Circuit Court for Prince George's County
Case No. CAD-21-02672

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1378

September Term, 2021

MARIA TERESA ECHEVERRIA MOLINA

v.

VIRGILIO ANTONIO MENDOZA PINEDA

Kehoe,
Nazarian,
Salmon, James P.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Kehoe, J.

Filed: June 7, 2022

Virgilio Antonio Mendoza Pineda ("Father") filed a petition pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act ("UCCJEA") in the Circuit Court for Prince George's County. The petition named Maria Theresa Echeverria Molina ("Mother") as the respondent and asked the court to register and enforce an order issued by a Salvadoran court (the "Salvadoran Order") that purportedly granted Father access to the parties' minor child (the "Minor Child"). After Mother filed a motion challenging Father's requests, the court held an evidentiary hearing. Following the hearing, the court granted Father's request to register the Salvadoran Order, but the court refused to enforce the order on the grounds that Mother had not been properly served. Mother has appealed, and presents a single question for our review:

> Did the trial court err in granting Father's request to have the Salvadoran Order registered in Maryland?

We conclude that the trial court did not err and affirm the judgment.

BACKGROUND

The Minor Child was born in 2018 to Mother and Father. During that time, Mother and Father lived together in El Salvador. At some point, Mother filed a complaint in a Salvadoran court accusing Father of domestic violence. The parties eventually separated and moved to different addresses in El Salvador. The Minor Child remained in Mother's care.

In April or May of 2019, the Salvadoran court issued a temporary protective order against Father. A short time later, Mother and Father appeared in court for a hearing

regarding the Minor Child. Both parties were represented by counsel, and both parties, through their respective counsel, submitted evidence for the court's consideration. Also submitted for the court's consideration was a "psychosocial study" that had been prepared by "assigned professionals." On July 10, 2019, the Salvadoran court issued its order that, according to Father, granted him visitation with the Minor Child.

In November 2019, Mother and the Minor Child left El Salvador and moved to the United States, while Father remained in El Salvador.[1] Mother and the Minor Child eventually came to Prince George's County, Maryland, where they currently reside. In March 2021, Father filed, in the circuit court, a petition pursuant to the UCCJEA (the "UCCJEA Petition"), in which he sought to have the Salvadoran Order registered and enforced in Maryland.

The UCCJEA

This State adopted the Maryland UCCJEA "to govern child custody actions." *Pilkington v. Pilkington*, 230 Md. App. 561, 577 (2016). The UCCJEA establishes "systematic and harmonized approaches to urgent family issues in a world in which parents and guardians, who choose to live apart, increasingly live in different states and nations." *Cabrera v. Mercado*, 230 Md. App. 37, 73 (2016) (citations and quotations omitted). Two of the primary functions of the UCCJEA are to "deter[] parents from removing their children from a jurisdiction without consent" and to "[f]acilitate the enforcement of

[1] Mother's reasons for leaving El Salvador were a matter of dispute at trial. We need not discuss those reasons here, as they are not germane to the resolution of this appeal.

custody decrees of other States." *Pilkington,* 203 Md. App. at 577-78 (citations omitted). Thus, we must apply the UCCJEA "with an eye toward disincentivizing the unlawful movement of children across state borders[.]" *Id.* at 578.

The UCCJEA is codified at § 9.5-101 *et seq.* of the Family Law Article of the Maryland Code. Relevant here are Fam. Law §§ 9.5-104 and 9.5-305. Section 9.5-104 provides, "[e]xcept as otherwise provided in subsection (c) of this section, a child custody determination made in a foreign country under factual circumstances in substantial conformity with the jurisdictional standards of this title must be recognized and enforced under Subtitle 3 of this title." Fam. Law § 9.5-104(b). Subsection (c) states that "[a] court of this State need not apply this title if the child custody law of a foreign country violates fundamental principles of human rights." The statute defines "child custody determination" as "a judgment, decree, or other order providing for the legal custody, physical custody, or visitation with respect to a child." Fam. Law § 9.5-101(d)(1). That definition "includes a permanent, temporary, initial, and modification order." Fam. Law § 9.5-101(d)(2).

Under Fam. Law§ 9.5-305, parents or guardians are permitted "to register a foreign state's custody determination in Maryland[.]" *Pilkington,* 230 Md. App. at 593; *see also,* Fam. Law § 9.5-305(a) ("A child custody determination issued by a court of another state may be registered in this State[.]"). To do so, the parent or guardian must submit to the appropriate court:

> (1) a letter or other document requesting registration;
>
> (2) two copies, including one certified copy, of the determination sought to be registered, and a statement under penalty of perjury that to the best of the

> knowledge and belief of the person seeking registration the order has not been modified; and
>
> (3) except as otherwise provided in § 9.5-209 of this title, the name and address of the person seeking registration and any parent or person acting as a parent who has been awarded custody or visitation in the child custody determination sought to be registered.

Fam. Law § 9.5-305(a).

Upon receipt of the required documentation, "the registering court shall: (1) cause the determination to be filed as a foreign judgment …; and (2) serve notice upon the persons named in subsection (a)(3) of this section and provide them with an opportunity to contest the registration in accordance with this section." Fam. Law § 9.5-305(b). "A person seeking to contest the validity of a registered order shall request a hearing within 20 days after service of the notice." Fam. Law § 9.5-305(d)(1). If such a hearing is held, the court must confirm the registered order unless:

> (i) the issuing court did not have jurisdiction under Subtitle 2 of this title;
>
> (ii) the child custody determination sought to be registered has been vacated, stayed or modified by a court having jurisdiction to do so under Subtitle 2 of this title; or
>
> (iii) the person contesting registration was entitled to notice, but notice was not given in accordance with the standards of § 9.5-107 of this title, in the proceedings before the court that issued the order for which registration is sought.

Fam. Law § 9.5-305(d)(2).

Father's UCCJEA Petition and the First Translation of the Salvadoran Order

In his UCCJEA Petition, Father argued that the Salvadoran Order set forth a visitation schedule between him and the Minor Child and that it therefore constituted a "child custody determination" under the UCCJEA. Attached to Father's petition was a Spanish-language copy of the Salvadoran Order. Also attached was an English translation (the "First Translation") that included the following pertinent language:

> Taking into account what it is oriented by the study in order not to violet [sic] the superior interest of [the Minor Child] and which mandates the article 12 letter "f" LEPINA,[2] and that literally says: The decision that it is made must be the one that guarantees or respects the most of the rights for a long period of time, and the one that restricts the least rights for the short possible period of time. The consideration of this principle is mandatory for all judicial authority, administrative and particular. In that sense, IT IS ORDERED AND ESTABLISEHD A REGIME OF RELATIONSHIPS AND DEALS between [the Minor Child] and her father Mr. VIRGILIO ANTONIO MENDOZA ECHEVERRIA in the following way: The paternal grandparents will pick up [the Minor Child], twice a month, at nine in the morning on Saturday, and they will give her back to the maternal grandparents on Monday at nine in the morning, that meeting will take place in front of the Church San Miguel Arcangel in the city of Ilobasco, beginning that regime on Saturday, July 20th, 201 [sic], before warning Mrs. MARIA TERESA ECHEVERRIA MOLINA and VIRGILIO ANTONIO MENDOZA PINEDA, that the order is strictly enforced, in the contrary case the relevant measures will take with the aim of not violent [sic] the rights of [the Minor Child].

[2] The International Center for Missing & Exploited Children explains that "LEPINA" is an acronym for "Ley de Protección Integral de Niños, Niñas y Adolescentes," a statute enacted in 2009 in El Salvador establishing "a national comprehensive child protection system . . . aimed at ensuring children's welfare and the rights of the child." INT'L CTR. FOR MISSING & EXPLOITED CHILDREN, EL SALVADOR (OCT. 2011) www.icmec.org/wp-content/uploads/2017/05/El-Salvador-Oct-2011.pdf.

Father asked the circuit court to register and enforce the Salvadoran Order pursuant to the UCCJEA. The court subsequently agreed, and the Salvadoran Order was registered. The court then sent Mother a notice stating that she had 20 days to contest the registration. After Mother filed a timely motion opposing the registration, the court held an evidentiary hearing to determine whether the registration was proper and whether the Salvadoran Order should be enforced.[3]

The Trial

At trial, Daniel Joya, a licensed attorney in El Salvador, was called as a witness by Father and was accepted by the trial court as an expert in Salvadoran family and constitutional law. During Mr. Joya's testimony, Father's counsel introduced two exhibits: a copy of the UCCJEA Petition, which included the First Translation as an attachment, and a Spanish-language copy of the Salvadoran Order, which included, as an attachment, a new English translation (the "Second Translation"). The Second Translation differed significantly from the First Translation and included the following language:

OFFICE OF THE CLERK OF THE FAMILY COURT OF
SENSUNTEPEQUE
DEPARTMENT OF CABANAS
EL SALVADOR, CENTRAL AMERICA
[national emblem]
REPUBLIC OF EL SALVADOR IN CENTRAL AMERICA

Ref.: Se-F-180-LCVI-2019 (X1)

[3] Both parties have presented lengthy discussions of various other matters regarding issues that occurred prior to and during the circuit court's evidentiary hearing. To the extent that any of those issues have been omitted from this opinion, we conclude that those matters are irrelevant to the resolution of this appeal.

FAMILY COURT; SENSUNTEPEQUE, AT TWO O'CLOCK ON THE AFTERNOON OF JULY TENTH, TWO THOUSAND NINETEEN.

For addition to the record of the case is the brief submitted by [attorney for Mother] to this Office of the Clerk of the Court at 10:30 a.m. on May 14, 2019, in which she appears and submits evidence[.]

* * *

Brief submitted by [attorney for Father] to this Office of the Clerk of the Court at 3:20 p.m. on May 16, 2019, clarifying that [Father's attorney] is acting in a representative capacity; accompanying his brief is [various] documentation[.]

* * *

Let the psychosocial study submitted by the appointed Professionals also be added to the record;

Prior to issuing a decision, the Undersigned Judge hereby places on record that the professionals representing the complainant and the respondent were advised in a preliminary hearing to submit the relevant evidence within the period of three days, which record was read to the parties on MAY THIRTEENTH, TWO THOUSAND NINETEEN. Having issued that notice, the Undersigned Judge HEREBY RESOLVES THAT:

* * *

Taking into consideration the content of the study and in order not to infringe the higher interest of the minor child … and violate the provisions set forth in article 12, item "f" LEPINA, which literally reads as follows: The decision that is taken must be that which either guarantees the most rights or respects the latter for the longest time, together with that which restricts the fewest rights for the shortest possible period of time. Accordingly, A RELATIONSHIP AND VISITATION REGIME IS HEREBY ESTABLISHED between the minor child … and her father Mr. VIRGILIO ANTONIO MENDOZA ECHEVERRIA as follows: The paternal grandparents shall collect the minor child … twice a month, at nine o'clock on Saturday morning and shall deliver her to her maternal grandparents at nine o'clock on Monday morning. The aforementioned meeting shall take place in front of the Church of San Miguel Arcangel in the City of Ilobasco,

> the aforementioned regime to commence on Saturday, July 20, 2019, not without first informing Ms. MARIA TERESA ECHEVERRIA MOLINA and Mr. VIRGILIO ANTONIO MENDOZA PINEDA that these orders are to be strictly complied with, failing which the applicable measures shall be taken in order to avoid infringing the rights of the minor child[.]

Mr. Joya testified that the Salvadoran order had given "visitation rights to the father" through "both families' grandparents." Mr. Joya testified that, in making that decision, the Salvadoran court had considered "a psychological and social study that the team from the court does after they visit the family home." Mr. Joya testified that the court also considered "the best interest of the child."

On cross-examination, Mr. Joya admitted that the Salvadoran court's considerations were not limited to the rights of the child but instead included other interests, such as "that which guarantees the most rights for everyone." Mr. Joya added that, while the court did consider those other interests, the child was "superior before the other interests."

Father testified that he and Mother appeared in a Salvadoran court in May 2019 and that, following that appearance, the court issued the Salvadoran Order, which contained "a schedule of visitations that were to take place." Father testified that the hearing was initiated because Mother had filed a complaint accusing him of domestic violence. Father testified that a disciplinary team studied the case. Father testified that no one testified at the hearing.

Mother testified that, while in El Salvador, she filed for and received a temporary protective order against Father. Mother testified that both she and Father appeared in court during the custody proceedings but that neither of them testified.

At the conclusion of evidence, Father's counsel argued that the UCCJEA Petition met all the statutory requirements and that the Salvadoran Order should be registered and enforced in Maryland. Mother's counsel objected to the order's registration on the grounds that Mother was not properly served; that the order did not, on its face, constitute a custody order within the meaning of the UCCJEA; and that the order violated fundamental principles of human rights.

In the end, the trial court granted Father's UCCJEA petition in part. First, the court found that the Salvadoran Order should remain registered. The court noted that there was no evidence that the court's notice to Mother regarding registration of the Salvadoran Order was insufficient. The court then noted that the Salvadoran court had jurisdiction to issue the order and that the order had not been vacated, stayed, or modified. The court found that Mother had been provided proper notice of the custody proceedings, given that she "testified that she was, in fact, at the hearing." The court also found that the Salvadoran Order had set forth a visitation schedule between Father and the Minor Child.

As to Mother's claim that the Salvadoran court violated human rights, the trial court disagreed. The court noted that Mother had "filed a protective order, she had an attorney, and she was granted a temporary protective order." The court also noted that the Salvadoran Order expressly stated that the Salvadoran court considered "what is in the best interest of everyone." The court reasoned "that everyone is inclusive of the best interest of the child."

Lastly, the trial court denied Father's request to have the Salvadoran Order enforced. The court explained that Father had presented no evidence that Mother had been properly served under the UCCJEA.

Father's Withdrawal and the Appointment of Amicus Curiae

After Mother filed her notice of appeal in this Court, Father filed a cross appeal. A few days later, Father's counsel filed a motion to withdraw his appearance. In that motion, counsel indicated that Father no longer wanted to be involved in the case. Counsel stated that they were filing the motion to withdraw "to ensure compliance with the Maryland Rules of Professional Conduct." Counsel asked, however, that they be allowed to file a responsive brief and participate in oral argument as *amicus curiae*. This Court granted counsel's request, appointed them as *amicus curiae* (the "Amicus"), and subsequently permitted them to participate in oral argument.

A THRESHOLD ISSUE: THE NOT ENTIRELY CONSISTENT VERSIONS OF THE SALVADORAN COURT ORDER

Before delving into the merits of the claims raised in the briefs, we must first address an issue raised at oral argument. The inquiry concerns two exhibits presented by Father at trial: Petitioner's Exhibit 2, which was a copy of the UCCJEA Petition and included, as an attachment, the First Translation of the Salvadoran Order; and Petitioner's Exhibit 3, which was a Spanish-language copy of the Salvadoran Order and included, as an attachment, the Second Translation.

During his rebuttal oral argument, Mother's counsel suggested that the Second Translation had not been admitted into evidence at trial. At the conclusion of oral argument, the Amicus attempted to respond to Mother's counsel's assertion, but in lieu of further argument, we directed Amicus to file a supplemental letter addressing the issue. The Amicus subsequently filed such a letter and Mother's counsel filed a response.

In its letter, the Amicus argues that Mother's counsel was mistaken in claiming that the Second Translation had not been admitted at trial. The Amicus notes that the trial transcript clearly showed that the Plaintiff's Exhibit 2, which included the Second Translation, had been admitted into evidence.

Mother's counsel responds that the trial transcript could not be relied upon because the court reporter mistakenly indicated that Petitioner's Exhibit 2 had been admitted into evidence by the trial court. In support, Mother's counsel highlights the courtroom clerk's exhibit list, which indicates that neither Petitioner's Exhibit 2 nor Petitioner's Exhibit 3 was admitted into evidence.

After reviewing the record, we conclude that both exhibits were admitted into evidence. According to the trial transcript, Father's counsel introduced both exhibits during Mr. Joya's testimony. In so doing, Father's counsel informed the court that Exhibit 3 was a copy of the UCCJEA Petition. Father's counsel then asked the court to take judicial notice of the actual certified copy of the petition contained in the court's file because "there is only one" and "it is only in the court file."

After the trial court agreed to take judicial notice of the original UCCJEA Petition contained in the record, Father's counsel asked the court to accept into evidence Petitioner's Exhibit 2, which included the Second Translation, and Petitioner's Exhibit 3. Mother's counsel objected to both exhibits. As to Exhibit 2, Mother's counsel argued that Father was not permitted to introduce the Second Translation because that document was not included in his UCCJEA Petition. Mother's counsel argued that Father was essentially attempting to "amend a petition after the fact," which was not permitted under the UCCJEA.

In response, Father's counsel proffered that he originally filed the First Translation with the UCCJEA Petition because that was the translation that he had been transmitted from El Salvador. Father's counsel argued that he was not required to submit any translation. Father's counsel stated that he later procured a certified translation, the Second Translation, "in an abundance of caution." Father's counsel stated that he then provided Mother with a copy of the Second Translation prior to trial and that he even made the translator available for questions. Father's counsel added that, were the case appealed, there would need to be a "certified translation of the document in the record."

The trial court then asked Mother's counsel why he did not submit his own translation if he had concerns about either translation. Mother's counsel responded that he had no objection to the First Translation contained in the UCCJEA Petition and that he did not have time to challenge the Second Translation because he "just saw the exhibit last week."

Mother's counsel added that he did not challenge the English translations because he "want[ed] to stick with the Spanish translation."

At that point, the trial court ended the discussion and stated: "What we are going to do is [Mother's counsel] submitted a document early on with the translation, and we are accepting that as the evidence in this case. So let's move on to the next thing. And it is admitted." According to the transcript, Petitioner's Exhibit 2 and 3 were then admitted into evidence.

From all of this, it is clear that Petitioner's Exhibit 2, which included the Second Translation, and Petitioner's Exhibit 3, which included a copy of the UCCJEA Petition, were admitted into evidence by the trial court. To the extent that the transcript conflicts with the exhibit list compiled by the court clerk, the transcript prevails.[4] *See Waller v. Maryland Nat'l Bank*, 332 Md. 375, 379 (1993) ("[W]hen there is a conflict between the transcript of a trial and the docket entries, the transcript, unless shown to be in error, will prevail."). We now turn to the merits of Mother's other claims.

[4] Although Mother's counsel argues that the clerk's exhibit list is evidence that the transcript is erroneous, the more likely explanation is that the exhibit list is incorrect. For instance, in addition to stating that Petitioner's Exhibits 2 and 3 were not admitted into evidence, the clerk's exhibit list states that Petitioner's Exhibit 1, which was Mr. Joya's Curriculum Vitae, and Petitioner's Exhibit 4, a Salvadoran photo ID, were also not admitted into evidence. According to the trial transcript, however, both of those exhibits were admitted into evidence. The transcript also shows that Petitioner's Exhibit 11, another Salvadoran photo ID, was admitted into evidence without objection, yet that exhibit is not even included on the clerk's exhibit list.

THE PARTIES' CONTENTIONS

Mother argues that the trial court erred in finding that the Salvadoran Order should remain registered in Maryland. Mother presents three primary arguments: first, that the Salvadoran Order did not constitute a "child custody determination" under the UCCJEA; second, that the trial court erred in finding that the Salvadoran court held an evidentiary hearing on the issue of visitation; and, third, that the trial court erred in finding that the Salvadoran Order was based upon the best interests of the Minor Child.

The Amicus argues that the trial court correctly confirmed the registration of the Salvadoran Order. The Amicus contends that the Salvadoran Order was a "child custody determination" because it clearly set forth a parenting schedule for Father. The Amicus also contends that the court properly found that the Salvadoran court had held an evidentiary hearing, as both the Salvadoran Order and the testimony presented at trial indicated that Mother and Father were present at the hearing and that evidence was submitted on their behalf. The Amicus contends that the court also properly found that the Salvadoran court applied the "best interest standard," as the language of the Salvadoran Order showed that that standard was applied.

In addition, the Amicus raises an issue not raised in Mother's brief. The Amicus argues that, while the trial court was correct in confirming registration, the court erred in failing to enforce the Salvadoran Order. The Amicus asks that we reverse that portion of the court's ruling "without further proceedings."

THE STANDARD OF REVIEW

"When reviewing an action tried without a jury, we review the judgment of the trial court 'on both the law and evidence.'" *Baltimore Police Department v. Brooks*, 247 Md. App. 193, 205 (2020) (quoting *Banks v. Pusey*, 393 Md. 688, 697 (2006)). We "will not set aside the judgment of the trial court on the evidence unless clearly erroneous, and [we] will give due regard to the opportunity of the trial court to judge the credibility of the witnesses." Md. Rule 8-131(c). Issues of law, however, are reviewed *de novo*. *Brooks*, 247 Md. App. at 205.

Because we are called upon to construe the UCCJEA, we also set forth the rules of statutory construction. "The paramount object of statutory construction is the ascertainment and effectuation of the real intention of the Legislature." *Andrews & Lawrence Professional Services, LLC v. Mills*, 467 Md. 126, 149 (2020) (citations and quotations omitted). "The starting point of any statutory analysis is the plain language of the statute, viewed in the context of the statutory scheme to which it belongs." *Kranz v. State*, 459 Md. 456, 474 (2018) (citations and quotations omitted). "If the language of the statute is unambiguous and clearly consistent with the statute's apparent purpose, our inquiry as to legislative intent ends ordinarily and we apply the statute as written, without resort to other rules of construction." *Noble v. State*, 238 Md. App. 153, 161 (2018) (quoting *Espina v. Jackson*, 442 Md. 311, 322 (2015)). If, on the other hand, words of a statute are ambiguous, "a court must resolve the ambiguity by searching for legislative

intent in other indicia, including the history of the legislation or other relevant sources intrinsic and extrinsic to the legislative process." *Id.* at 162 (citation omitted).

Similarly, in construing the Salvadoran Order, "if the language of the order is clear and unambiguous, [we] will give effect to its plain, ordinary, and usual meaning, taking into account the context in which it is used." *In re M.C.*, 245 Md. App. 215, 228 (2020) (citing *Taylor v. Mandel*, 402 Md. 109, 125-26 (2007)). If, conversely, an ambiguity exists, we "must discern its meaning by looking at the circumstances surrounding the order to shed light on the ambiguity, including the motion in response to which it was made." *Id.* (cleaned up). Language "is ambiguous if, when read by a reasonably prudent person, it is susceptible of more than one meaning." *Calomiris v. Woods*, 353 Md. 425, 436 (1999). "[The Court of Appeals has] stated that language can be regarded as ambiguous in two different respects: 1) it may be intrinsically unclear …; or 2) its intrinsic meaning may be fairly clear, but its application to a particular object or circumstance may be uncertain." *In re M.C.*, 245 Md. App. at 228 (citing *Taylor*, 402 Md. at 125-26)).

ANALYSIS

A

Mother first claims that the Salvadoran Order was not a "child custody determination" within the meaning of the UCCJEA. She argues that the plain language of the order cannot support a finding that Father was granted visitation with the Minor Child. The Amicus disagrees, arguing that the order "on its face sets out a parenting schedule for the Father."

We hold that the Salvadoran Order was a "child custody determination" within the meaning of the UCCJEA. According to the Second Translation, the Salvadoran Order plainly states that "a relationship and visitation regime" was being established between Father and the Minor Child. The order then outlines a visitation schedule whereby Father's parents would collect the Minor Child on a Saturday and would return the Minor Child to Mother's parents the following Monday, twice per month.

From that, it is clear that the Salvadoran Order constituted "a judgment, decree, or other order providing for the legal custody, physical custody, or visitation with respect to a child." Fam. Law § 9.5-101(d)(1). The trial court did not err in finding that the Salvadoran Order established a visitation schedule between Father and the Minor Child and thus was subject to registration pursuant to the UCCJEA.

Mother argues that the Salvadoran Order is not a child custody determination because the First Translation, which is the translation that was attached to the UCCJEA Petition, neither uses the word "visitation" nor expressly confers any rights upon either party. Appellant, in making that argument, suggests that we are bound by the plain language of the First Translation.

Mother's argument is unpersuasive for several reasons. First, our task here is to assess whether the trial court erred in determining that the Salvadoran Order should have been registered pursuant to the UCCJEA. In making that assessment, we must consider all the evidence available to the court, including the Second Translation. That translation clearly granted Father visitation with the Minor Child.

Moreover, Mother, in asking us to rely exclusively on the plain language of the First Translation, ignores one salient point: the "determination sought to be registered" by Father was the Spanish-language Salvadoran Order. That is, there is nothing in the record to indicate that the First Translation was part of the Salvadoran court's order. There is also nothing in the language of the UCCJEA to indicate that Father was required to provide a translation of the child custody determination he wanted registered. Therefore, the order that we must construe is the Spanish-language Salvadoran Order. Clearly, the language of that order is ambiguous given that it is in a language other than English. To construe that order, we must look beyond the plain language and consider other evidence. That evidence includes not only the First Translation, but also the Second Translation and other evidence presented at trial. That other evidence supports a finding that the Salvadoran Order was a child custody determination.

Finally, even if we were to consider only the plain language of the First Translation, we would still conclude that the Salvadoran Order was a child custody determination. According to the First Translation, the Salvadoran Order states that "a regime of relationships and deals" was being established between Father and the Minor Child. The order then states that that "regime" was as follows: "The paternal grandparents will pick up [the Minor Child], twice a month, at nine in the morning on Saturday, and they will give her back to the maternal grandparents on Monday at nine in the morning." That language clearly sets forth a visitation schedule involving Father and the Minor Child. That is,

despite the omission of the word "visitation," no reasonable person would interpret the order as being something other than a visitation order.

B

Mother next claims that the trial court erred in finding that the Salvadoran court held an evidentiary hearing prior to issuing its order. She asserts that there was nothing in the record to support the court's finding. Mother argues that, because no evidentiary hearing was held, the Salvadoran court violated her and the Minor Child's fundamental rights.

The Amicus argues, and we agree, that there is ample evidence in the record to support the trial court's finding. Father testified that he and Mother appeared in a Salvadoran court in May 2019 and that, following that appearance, the court issued the Salvadoran Order. Mother likewise testified that both she and Father appeared in court during the custody proceedings in El Salvador. Although it does not appear that either party testified, there is nothing in the record to indicate that either party was prevented from testifying.[5] Moreover, the record makes plain that both parties were represented by counsel and that both parties' counsel presented evidence to the Salvadoran court on their behalf. The record also shows that the Salvadoran court considered that evidence, along with a psychosocial study compiled by court-appointed professionals, prior to issuing its order.

[5] Mother erroneously contends that the trial court found that one or both of the parties had testified in El Salvador. The court made no such finding.

Based on all of this, we are persuaded that Mother was given proper notice of the custody proceedings, that she had a reasonable opportunity to participate in those proceedings, that she was represented by counsel, and that evidence was presented on her behalf for the Salvadoran court's consideration. *See generally In re McNeil*, 21 Md. App. 484, 496 (1974) ("We can think of no right more fundamental to any parent than to be given a reasonable opportunity to be present at any judicial proceeding where the issue is whether or not the parent should be permitted to have custody of its child."). Thus, we cannot say that Mother's or the Minor Child's fundamental rights were violated.

C

Mother's final claim is that the trial court erred in finding that the Salvadoran Order was based upon the best interests of the Minor Child. She asserts that the "overall standard applied by the Salvadoran court, based upon Salvadoran law quoted in [that court's] order, varies greatly from the best interest standard." Mother also asserts that the Salvadoran court relied too heavily on other interests and failed to properly place the Minor Child's best interests above all others.

The Amicus argues that the trial court did not err. The Amicus asserts that "the evidence in the record is uncontroverted that the Salvadoran court considered the child's best interest." The Amicus contends that the Salvadoran court's consideration of other interests "does not undermine its analysis of the child's best interests."

"The primary goal of access determinations in Maryland is to serve the best interests of the child." *Conover v. Conover*, 450 Md. 51, 60 (2016). The Court of Appeals has

"frequently and repeatedly emphasized that in situations where it applies, [the best interest standard] is the central consideration." *McDermott v. Dougherty*, 385 Md. 320, 354 (2005). "The best interest of the child is therefore not considered as one of many factors, but as the objective to which virtually all other factors speak." *Taylor v. Taylor*, 306 Md. 290, 303 (1986).

We hold that the trial court did not err in finding that the Salvadoran Order was based upon the best interests of the Minor Child. The Salvadoran court, in setting forth its custody decision, stated in its order that it had reached its decision so as "not to infringe the higher interest of the minor child." Then, at the conclusion of the order, the Salvadoran court stated that the order was "to be strictly complied with, failing which the applicable measures shall be taken in order to avoid infringing the rights of the minor child." At trial in the instant case, Mr. Joya, Father's expert in Salvadoran family and constitutional law, reviewed the Salvadoran Order and testified that the Salvadoran court had considered the best interest of the Minor Child. Mr. Joya added that, while the Salvadoran court did consider other interests, the Minor Child's interests were "superior before the other interests."

Given that evidence, we are persuaded that the Salvadoran Court properly considered the Minor Child's best interests. Both Mr. Joya's testimony and the plain language of the Salvadoran Order established that the Salvadoran court had considered the best interest of the child in reaching its decision. Moreover, the Salvadoran court's use of the word "higher" in describing the Minor Child's interests, and Mr. Joya's testimony that the Minor

Child's interests were "superior," established that the Minor Child's interests were the central consideration of the Salvadoran court. That the Salvadoran court considered other factors, including the interests of others, does not mean that the Salvadoran court did not give due regard to the Minor Child's best interests. *See B.O. v. S.O.*, 252 Md. App. 486, 513 (2021) ("While the best interest of the child standard is of 'transcendent importance,' this standard 'does not ignore the interests of the parents[.]'") (citing *McDermott*, 385 Md. at 354).

In sum, we hold that the trial court did not err in allowing the Salvadoran Order to remain registered pursuant to the UCCJEA. The order met all the statutory requirements for registration, and Mother failed to show that any of the exceptions to registration were applicable.

D

Finally, we turn to the Amicus's assertion that the trial court erred in refusing to enforce the Salvadoran Order and their request that we reverse that portion of the court's judgment. We decline to do so. Father did not file a brief and is not a party in this appeal, and Mother did not raise the issue in her brief or at oral argument. It would therefore be improper for us to consider the issue. *See Poku v. Friedman*, 403 Md. 47, 54 n. 8 (2008) ("*Amicus* briefs are allowed for the purpose of supporting or opposing the issues presented by the parties in the appellate process. *Amici* are not permitted to raise other issues."); *Mayor and City Council of Baltimore v. New Pulaski Co. Ltd. Partnership*, 112 Md. App. 218, 224 (1996)

("As a general rule, we do not consider an issue raised by an amicus if no party to the case raises it.").

THE JUDGMENT OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY IS AFFIRMED; COSTS TO BE PAID BY APPELLANT.