

Circuit Court for Montgomery County
Case No. FL 144855

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1334

September Term, 2017

WONDWOSEN GODANA

v.

HANNA FIREW

Woodward, C.J.,
Leahy,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: November 7, 2018

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

Wondwosen Godana, appellant, filed a petition for a protective order against Hanna Firew, appellee, in the Circuit Court for Montgomery County, alleging that appellee physically abused the parties’ minor child. The court denied the petition, finding that appellant did not meet his burden of proof. We affirm.

The petitioner for a final protective order bears the burden of showing, by a preponderance of the evidence, that the alleged abuse occurred. Md. Code (1999, 2017 Supp.), Family Law Article, § 4-506(c)(1)(ii). In reviewing a ruling on a petition for a final protective order, “we accept the facts as found by the hearing court, unless it is shown that its findings are clearly erroneous.” *Piper v. Layman*, 125 Md. App. 745, 754 (1999). In reviewing the ultimate decision to grant or deny a protective order, we independently apply the law to the particular facts of the case. *Id.*

Appellant contends that the circuit court erred in denying the petition without holding a hearing, considering evidence, or making findings. We disagree.

A hearing on the petition for final protective order was held on May 17, 2017. At that hearing, the court considered a report from Child Protective Services (“CPS”).¹ It is apparent that, based on that report, the court determined that there was “absolutely no basis to go forward in this case” and indicated its intent to deny the petition.² Appellant did not

¹ The CPS report does not appear in the record and was not included in the record extract.

² Appellant asserts that he did not receive a copy of the CPS report until just before the hearing began and claims that the court did not allow him to read the report. It does not appear, however, that appellant requested a recess or postponement to review the report.

challenge the CPS report, nor did he advise the court that he intended to present witnesses or other evidence in support of his petition.³

Based on the record before us, we find no abuse of discretion in the denial of the petition. *See Barton v. Hirshberg*, 137 Md. App. 1, 22-23 (2001) (trial court did not abuse its discretion in denying a mother’s petition for a permanent protective order where there was no indication that the father ever committed any intentional acts of abuse against the mother or their child that would require a protective order).⁴

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

³ We are aware that appellant was proceeding without legal counsel, but, as we have noted, it is not the role of the presiding judge to assist a party in the presentation of their case, even if the party is proceeding *pro se*. *See, e.g., Tretick v. Layman*, 95 Md. App. 62, 69 (1993).

⁴ Appellant requests that we issue an order directing that the CPS report be made available in another case in which the parties are involved. This we decline to do as the only issue properly before us at this time is the denial of the petition for final protective order. Md. Rule 8-131(a).