't remember correctly. And also, I feel that it has nothing to do with the case." Although Father had earlier represented that Xinyuan was an "organized crime enterprise" in which Mother had "invested more than 100,000 [renminbi,]" he did not offer any evidence beyond his own testimony to support either representation.

It is unclear from the record whether the circuit court construed Mother's lack of memory as feigned or genuine. Either determination, however, would constitute "a demeanor-based credibility finding that [was] within the sound discretion of the trial court to make." *Corbett v. State*, 130 Md. App. 408, 426, *cert. denied*, 359 Md. 31 (2000). Even if the court had—or should have—interpreted Mother's professed memory lapse as

affected, that finding would only bear on the credibility of her testimony. It would not, without more, constitute substantive proof of Father's allegation that "Xinyuan" was a criminal organization with which Mother was affiliated.

iii. Conflicting Evidence

Father also argues that the circuit court erred in crediting Mother's testimony that Z.J. told her that Father was "the monster" prior to their recorded conversations, while disregarding "three pieces of credible . . . evidence" that, in his view, undermined that testimony.[15] The three pieces of evidence Father cites are (1) Ms. Zhang's translations of the audio recordings, (2) a portion of Detective Wormuth's testimony at the hearing, and (3) an excerpt from the October 28, 2022, custody evaluation report.[16]

Father does not direct us to any portion of the court's ruling that expressly evaluates Mother's credibility or specifically addresses her testimony regarding Z.J.'s unrecorded remark. Instead, he interprets the court's conclusion in the defamation action that Mother

[15] At trial, Mother testified, in pertinent part: "I asked [Z.J.] . . . before the recording started, I asked her about the monster, and I said that who the monster is, and she said[] that [it] is the father."

[16] The relevant portion of the custody evaluation report provided:

> [Z.J.] disclosed the following: she did not like daddy, daddy forces her to do something, daddy is a monster. The interviewer asked [Z.J.], "does anyone say anything to you?" The child answered, "Mom." The interviewer asked, "what did she say?" and [Z.J.] responded, "Mom said she didn't want daddy with her [Z.J.] because dad is a monster."

At the hearing, Detective Wormuth similarly testified that when asked during the forensic interview "if anyone had told her what to say[,]" Z.J. answered, "Mom[.]" According to Detective Wormuth, the interviewer then asked what Mother had said, to which Z.J. responded: "[S]he doesn't want me with Daddy because Daddy is a monster."

did nothing wrong as implying that it accepted her hearsay account of what Z.J. had allegedly said. We do not share Father's interpretation.

In addition to defamation, Father's civil suit against Mother and Ms. Lee included claims of (1) tortious interference with custody and visitation, (2) conspiracy to commit defamation, and (3) aiding and abetting defamation. In denying those claims, the circuit court reasoned, in part:

> CPS[] found no indication of child sex abuse. They closed the case.
>
> But because the case was closed, because the child didn't report, doesn't necessarily mean there's no child sex abuse. And it certainly doesn't mean that [Mother and Ms. Lee] intentionally did this or that they lied or that they defamed [Father]. In fact, [Father] contends that [Mother] was not trying to be sneakily deceptive but willfully rejects reality. It's a favorite term of [Father]'s, and she's therefore guilty of defamation. She is not. **She is not guilty of defamation. She is not guilty of tortious interference with custody and visitation**. . . .
>
> **There was no aiding and abetting. There was no conspiracy. . . . [N]either [Mother] [n]or Ms. Lee did anything wrong in this case.**

(Emphasis added). After finding Mother and Ms. Lee not liable in the tort case, the court immediately turned to the parties' respective motions for modification of custody.

Read in context, the circuit court's statement that Mother and Ms. Lee had not done "anything wrong in this case" was simply a determination that they were not liable for the torts alleged in Father's complaint. It did not directly address the credibility of Mother's testimony. The court neither referenced the testimony at issue nor indicated that its rulings turned on crediting it. Accordingly, the tort disposition does not entail the implied

credibility determination Father urges us to find, and we decline to infer one that the court did not expressly make.[17]

Although the circuit court did not explicitly credit Mother's testimony regarding Z.J.'s alleged remark, it did express skepticism concerning a portion of Detective Wormuth's testimony. Specifically, in announcing its findings in the defamation case, the court stated:

> The forensic interview did not reveal child sex abuse according to Det. Wormuth. The child said mom told her what to say and . . . to say she doesn't want to be with daddy because daddy's a monster. I'm not sure the child said that. I don't know. I only have Det. Wormuth telling me something that she apparently heard. I don't know that.
>
> And considering that this child says things that don't make a ton of sense[,] I have no idea. I frankly don't believe it, not based on what I've heard in these five days of trial.

Father is essentially asking us to reassess Detective Wormuth's credibility and to reweigh the evidence. That we will not do. As noted above, it is not our role to evaluate the credibility of witnesses or "to determine the comparative weight of conflicting evidence." *Leavy*, 136 Md. App. at 200 (quotation marks and citation omitted). Those tasks are left to the circuit court as the finder of fact, and we perceive no clear error in its performance of either function. *See Bricker v. Warch*, 152 Md. App. 119, 137 (2003) ("[I]t is . . . almost impossible for a judge to be clearly erroneous when he [or she] is simply not persuaded of something." (emphasis omitted)).

[17] A finding of no liability may, of course, rest on any number of independent grounds and therefore does not, in and of itself, establish that the court accepted any testimony as true.

iv. A Rejected Inference

Finally, Father asserts that, in making its factual findings, the circuit court misconstrued his testimony concerning a set of keys that he alleged Mother had hidden. Although Father concedes that "[t]he key hiding incident was not a material change since the last trial," he maintains that "it provides insight into Mother's deep-seated motivations for what she has done."

At trial, Father testified that, in the summer of 2022, Mother returned a set of his keys that had gone missing several months earlier. Father further testified that Mother told his father that the keys had been in what Father described as a "well-lit, sunlit area between the stairwell and the table" of his parents' house. From those circumstances, Father inferred that Mother had hidden the keys, explaining that he had repeatedly searched the area where she claimed to have found them. Father later qualified that categorical accusation, testifying as follows:

> I can't know for certain that she . . . hid the keys. I am 80 percent confident that she did. Maybe a bit higher. I don't want to over exaggerate it. Obviously, I have no proof here, . . . and maybe she didn't do it. I don't know, right? But it's very strange that later . . . she returned the keys to my father, and said the keys were right here where there's . . . no room to hide [them].

In announcing its findings at the conclusion of the hearing, the court addressed Father and stated: "You think she deliberately hid your keys, but then decided to return them. And there's no evidence that she deliberately hid your keys."

The circuit court fairly characterized Father's testimony as expressing only a suspicion that Mother had hidden his keys. As fact-finder, the court was entitled to reject

that circumstantial inference and find Father's testimony insufficient to substantiate his accusation. Indeed, Father himself acknowledged that he did not have any proof that Mother had taken the keys and was not certain that she had done so, stating: "[M]aybe she didn't do it." Accordingly, the court's determination that the record did not establish intentional concealment was a permissible evidentiary assessment—not a misapprehension of Father's testimony. In sum, nothing in the court's remarks supports Father's claim that it "deliberately misconstrued" his testimony. The court fairly paraphrased Father's position and then reasonably determined that the evidence did not support the inference he had drawn.

F. Weighing Conflicting Translations

Next, Father contends that the circuit court erred in evaluating two competing translations of audio recordings of conversations between Z.J. and Mother conducted in Mandarin. As noted above, one of those translations was prepared by Angela Lee, Mother's friend and a native Mandarin speaker. The other was rendered by Lingyi Zhang, a court-qualified interpreter and freelance translator. Father argues that the court erroneously disregarded Ms. Lee's purported "deliberate mistranslation" of an excerpt from the third recording. He also claims that the court "ignored Mother's and [Ms.] Lee's complete omission" of the ensuing thirty-eight seconds of dialogue, during which Z.J. "repeatedly

rejected Mother's attempts to influence or instruct her to" identify Father as "the monster."[18, 19]

[18] Father also asserts in passing that the court erred in excluding as hearsay an email that he sent to a custody evaluator, arguing that it "was clearly a document containing Father's own prior statements about an event that he had recently and personally witnessed." Although an out-of-court statement made by a party opponent is admissible as an exception to the rule against hearsay, no such exception exists when the statement is offered by the declarant. *See Conyers v. State*, 345 Md. 525, 544 (1997) ("[A]n admission . . . may be admitted into evidence at trial when offered *against* the declarant. The same statement, however, is not admissible if it is offered *for* the declarant." (emphasis retained; quotation marks and citation omitted)). *See also Braxton v. State*, 57 Md. App. 539, 546, *cert. denied*, 300 Md. 88 (1984). Moreover, although a declarant's personal knowledge of the events recounted is relevant to certain exceptions to the hearsay rule (*e.g.*, the excited utterance exception), the mere fact that the declarant described an event that he or she personally witnessed does not, without more, exempt the statement from the hearsay rule. Accordingly, Father's argument is unavailing.

[19] In this subsection of his brief, Father also raises the court's "vehement response to [his] being forced to explain to [Z.J.] that they could not stay overnight at grandfather's house because Mother said he would hurt the child at grandfather's house." The relevant excerpt from the court's ruling from the bench is as follows:

> You involved your daughter, [Z.J.], in adult matters and claimed you had to tell her that. You had to tell her that her mom thought her daddy would hurt her. And that's why she can't go to grandpa's house. There's no evidence that mom told you she can't go to grandpa's house. You think that the transcript led to custody decisions when there's no evidence of that.

Father does not seem to challenge the court's apparent determination that he was not acting in Z.J.'s best interests by informing her that Mother had accused him of hurting her at the paternal grandfather's house. Rather, he challenges the court's purported failure to "question what kind of mother would want her child to stay overnight at a home that she genuinely believes the child was assaulted at." (Emphasis omitted). This argument presumes that the court credited Father's claim that Mother had pressured him to permit overnight stays at his parents' home. As discussed above, however, there does not appear to be any indication that the circuit court credited that assertion.

1. Relevant Facts & Procedural History

On or around February 2022, Mother made four audio recordings of conversations in which Z.J. suggested that a "monster" had sexually abused her. She subsequently transcribed those conversations and enlisted Ms. Lee's assistance in translating them. After obtaining copies of the recordings, Father retained Ms. Zhang to prepare an independent translation. Father's complaint in the defamation case alleged that Mother and Ms. Lee had engaged in a "malicious conspiracy to defame [him] as a sexual abuser of his children" by deliberately mistranslating the recordings and disseminating those translations to third parties.[20] In his ensuing motion to modify custody, moreover, Father identified as a material change in circumstances his "[d]iscovery of evidence that [Mother] [had] maliciously accused [him] of sexually abusing the children[.]"

At the merits hearing, Father introduced both Ms. Lee's and Ms. Zhang's translations of the recordings into evidence, as well as a "forensic comparison" that he had prepared. Ms. Lee's translation of the third recorded conversation indicated that when Mother instructed Z.J. to "tell me if this monster is bullying you[,]" Z.J. responded, in part: "You [d]on't want me to tell you mom. He doesn't want me to tell you." Ms. Zhang's translation did not contain a corresponding passage. It did, however, include a translation

[20] We take judicial notice of the record in Montgomery County Circuit Court Case Number C-15-CV-23-003913, as it is available on the Maryland Electronic Courts ("MDEC") case management system. *See Lewis v. State*, 229 Md. App. 86, 90 n.1 (2016) ("We take judicial notice of the docket entries . . . found on the Maryland Judiciary CaseSearch website, pursuant to Maryland Rule 5-201."), *aff'd*, 452 Md. 663 (2017).

of a thirty-eight-second exchange between Z.J. and Mother, which Ms. Lee had evidently omitted. Ms. Zhang's translation provided, in relevant part:

Mom: . . . You tell Mommy, is this monster Daddy?

Girl: No.

Mom: Then, is it that Daddy hurt you like this?

Girl: It was what was talked about in school. It is different from Daddy.

On cross-examination by Father, Ms. Lee acknowledged that she had omitted the thirty-eight-second dialogue from her translation but testified that she had not realized she had done so until after the suit was filed. Ms. Lee also testified that her translations were based primarily on Mother's transcriptions and explained that she had difficulty discerning what Z.J. had said on the audio recordings.

In announcing its ruling from the bench in the defamation case, the circuit court did not explicitly address the omitted and allegedly mistranslated passages. The court did observe, however, that "it was . . . very difficult . . . to hear what [Z.J.] was saying" on the audio recordings. It also noted that Ms. Zhang had used "good quality headsets" when listening to the recordings so she could "hear as well as possible what was said[,]" while Mother and Ms. Lee had not used such a device.[21] Even with those headphones, the court

[21] In his brief, Father takes issue with this remark, claiming that the court "irrelevantly argued" that Ms. Zhang "needed to use [a] headset[] to listen to the [a]udio [r]ecordings." In so doing, Father seems to construe the court as discrediting Ms. Zhang's translation based on her use of headphones. We do not share Father's interpretation. Rather, in noting that Ms. Zhang had the benefit of headphones (while Mother and Ms. Lee did not), the court appears to have been commenting favorably on the reliability of her translation.

recounted, Ms. Zhang had testified that the recordings were at times unclear and "hard to hear[.]" It then summarized Ms. Zhang's testimony regarding additional challenges to reliably translating the recordings:

> This was a conversation, she said[,] . . . between a very young child and mom. And there were places where . . . what the child was saying made no sense.
>
> [Ms. Zhang] said the same word in Chinese may mean different things. So[,] there were places where she wasn't sure what the child meant. She talked about [how] there could be discrepancy in the meaning when [it's] translated. . . . The meaning can be different. The same sentence can be spoken and translated differently. . . . There were words that could mean different things. . . . She said [that] in Mandarin[,] the phrase [']no, it's a girl['] and [']not a girl['] sound similar.[22]
>
> [Ms. Zhang explained that] [t]here would be a stop before certain words and certain intonation. . . . She talked about how this child didn't have a clear stop because the meaning depends on pauses and intonation. But it's not black and white, and it could be misinterpreted. Particularly if you don't have the context, particularly if you can't hear the child. She says she did her best, but no one can guarantee . . . it's accurate.

[22] Father construes this remark as the court "credit[ing] [its] own opinion above [that] of [Ms.] Zhang." We disagree. At trial, Ms. Zhang testified that in Mandarin, the difference between the phrases "no, it's a girl" and "not a girl" is a matter of intonation and inter-word pauses. She then uttered both phrases before testifying, "I assume in this case that it was, no, it's a girl." Accordingly, we understand the court's remark as a summary of Ms. Zhang's testimony rather than an independent finding.

When Mother asked Ms. Zhang whether "no, it's a girl, and . . . not a girl, sound . . . very similar[,]" she answered:

> Well, there would be a stop if it is said there was a -- no, it's a girl or it's not a girl, right? So -- so there would be a stop. So[,] there would be a stop -- yes, there would be a stop. If it says, no, it's a girl, it would say [foreign language spoken], right? And if says it's not a girl, it would say [foreign language spoken]. And then actually, the intonation of that word "no" is different, right? So -- so it will be [foreign language spoken]. It will be -- if it's, no, it's a girl, it would be [foreign language spoken]. So[,] the first word [foreign language spoken] will -- goes down. If it's like [foreign language spoken] and it actually goes up. So -- so it sounds different. You can't --

> And she said even if I made mistakes, which is possible, it doesn't mean it was intentional.

In finding Mother and Ms. Lee not liable for defamation, the court reasoned that the fact that CPS found no indication of child sexual abuse did not necessarily mean that no such abuse had occurred, much less that Mother and Ms. Lee had intentionally lied about Father. In then denying Father's motion to modify custody, the court determined that his discovery of evidence that Mother had allegedly accused him of sexually abusing the children did not constitute a material change in circumstances.

2. Analysis

On this record, we are not persuaded by Father's contention that the circuit court "ignored" the alleged mistranslation and omission at issue. "It is a well-established principle that trial judges are presumed to know the law and to apply it properly." *Aventis Pasteur, Inc. v. Skevofilax*, 396 Md. 405, 426 (2007) (quotation marks and citations omitted). In a bench trial, this principle encompasses a presumption that the fact-finding judge considered all relevant and admissible evidence. *Cf. Att'y Grievance Comm'n of Md. v. Chanthunya*, 446 Md. 576, 599 (2016) ("Absent indications that [properly submitted] evidence is not considered, we presume it was considered[.]" (quotation marks and citation omitted)). The presumption that a judge knows and properly applies the law "is not rebutted by mere silence." *Wasyluszko v. Wasyluszko*, 250 Md. App. 263, 283 (2021) (quotation marks and citations omitted). A court need not, therefore, "'set out in intimate detail each and every step in his or her thought process.'" *Marquis v. Marquis*, 175 Md. App. 734, 755

(2007) (quoting *Kirsner v. Edelmann*, 65 Md. App. 185, 196 n.9 (1985)). Nor is it incumbent upon a trial court to "'articulate each item or piece of evidence she or he has considered in reaching a decision.'" *Smith–Myers Corp. v. Sherill*, 209 Md. App. 494, 504 (quoting *Davidson v. Seneca Crossing Section II Homeowner's Ass'n*, 187 Md. App. 601, 628 (2009)), *cert. denied*, 431 Md. 447 (2013). *See also Att'y Grievance Comm'n of Md. v. Ibebuchi*, 471 Md. 286, 299 n.8 (2020) ("[T]he hearing judge is not required to comment on every piece of evidence or testimony[.]").

Consistent with the foregoing principles, the circuit court was not required to explicitly address the apparent omission and alleged error in Ms. Lee's translation of the third recording. Nor will we infer from the court's silence that it disregarded that evidence. Rather, absent an affirmative indication to the contrary, we presume that the court properly performed its fact-finding duties. That presumption is reinforced here by the court's on-the-record remarks addressing the central difficulties that animated the parties' dispute over the competing translations. The court expressly observed that it was "very difficult" to hear what Z.J. was saying on the recordings. It noted that Ms. Zhang used "good quality headsets" so she could "hear as well as possible what was said[,]" while Mother and Ms. Lee did not. It also recounted Ms. Zhang's testimony that, even with that equipment, the recordings were at times unclear and "hard to hear[.]" These observations reflect the court's understanding that the recordings were not readily susceptible to a single, definitive rendering and that differences between translations may arise from audibility issues and linguistic nuance.

Finally, even accepting Father's premise that Ms. Lee omitted and/or mistranslated portions of the recording, that fact does not compel a finding that she did so deliberately rather than inadvertently as a result of the audibility issue and translation challenges that the circuit court described. On this record, therefore, Father has not rebutted the presumption that the court considered the competing translations, and we will not infer disregard from the absence of an explicit discussion of the excerpts at issue.

G. Allegations of Abuse

Father also contends that the circuit court erroneously characterized his use of the litigation as a means of abusing Mother. He claims that "[t]he only evidence of 'abuse' that Mother offered at trial" consisted of "litigation communications" reflecting his efforts to enforce discovery in response to "Mother's and [Ms.] Lee's years-long obstruction." Father further contends that the court improperly disregarded Mother's alleged admission that she had "physically attacked" him on February 16, 2022.

In announcing its findings from the bench, the circuit court characterized Father's communications to Mother as follows:

> Your communications are relentless, insulting. They're not relevant to the child's best interest. And they're not intended to co-parent. They show you are indeed angry. You are fully invested in her. You will not let her go. You won't let her go. She has to know how she's wounded you. She has to agree with you that it's her fault and how she's hurting you. You won't release her.
>
> How is she supposed to be the best parent she can be if she is constantly dealing with this? You will keep her entangled in this litigation because that's how you can continue to affect her life, to abuse her, to bully her and those close to her.

Father seizes upon the court's use of "abuse." In context, the court employed the term not as a legal determination, but to describe Father's litigation conduct and communications it viewed as efforts by Father to exert control over Mother. Father's argument presumes that the court's characterization was based exclusively on two messages that, in his view, reflected legitimate efforts to enforce discovery. We reject that premise.

At the hearing, Mother introduced into evidence numerous emails Father had sent her and/or her attorney, several of which support the court's characterization. For example, in an email sent on January 12, 2024, in response to Mother declining to mediate the custody case, Father advised her that she had left him with "no choice" but to proceed with the defamation action. Four days later, Father sent a second email to Mother and her attorney threatening to "permanently rescind[]" a settlement offer he had made in the custody case and to "seek maximum financial damages" if Mother moved to dismiss the defamation suit. In yet another email sent on June 10, 2025, Father reiterated that he would "[s]eek maximum financial damages in the [d]efamation [c]ase[,]" this time in response to Mother's accusations that he had failed to pay child support. The court could reasonably view those communications as coercive attempts to leverage the defamation action to influence Mother's conduct in the custody case.

Father's claim that the court erroneously disregarded Mother's admission that she "pushed" him is also unavailing. At the merits hearing, Mother confirmed that she had testified at the August 2023 custody trial that Father had pushed her on February 16, 2022. Mother then acknowledged having "pushed [Father] back to his bedroom" that same night.

She explained: "I pushed him out because I was asking him not to push me and the daughters anymore. We'd been arguing for a long time. My daughter was crying. That's why I was asking him to go out of the room." When Father subsequently asked Mother whether she recalled "[Father] then pushing [her] away from [him] as a startled response[,]" Mother answered: "I do not remember."

The record does not reflect that the circuit court "disregarded" these portions of Mother's testimony, as Father claims. As we explained above, a trial judge is not required to spell out "every step in his or her thought process[,]" *Marquis*, 175 Md. App. at 755 (quotation marks and citation omitted), or to "articulate each item or piece of evidence she or he has considered in reaching a decision." *Smith–Myers Corp.*, 209 Md. App. at 504 (quotation marks and citation omitted). We will not, therefore, infer that the court disregarded Mother's testimony merely because it did not explicitly discuss it. Rather, we will presume that the court considered the evidence regarding the altercation, which occurred approximately three-and-one-half years prior, and determined that the children's best interests would nevertheless be served by its custody determinations.

H. The Award of Legal Custody

Finally, Father challenges the circuit court's decision to award Mother sole legal custody of the children, contending that the court erred in three respects. First, he claims that the court improperly penalized him for being unemployed. Second, he argues that the court erroneously relied on his refusal to cooperate in obtaining passports for the children. Finally, he maintains that the modification order was not in the children's best interests

because it would impair his relationship with the children and limit his role in their lives. We will address each argument in turn.

1. Standard of Review

"Decisions as to child custody . . . are governed by the best interests of the child." *Gordon v. Gordon*, 174 Md. App. 583, 636 (2007). "[A]n appellate court does not make its own determination as to a child's best interest; the trial court's decision governs, unless the factual findings made by the lower court are clearly erroneous or there is a clear showing of an abuse of discretion." *Id.* at 637–38. "[A] trial court's findings are not clearly erroneous if there is competent or material evidence in the record to support the court's conclusion." *Gizzo*, 245 Md. App. at 200 (quotations and citations omitted). An abuse of discretion, in turn, occurs where "when 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, or when the ruling is clearly against the logic and effect of facts and inferences before the court." *Id.* at 201. Although ""a trial court must exercise its discretion in accordance with correct legal standards[,]" *Gordon*, 174 Md. App. at 626 (quotation marks and citations omitted), "we may not set aside [its] judgment merely because we would have decided the case differently." *Id.* at 638.

2. Analysis

i. Father's Employment

Father asserts that the circuit court demonstrated bias by deriding him for being unemployed. He argues that the court penalized him for that status and that, given his

increased availability, having at least 50:50 legal and physical custody would best allow him to contribute to his children's lives.[23]

In announcing its ruling on Mother's motion to modify custody, the circuit court found that Father had previously earned approximately $130,000 annually but was then unemployed and on public benefits. It also observed that Father was nearly $40,000 in arrears on child support and had "failed to pay much of anything[,]" while Mother worked multiple jobs and relied on financial assistance from others. The court further noted that Father blamed Mother for his job losses, had been homeless, had not seen the children for a year, and was residing in "a one-bedroom home with no toys [and] no [children's] clothes[.]"

Father's conclusory contention that the court's remarks regarding his unemployment demonstrate judicial bias is insufficient to rebut the "strong presumption" that the presiding judge was an "impartial participant[] in the legal process." *Harford Mem'l Hosp. v. Jones*, 264 Md. App. 520, 541, *cert. denied*, 490 Md. 640 (2025) (quotation marks and citations omitted). *See also Mezu*, 267 Md. App. at 391 ("The party seeking recusal has a heavy burden to overcome the presumption of judicial impartiality."). Moreover, we do not read the court as having "derided" Father. Rather, we view it as properly considering his unemployment—and consequent financial and residential

[23] Father also claims that the court erred in "holding [him] in [c]ontempt for not finding at least a minimum wage job[.]" Although the court found Father in contempt in the judgment of absolute divorce entered on November 4, 2024, the record does not reflect its having made such a finding when ruling on the parties' motions for modification of custody.

instability—as factors relevant to the best-interest analysis that governs child custody determinations. *See Taylor v. Taylor*, 306 Md. 290, 310 (1986) (identifying the "financial status of the parents" as among the best-interest factors courts must consider in deciding whether joint legal custody is appropriate). The court then appropriately found that those factors weighed in favor of awarding Mother sole legal custody of the children. Accordingly, we perceive neither judicial bias nor any error in the court's consideration of Father's unemployment in making its custody determination.

ii. The Passport Controversy

Father also contends that the circuit court erred in awarding Mother sole legal custody based, in part, on his refusal to cooperate with her efforts to obtain passports for the children. Father argues that, as a joint legal custodian, he was entitled to withhold his consent to the issuance of the children's passports and was not required to yield Mother unilateral control over that process.

Among the material changes in circumstances raised in her motion to modify custody, Mother alleged that Father had "repeatedly refused to cooperate in getting passports for the minor children," and that she was "unable to obtain [them] without his cooperation and/or sole legal custody." At the merits hearing, Father admitted that he had refused to cooperate in obtaining passports for the children. He affirmed that Mother, through counsel, had repeatedly requested his consent to the issuance of those passports and that he had declined each such request. Father also acknowledged that issuance of a passport for a minor child requires the written consent of both parents. Father explained

that he withheld his consent out of concern that Mother would flee the country. He attributed that concern to Mother's alleged affiliation with "Xinyuan," which Father claimed was a criminal organization. Finally, Father conceded that he had not agreed to permit Mother to take the children to China during their summer vacation.

In announcing its findings from the bench at the conclusion of the hearing, the court noted that Father had opposed Mother's efforts to obtain passports for the children on the ground that "she belongs to some criminal enterprise[.]" After awarding Mother sole legal custody of the children, the court explained: "To be clear to both parties, [Mother] does not need [Father] to obtain a passport. [Mother] does not need [Father's] permission to go to China with the children. [Mother] may make all major decisions regarding the children. They are hers to make."

Father's contention misapprehends the relevance of his refusal to cooperate with Mother's efforts to obtain passports for the children. Joint legal custody is ordinarily "a viable option only for parents who are able and willing to cooperate with one another in making decisions for their child." *Taylor*, 306 Md. at 304 (quotation marks and citation omitted). A demonstrated inability or unwillingness to do so therefore weighs heavily in favor of awarding sole legal custody to a single parent. Whether Father's refusal was lawful is beside the point. The dispositive question is whether the circuit court could properly consider his refusal in assessing what custody arrangement would be in the children's best interests. Because that refusal bore on the parties' capacity to cooperate and reach shared decisions, we answer that question with a resounding "yes." Accordingly, we conclude that

the court properly considered Father's refusal to cooperate in obtaining passports for the children in making its best-interest determination.

iii. Anticipated Adverse Effects

Lastly, Father contends that the circuit court erred in granting Mother's motion to modify custody because "[a]llowing [her] to continue to monopolize child custody would not be in the children's best interests." He argues that the court's decision will "embolden Mother" to further restrict his access to the children, limit his influence over their upbringing, and prevent him from knowing their physical address. These *anticipated* consequences of the modification order do not establish that the court's decision was itself "manifestly unreasonable" in light of the evidence *then before it*. *Levitas v. Christian*, 454 Md. 233, 243 (2017) (emphasis, quotation marks, and citation omitted)). Accordingly, we discern no abuse of discretion. *See also Gizzo*, 245 Md. App. at 201 ("Appellate courts 'rarely, if ever, actually find a reversible abuse of discretion on'" the issue of child custody. (quoting *McCarty v. McCarty*, 147 Md. App. 268, 273 (2002))).

For the foregoing reasons, we affirm the judgments of the circuit court.

JUDGMENTS OF THE CIRCUIT COURT FOR MONTGOMERY COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.