UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 0776

September Term, 2015

KHAYANGA NAMASAKA

v.

MARK BETT

Berger,
Nazarian,
Beachley,

JJ.

Opinion by Beachley, J.

Filed: September 8, 2016

This case involves the legal efficacy of the Circuit Court for Prince George's County's denial of exceptions to a magistrate's recommendation. The entirety of the trial court's analysis and decision is reflected in an Order dated May 18, 2015, which states: "After reviewing Defendant's Exceptions and the Exceptions Hearing having been held before the Court, this Court does not find the magistrate erred." We hold that this determination is legally insufficient, and remand the case for further proceedings consistent with this opinion.

FACTS AND PROCEEDINGS

The parties are parents of two minor children. Khayanga Namasaka ("Mother") filed a motion to modify child support which was assigned to a magistrate in the Circuit Court for Princes George's County. The magistrate issued recommendations on January 14, 2015. Mother noted thirteen exceptions to the magistrate's recommendations. These exceptions disputed the way in which the magistrate determined the income for Mark Bett ("Father"). The circuit court heard argument on the exceptions and took the matter under advisement. Three days after argument, the circuit court issued an order denying the exceptions. Because of its centrality to our resolution of this case, the circuit court's order is reprinted in full:

> The above captioned matter has been presented to the undersigned at an Exceptions Hearing held on May 15, 2015. The Court has heard all the evidence presented for the Defendant's Exceptions to Magistrate's Recommendations filed January 20, 2015. The file reflects a hearing was held on November 20, 2014 and January 7, 2015, before Magistrate Paul B. Eason.
>
> As evidenced by Magistrate's "Notice", recommendations were made on the aforesaid date, and parties notified in writing, that written exceptions

> were to be filed on or [sic] January 22, 2015 pursuant to Maryland Rule 9-208(f). Exceptions and transcript were timely filed.
>
> After reviewing Defendant's Exceptions and the Exceptions Hearing having been held before the Court, this Court does not find the Magistrate erred. Accordingly, it is this 18th day of May 2015, by the Circuit Court of Prince George's County, Maryland,
>
> ORDERED, that Defendant's Exceptions are hereby **DISMISSED**; it is further
>
> ORDERED, that this case be and is hereby closed for statistical purposes only.

The order was dated May 18, 2015 and docketed on May 20, 2015. Mother noted a timely appeal.

STANDARD OF REVIEW

"Appellate discipline mandates that, absent a clear abuse of discretion, a chancellor's decision that is grounded in law and based upon facts that are not clearly erroneous will not be disturbed." *Kierein v. Kierein*, 115 Md. App 448, 452 (1997). In reviewing a trial court's ruling on exceptions to a magistrate's findings of fact, "It is only necessary for an appellate court to be able to determine if the trial court abused its discretion." *Id*. at 456. "Appellate review of a question of law does not trigger the clearly erroneous rule." *Bagley v. Bagley*, 98 Md. App. 18, 34 (1993). Rather, appellate courts review questions of law under a "de novo" standard. *Flanagan v. Flanagan*, 181 Md. App. 492, 521 (2008).

DISCUSSION

Mother presents a single issue on appeal: Did the trial court err in failing to consider the transcript of the Magistrate's hearing and in failing to note a record of how he resolved

the issues raised by [Mother's] exceptions to the Magistrate's Report and Recommendations? We answer this question in the affirmative.

Well-established precedent from the Court of Appeals and this Court requires reversal of the circuit court's judgment. In *Kirchner v. Caughey*, 326 Md. 567 (1992), the Court of Appeals reviewed a circuit court's denial of exceptions concerning visitation and child support. In denying the exceptions, the order provided, without further discussion, the following:

> It is the Court's opinion, after reviewing the transcript of the hearing before the Master and considering the arguments of counsel, that the Master's findings are correct. Accordingly, it is the ruling of the Court that Plaintiff's and Defendant's exceptions are DENIED.

Id. at 571. In holding that the circuit court's ruling on exceptions was insufficient, the *Kirchner* Court stated:

> We also said in *Domingues*, in commenting upon the responsibility of the chancellor when resolving challenges to a master's findings of fact, that
>
> > [t]he chancellor must carefully consider the mother's allegations that certain findings of fact are clearly erroneous, and decide each such question. The chancellor should, in an oral or written opinion, state how he resolved those challenges. Having determined which facts are properly before him, and utilizing accepted principles of law, the chancellor must then exercise independent judgment to determine the proper result.

Id. at 572 (quoting *Domingues v. Johnson*, 323 Md. 486, 496 (1991)). *Kirchner* holds that a trial court must resolve each challenge to a magistrate's recommendation in an oral or written opinion, and it must exercise independent judgment in doing so.

The *Kirchner* Court further explained that the analysis required of a trial court is founded in Maryland Rule 2-522(a). The Court stated:

> We now make clear that the oral or written opinion of the chancellor should address as well the issues relating to the conclusions to be drawn from the facts found. Maryland Rule 2-522(a) provides:
>
> > In a contested court trial, the judge, before or at the time judgment is entered, shall dictate into the record or prepare and file in the action a brief statement of the reasons for the decision and the basis of determining any damages.

Kirchner, 326 Md. at 572. *Accord Lemley v. Lemley*, 102 Md. App. 266, 275 (1994) (trial judge's ruling that the master's fact findings were "well founded from the testimony presented" was legally insufficient under *Kirchner* and *Domingues).*

Here, the trial court did not address Mother's exceptions to the master's findings of fact. Additionally, the trial court failed to exercise its independent judgment to resolve Mother's exceptions. The trial court therefore neglected to do what our appellate courts require.

CONCLUSION

This case is governed by *Kirchner*. The circuit court's order here stated that "this Court does not find the Magistrate erred"; the trial court's ruling in *Kirchner* provided that "the Master's findings are correct." In short, there is no substantive difference between the two orders. Accordingly, we reverse the circuit court's denial of the Mother's exceptions and remand this case for further proceedings.

On remand, the circuit court must resolve Mother's exceptions in a manner consistent with the principles discussed by the Court of Appeals in *Kirchner*. We express no opinion as to the merits of those exceptions.

JUDGMENT VACATED. CASE REMANDED TO THE CIRCUIT FOR PRINCE GEORGE'S COUNTY FOR FURTHER PROCEEDINGS CONSISTENT WITH THIS OPINION. COSTS TO BE PAID BY APPELLEE.