

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 2207

September Term, 2015

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ABIYE WILLIAMS

v.

JEANINE WILLIAMS

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Eyler, Deborah S.,  
Wright,  
Thieme, Raymond G. Jr.  
(Retired, Specially Assigned),

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Opinion by Eyler, Deborah S., J.

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Filed: July 14, 2016

Abiye Williams (“Father”), the appellant, challenges an order of the Circuit Court for Baltimore County awarding his estranged wife, Jeanine Williams (“Mother”), the appellee, primary physical custody of their three minor children. He presents two questions, which we have combined and rephrased as one:

Did the circuit court err or abuse its discretion by granting Mother primary physical custody of the children and Father a general right of visitation?

For the following reasons, we answer that question in the negative and shall affirm the judgment of the circuit court.

### **FACTS AND PROCEEDINGS**

Father and Mother were married in April 2009 in Rwanda. They have three daughters: Boma, age 6, Deborah, age 3, and Emmanuella, age 1.

Father originally is from Nigeria, but is now a U.S. citizen. He has a bachelor’s degree in mechanical engineering from the University of Lagos, in Nigeria. He moved to the United States in 2008. He served in the United States Army on active duty for one year and is currently a member of the United States Army Reserves. He works the night shift as a correctional officer at the Metropolitan Transition Center (“MTC”) in Baltimore City. He also is taking classes at Towson University to obtain his master’s degree in geography and environmental planning. He leases a house in Rosedale that he is in the process of buying.

Mother originally is from Rwanda. She has a high school diploma. She moved to the United States on May 8, 2012, three years after she and Father were married and two

years after Boma was born.<sup>1</sup> She moved into the house in Rosedale with Father. A little less than a year later, Deborah was born. Mother stayed home to care for the children while Father worked.

Father speaks English and French. Mother speaks Kinyarwanda, which is the official language in Rwanda. She also speaks French, although she is not fluent. Mother and Father communicate in French.

In the summer of 2014, Mother became pregnant with Emmanuella. On August 23, 2014, when she was about two months pregnant, she and Father had an argument about whether Father could take Boma, then four, and Deborah, then a year old, with him to a party that evening. According to Mother, Father threatened to beat her and told her to leave. Father denied making any threats. Mother claims she left the marital home that same night while Father was at the party. Father maintains that Mother moved out the next day while he was at church with his mother and the children.

Mother went to stay with friends, Gerard and Catherine Akilimali, in their apartment in Parkville. The children stayed with Father.

Three days later, on August 27, 2014, Mother filed a petition for an order of protection against Father in the Circuit Court for Baltimore County. A temporary protective order was issued that same day. A police officer escorted Mother to the family home. Father's mother was there taking care of the children. Mother packed up their

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<sup>1</sup> There is contradictory information in the record about whether Father stayed in Rwanda with Mother for two years (2010-2012) after Boma's birth or returned to the United States right after her birth.

belongings and took the children with her to the Akilimalis' house. She did not tell Father where she had taken the children.

A week later, on September 3, 2014, the parties appeared in the circuit court for a final protective order hearing. Father was represented by counsel and Mother represented herself. Mother testified, through an interpreter,<sup>2</sup> that on August 23, 2014, Father had threatened to beat her. She was scared because Father had a history of violence toward her when she was pregnant. She also described an incident from 2012, during her pregnancy with Deborah, when Father had choked her. She said that she had called the police after that incident, but no charges were filed against Father. She testified that she did not wish to restrict Father's visitation with the children.

Father testified that he had not threatened Mother in any way on August 23, 2014. He also denied having choked her in 2012. He stated that on that occasion he had tried to "restrain her because she wanted to hurt herself." He remembered that she had called the police after that happened.

Father called one witness, Renee Egu, a neighbor. Egu testified that she was a retired teacher and had been trying to teach Mother to speak English. Egu did not speak French or Kinyarwanda, however, and had communicated with Mother only in English. Egu testified that prior to August 23, 2014, Mother had told her that she wanted to leave

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<sup>2</sup> Mother was not able to testify in her native language at the hearing because the interpreter spoke only French and English.

Father. Mother and Father fought frequently, according to Egu, but Mother never told her that Father abused her.

At the conclusion of the hearing, the judge stated that he wished that Mother had been represented by counsel and he was “not sure what [has] happened” between Mother and Father. The court denied the petition for a final protective order.

On September 21, 2014, Mother and the children took a bus to Portland, Maine. She did not tell Father she was leaving. She moved into a domestic violence shelter there.

The next day, Mother filed a petition for an order of protection against Father in the Portland District Court (“Maine court”). She alleged that she was afraid of Father and that he had hit her on many occasions. The Maine court issued a temporary order of protection that same day and scheduled a final protective order hearing for October 10, 2014.

Mother subsequently made an allegation to authorities in Maine that Father had penetrated Boma’s vagina with his fingers, causing her to bleed. This resulted in the Baltimore County Police Department (“BCPD”) and the Baltimore County Department of Social Services (“BCDSS”) opening sexual abuse investigations.

Detective Andrew Carns, with the Crimes Against Children unit of the BCPD, served as the lead investigator in the criminal case. At Detective Carns’s request, Boma was interviewed by a social worker in Maine. The social worker reported to Detective Carns that her interview was “inconclusive” as to the report of abuse. In light of the

social worker's report and the lack of any physical evidence, Detective Carns closed the case without filing any charges. He did not interview Father or Mother.

The BCDSS investigation resulted in a finding of “unsubstantiated.” The investigation was completed on June 25, 2015, and a notice of the final determination, dated September 22, 2015, was mailed to Father.

On September 29, 2014, in the Circuit Court for Baltimore County, Father filed a complaint for custody of Boma and Deborah. After Emmanuella was born, in March 2015, he amended his complaint to seek custody of her as well.

On October 10, 2014, Father traveled to Maine to attend the final protective order hearing. During the hearing, Mother voluntarily dismissed her petition.

Meanwhile, in the Maryland custody case, Mother filed an answer and, on December 29, 2014, a counter-complaint for custody. She alleged that Father had sexually molested Boma; that Father was “irresponsible” and had failed to provide adequate food and clothing for the children; and that Father was not involved in caring for the children. She asked the court to award her sole legal and primary physical custody of the minor children, to order Father to pay child support, and to award him supervised visitation.

On January 16, 2015, pursuant to Rule 16-204(a)(3)(B),<sup>3</sup> Mother filed a motion for a “Child Access Evaluation” in the custody case. She alleged that Father had sexually

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<sup>3</sup> That rule pertains to the “family support services” that may be offered by the family division of a circuit court. One such service is a “custody investigation.” Rule 9-  
(Continued...)

abused Boma and that awarding custody or visitation to him “would present a significant threat to the safety and wellbeing of the minor children.” She asked the court to order an evaluation prior to the custody hearing.

Father responded, denying the allegations of abuse and consenting to an evaluation but arguing that both parties and the children should be part of the evaluation. He also asked that both parties’ homes be evaluated and that the cost of the evaluation be shared equally between the parties.

The court granted the motion and the family support services office at the circuit court scheduled an evaluation. Mother was required to bring the children from Maine to Maryland for the evaluation. According to Father, she decided not to come and instead attended a religious conference that day. According to Mother, she advised Father that she could not afford to travel to Maryland for the evaluation and he was unwilling to help her to pay for the trip. In any event, by order entered August 5, 2012, the circuit court rescinded the order requiring a child access evaluation.

The contested custody trial went forward over two days in October 2015. In his case, Father testified and called four witnesses: Detective Carns; Egu; Darlene Chaney, a neighbor and family friend; and Sabrina Battle, a neighbor and friend of Father’s.

In his testimony, Father denied ever having physically abused or threatened Mother and ever having physically or sexually abused Boma. He testified that before

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(...continued)

205.3, which was adopted after the custody proceedings in this case, expressly authorizes and establishes procedures for custody and visitation evaluations.

Mother left the marital home, he and Mother both were very involved in caring for Boma and Deborah. He emphasized that he had been working (and still was working) the night shift and was home during the day. His shifts at MTC were from 11:30 p.m. until 7:30 a.m. for seven consecutive days, followed by between 2 to 4 days off. He also attended classes at Towson University on Tuesday nights from 6:30 p.m. to 9 p.m. His mother, age 69, moved in with him after Mother moved out and was able to stay with the children while he worked. Father claimed that he only required about 4 hours of sleep a day. His mother or a neighbor could provide childcare while he slept. He acknowledged, however, that his mother had recently undergone treatment for cancer and that she had heart problems. He denied that her health issues would interfere with her ability to help care for the children, however.

Father introduced into evidence the transcript of the final protective order hearing in Maryland; the order dismissing Mother's request for a final protective order in Maine; her complaint seeking an order of protection in Maine; the BCDSS notice stating that its child sexual abuse investigation had resulted in an "unsubstantiated" finding; and Mother's answers to interrogatories, in which she attested that Father was unfit because he was "negligent," worked too much, did not love the children, and had "hit Boma with a belt and lock [sic] her in the cellar."<sup>4</sup>

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<sup>4</sup> In her answers to interrogatories, Mother did not allege that Father had sexually abused Boma or that he had physically abused her (Mother).



Egu, who is from Nigeria, testified that she lived within walking distance of the marital home and became friends with both Mother and Father. She characterized Father as a fit and loving parent to Boma and Deborah. She had “mainly” spent time with Mother, however, because when she came for visits during the day, Father was usually sleeping or getting ready for work.

Egu related that in May 2014, she traveled to Nigeria for four months to visit family. Prior to her trip, Mother told her that she (Mother) was planning to leave Father and move out of Maryland and would likely be gone by the time Egu returned. Mother did not tell Egu why she was leaving Father.

On cross-examination, Egu acknowledged that Mother had told her that Father sometimes “got physical” with her and had strangled her on at least one occasion. Egu did not believe Mother, however. Egu opined that Mother was an excellent parent.

Chaney testified that she lived two houses away from Mother and Father. She had observed both of them with the children. She thought that both parents took good care of their children.

Battle testified that she is a retired teacher and lives nearby in Rosedale. She had offered to provide childcare for Father while he slept or while he was at work if he were to be awarded custody. Battle had not met the children, however, because she did not become friends with Father until after he and Mother separated.

In her case, Mother testified and called two witnesses: Gerard Akilimali and Carine Nantulya.

Mother testified that she felt very isolated after moving to the United States. She has no extended family here. She could not obtain a driver's license because she could not understand the questions on the test for a learner's permit. She had to rely on Father to drive her to the store and to doctor's appointments for her and the children. She also had to ask Father for money whenever she wanted to buy anything and he routinely told her she was spending too much.

Mother stated that she cared for Boma and Deborah alone. At night, Father was working and during the day, he either was sleeping or doing school work. He did not participate at all in caring for Boma or Deborah.

According to Mother, when she and Father disagreed about anything, she would be "in trouble." She described the incident in 2012 when she was pregnant with Deborah. She had been craving a hamburger, but Father told her she could not eat hamburger meat while she was pregnant because it could cause a birth defect. Sometime thereafter, Father took her to the doctor and, while she was being examined, Mother asked the doctor whether she could eat hamburger meat. When they got home after the appointment, Father was angry at her for asking the doctor that question. They argued and he grabbed her from behind and pressed his forearm against her throat, choking her. She called 911. The police arrived but she could not communicate with them because they spoke only English. Father spoke to the police, but she could not understand what he was saying. No charges were filed.

Mother testified that, after the choking incident, Father called a family friend, Simon. Simon contacted Mother and told her she should not call the police when she and Father argued because he (Father) could end up going to jail. Simon told Mother she should call him (Simon) next time instead of calling 911.

Mother further testified that Father beat her when she was seven months pregnant with Deborah, after she confronted him with the fact that Boma had accused him of touching her inappropriately. Mother did not call the police that time because she believed they would not protect her.

When Mother gave birth to Deborah in the hospital, she asked the Akilimalis to care for Boma because she did not want to leave her alone with Father.

After Mother and Father separated, in August 2014, Mother looked for housing for her, Boma, and Deborah in Maryland, but was unable to find a place to live. Meanwhile, Father was giving the Akilimali family a “hard time.” The police came to the Akilimali home several times as a result of allegations made by Father. The Akilimali family told Mother she had to move out. Mother knew someone in Portland, Maine whom she had met online and decided to take the children there. She took a bus to Portland and moved into a homeless shelter with the children.

At the time of the trial, Mother was living in a two bedroom apartment in Portland. The three children shared one bedroom and she slept in the other. Mother received public assistance to pay her rent and also received food stamps. Boma was enrolled in

kindergarten. Mother stayed home with Deborah and Emmanuella. She and the children had made a lot of friends there and the children were very happy.

Mother planned to look for a job in April 2016. She was learning English. She stated that there were many jobs available in Portland, and that if she got a job, she would qualify for fully subsidized daycare for Deborah and Emmanuella.

In response to the question whether she would consider moving back to Maryland, Mother stated that she didn't want to live in Maryland because "the person [she had] run away [from *i.e.*, Father] . . . [was] still here." She said that Father could visit with the children in Maine anytime he wished to do so. She did not want Father to have overnight visitation with Emmanuella yet because she still was breastfeeding her.

Mother testified she was not opposed to Father being allowed to take the children to Maryland for a visit, but she could not afford to pay for airfare or other transportation. Boma did not wish to see Father. According to Mother, Boma was scared of Father because he had beaten her with a belt and locked her in the basement as punishment.

Nantulya testified that in 2013 she was working as the assistant to the Ambassador for Burundi.<sup>5</sup> At that time, a mutual friend gave her Mother's phone number and asked her to call her because Mother was in "distress." Nantulya called Mother, and Mother advised that she was scared of Father and was concerned that he might be sexually abusing Boma. Specifically, Mother said that Boma had complained of vaginal

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<sup>5</sup> The nation of Burundi is in central Africa and shares a border with Rwanda. Kinyarwanda is spoken in Burundi.

discomfort and, when Mother examined her, she found blood stains on her underwear. Nantulya told Mother to take Boma to a hospital to be examined. She called Mother back several times to follow up. Mother told Nantulya that she and Father were receiving informal marriage counseling with a friend. She also told Nantulya that she had not taken Boma to the hospital because she could not drive and did not know how to get to the hospital without Father being aware. Nantulya contacted the Department of Social Services in Baltimore County and made a report of abuse. She did not know if her report ever was investigated.

Akilimali testified that he knew Mother because his children played with Boma and his wife became friends with her. After Mother left Father in August 2014, he (Akilimali) agreed to meet with them to give informal marriage counseling. He counseled Father that he had “to recognize the wrong things [he] did to [his] wife.” Father refused to admit to any bad conduct, however. After the marriage counseling session, Father called the police and the police “follow[ed]” Mother.<sup>6</sup>

Akilimali stated that he and his wife had cared for Boma in their home when Mother was hospitalized after Deborah was born.

In his closing, Father argued that Mother’s leaving Maryland with the children without notice to him was evidence that she was unfit. He asked the court to award him primary physical custody of the two older children—Boma and Deborah—and to grant

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<sup>6</sup> At that time, Father did not know where Mother was staying with Boma and Deborah.

Mother primary physical custody of Emmanuella. Mother argued that the evidence showed that she and Boma were abused by Father and that he was not a fit and proper person to have custody of the children. She asked the court to award her primary physical custody of all three children.

The court directed the parties to return on November 6, 2015, and, on that date, announced its decision from the bench.

The court found that Mother and Father both were fit and proper parents. The court discussed this Court's decision in *Shunk v. Walker*, 87 Md. App. 389 (1991), which Father was relying upon for the proposition that Mother's surreptitious relocation with the minor children should weigh in favor of granting primary physical custody to him. After reciting the facts in that case, which we shall discuss, *infra*, the court concluded that it was distinguishable. The court found that "[M]other did not relocate to deny or terminate . . . [F]ather's right to visitation or to deprive him of certain rights that he has as a parent." The court noted that there were no custody or visitation proceedings pending when Mother moved to Maine and Mother had not violated any court orders. It credited Mother's testimony that she left because she was fearful of Father. The court concluded that Mother's decision to leave Maryland with the children did not render her unfit, "in the absence of . . . anything else."

The trial judge did not make a finding as to whether Father ever had sexually abused Boma. With respect to the allegation of physical abuse of Mother, the court

found that “something was going on in the marital home that caused [Mother] to feel that she needed to leave the family home.”

The court did not find credible Father’s testimony that he would be able to care for Boma and Deborah while sleeping just 4 hours each day. In the court’s view, Father was “downplay[ing]” his mother’s physical limitations. The court noted that it had observed Father’s mother, who had attended court both days, and that she appeared to be frail and to have difficulty walking.

In light of all the evidence, the court found that it would be in the best interests of the children for Mother to have primary physical custody. It found that it would not be in their best interests to be split up, as Father had requested, because this would deny them the opportunity to bond with each other. The court granted Father a “general” right to visit with the children, but directed that he give Mother one week’s advance notice before traveling to Maine to visit. The court found that the children were too young to travel by airplane to stay with Father in Maryland. It ordered that Father could not remove them from Maine during his visits.

The court awarded the parties joint legal custody of the children, with Mother to have tiebreaking authority. Mother was ordered to consult with Father before making any major decisions, including, but not limited to, decisions about their health, education, and religious upbringing.

The court directed the parties to complete and submit a child support guidelines worksheet and stated that it would calculate child support before issuing its written order.

In an order dated November 24, 2015, and entered December 28, 2015, the court memorialized its oral ruling. The court ordered Father to pay \$1,100 per month in child support.

This timely appeal followed. We shall include additional facts as necessary to our discussion of the issues.

### DISCUSSION

“[T]his Court reviews child custody determinations utilizing three interrelated standards of review.” *Reichert v. Hornbeck*, 210 Md. App. 282, 303–04 (2013).

“When the appellate court scrutinizes factual findings, the clearly erroneous standard of [Md. Rule 8–131(c)] applies. [Secondly,] [i]f it appears that the [court] erred as to matters of law, further proceedings in the trial court will ordinarily be required unless the error is determined to be harmless. Finally, when the appellate court views the ultimate conclusion of the [court] founded upon sound legal principles and based upon factual findings that are not clearly erroneous, the [court’s] decision should be disturbed only if there has been a clear abuse of discretion.”

*In re Yve S.*, 373 Md. 551, 586 (2003) (quoting *Dans v. Dans*, 280 Md. 119, 125-26 (1977)).

The governing standard in all decisions concerning custody and visitation disputes between fit, natural parents is the best interests of the child. *See, e.g., McDermott v. Dougherty*, 385 Md. 320, 354 (2005) (best interest of the child is the “central consideration”); *Taylor v. Taylor*, 306 Md. 290, 303 (1986) (standard is of “paramount concern” and “transcendent importance”). While a trial court must “look at each custody case on an individual basis to determine what will serve the welfare of the child [or



children],” *Wagner v. Wagner*, 109 Md. App. 1, 39 (1996), the court may be guided by a nonexclusive list of factors relevant to the best interest inquiry:

(1) fitness of the parents; (2) character and reputation of the parties; (3) desire of the natural parents and agreements between the parties; (4) potentiality of maintaining natural family relations; (5) preference of the child; (6) material opportunities affecting the future life of the child; (7) age, health and sex of the child; (8) residences of parents and opportunity for visitation; (9) length of separation from the natural parents; and (10) prior voluntary abandonment or surrender.

*Montgomery County Dep’t of Social Servs. v. Sanders*, 38 Md. App. 406, 420 (1978) (citations omitted). “The best interest of the child is . . . not considered as one of many factors, but as the objective to which virtually all other factors speak.” *Taylor*, 306 Md. at 303.

Father contends the circuit court erred in its assessment of the best interest factors and abused its discretion by deciding to award primary physical custody of the minor children to Mother. Specifically, he asserts that the court’s finding that “something was going on in the marital home” was “pure conjecture”; that it failed to properly assess the “material opportunities affecting the future life of the child” factor; that it erred by finding Mother to be fit and credible; and that it erred by not weighing the children’s ability to visit with their paternal grandmother under “the potentiality of maintaining natural family relations” factor. He argues, moreover, that the court failed to give proper weight to Mother’s “extrajudicial” relocation to Maine.

Mother responds that the court made non-clearly erroneous factual findings on all of the relevant best interest factors and did not abuse its discretion in its ultimate

determination that the best interests of the minor children would be served by giving her primary physical custody. She maintains that the court's finding that she did not move to Maine for the purpose of interfering with Father's custodial rights was supported by the evidence and distinguishes this case from the cases relied upon by Father.

Father is incorrect that the court's finding that "something was going on in the marital home" that caused Mother to leave was unsupported by any evidence. Mother testified that Father had choked her on one occasion and that he had threatened to beat her the day before she left the marital home. Egu testified that Mother had told her that Father had choked her and that he often became "physical" with her. Nantulya testified that sometime in 2013, she spoke to Mother by telephone and Mother told her she was fearful of Father. Akilimali testified that he had offered informal marriage counseling to Mother and Father because they were having marital problems and had counseled Father to admit his wrongful conduct. While Mother was denied a final protective order in Maryland, there was evidence that she was unable to fully participate in the hearing because she had to communicate in French, which is not her native language. The trial court did not clearly err in finding that Mother left the family home because she was fearful and that she ultimately moved out of Maryland for the same reason, and not because she was angry with Father and wanted to interfere with his parental rights.

In a related argument, Father contends the court erred by not finding Mother to be unfit because of her decision to surreptitiously relocate. On this issue, the court credited the testimony of two witnesses who were unrelated to the parties—Egu and Chaney—

both of whom had observed Mother and Father with the children and believed them to be fit parents.

The court properly found that *Shunk v. Walker*, 87 Md. App. at 389, is distinguishable on its facts. In that case, the father was awarded primary custody of the parties' six-year-old daughter during divorce proceedings. The mother was awarded supervised visitation. Thereafter, the father relocated to Michigan for employment reasons. The mother filed a motion in the Maryland court to modify visitation and for contempt based upon the denial of certain supervised visits. While those motions remained pending, father surreptitiously moved with the child to Canada. He did not disclose his whereabouts, ceased contact with the mother, and failed to appear for court proceedings. At a hearing on the motions to modify and for contempt, the court held the father in contempt and found that his decision to move the child to Canada and his refusal to produce the child for court ordered supervised visits was a material change in circumstance affecting the best interest of the child. The court granted mother primary physical custody *pendente lite*. The father challenged that order on appeal and this Court affirmed.

We explained that relocation by a parent with court-ordered primary physical custody of a child only will amount to a material change in circumstances justifying modification of custody if it is shown to have had an adverse impact on the best interests of the child. If “the relocation of the custodial parent merely rendered the exercise of visitation rights more difficult,” a change in custody ordinarily will not be justified on

that basis alone. *Id.* at 399. We reasoned that by moving the child to an unknown location in Canada, however, the father had “effectively terminated [the mother’s] right to visit her child, and clearly support[ed] the court’s finding that [the father] [was] not a proper party to have custody of the child.” *Id.*

Our decision in *Shunk* did not create a presumption of unfitness on the part of a party with custody of a child who relocates. Rather, it held that under a unique set of facts, the father’s decision to abscond with his daughter and to violate court orders requiring him to produce his daughter for court ordered visitation was evidence from which the circuit court could, but was not required to, find a material change in circumstance that affected the best interest of the child *and* that the father no longer was a fit and proper person to have physical custody.

In the case at bar, Mother did not have court-ordered physical custody when she moved to Maine, nor did Father have court-ordered visitation. On that basis alone, *Shunk* is distinguishable. In any event, as the trial court found, Mother’s relocation to Maine merely made “the exercise of visitation rights more difficult.” Father had traveled to Maine for the final protective order hearing. While the distance between the parties’ residences would make visitation more difficult and more costly, Father did not present evidence that he would be unable to travel there for visits. Thus, while Mother’s decision to relocate certainly was relevant to the best interest inquiry, it did not necessitate a finding that she was unfit or that the children’s best interests would be advanced by Father being awarded physical custody.

We also perceive no error in the court’s findings on the other relevant best interest factors. Under the second factor—the character and reputation of the parties—the court found that Mother left the marital home because she was fearful. Although it did not find by a preponderance of the evidence that Father had abused Mother or Boma, it also did not find that Mother had lied about the abuse. On the fourth factor—potentiality of maintaining natural family relations—the court found that splitting the children up, as Father urged, would not be in their best interests. The court noted that the three children were close in age and had lived together all of their lives. Under factor seven—the age, health, and sex of the children—the court considered that the children were all girls and were very young. Under factor eight—the residences of the parents and opportunity for visitation—the court found that visitation would be complicated by the distance between Mother’s and Father’s residences. It reasoned, however, that Father could afford to travel to Maine for visits. The court did not make a finding under factor nine that the “length of separation” between Father and the children weighed in favor of Mother being awarded custody.

The court also made a non-clearly erroneous factual finding that Father’s work schedule was not amenable to his being the primary caregiver. Father would need overnight care for the children while he worked *and* daytime care for them while he slept. On the other hand, if Mother became employed, she would be able to work while Boma was in school and the younger children attended daycare or preschool.

Father also argues that the court appeared to misapprehend the meaning of the “material opportunities” factor because it found that Father would have “all opportunities” to visit with the minor children and that its failure to properly assess this factor was reversible error. We disagree. “The trial judge need not articulate each item or piece of evidence she or he has considered in reaching a decision.” *John O. v. Jane O.*, 90 Md. App. 406, 429 (1992). Moreover, “[w]e presume that the trial judge knows the law.” *Beck v. Beck*, 112 Md. App. 197, 212 (1996) (quoting *Reuter v. Reuter*, 102 Md. App. 212, 244 (1994)). Thus, “[t]he fact that the court did not catalog each factor and all the evidence which related to each factor does not require reversal.” *John O.*, 90 Md. App. at 429. In the instant case, the court made explicit findings on the factors it deemed relevant to the best interest inquiry. Given the court’s finding that the evidence was sparse with respect to the parties’ respective financial statuses, it was not error for the court not to weigh their respective abilities to provide material opportunities to the children in reaching its ultimate decision.

Finally, the court did not err by awarding Father liberal visitation without setting a visitation schedule. As the Court of Appeals has explained, trial courts have broad discretion to fashion custody and visitation orders depending on the unique circumstances presented. *See In re Justin D.*, 357 Md. 431, 447 (2000) (A visitation order “may simply provide for ‘reasonable,’ but otherwise unspecified, visitation, or [it] may set out a rather detailed schedule with respect to times, places, and conditions, or [it] may be somewhere between those poles, depending on the circumstances and the ability of the parties to

agree to a mutually acceptable arrangement.”). Here, Father was awarded liberal visitation with the minor children, subject to giving Mother seven days advance notice. The record reveals that neither party proposed a specific schedule of visitation or presented any evidence about the means for facilitating visitation. The trial court plainly did not abuse its discretion in ordering general visitation under the circumstances.

The court’s ultimate decision to award Mother primary physical custody and to award Father reasonable visitation was not “well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable.” *In re Yve S.*, *supra*, 373 Md. at 583–84 (citation omitted). Finding no abuse of discretion, we shall affirm.

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