Circuit Court for Howard County
Case No. C-13-FM-24-001863

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2254

September Term, 2025

NOEL STITT

v.

NIKEISHA THOMAS

Nazarian,
Arthur,
Shaw,

JJ.

Opinion by Nazarian, J.

Filed: July 17, 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 persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

Noel Stitt ("Father") appeals from a Judgment of Absolute Divorce and Amended Judgment of Absolute Divorce entered by the Circuit Court for Howard County. In this appeal, he challenges the final value of the monetary award, the decision to grant joint legal custody without a tiebreaker, the amount of child support awarded, and the court's decision not to enforce a reimbursement provision in a *pendente lite* consent order. We affirm on almost all issues, and remand narrowly so the circuit court can explain its decision not to award retroactive child support and reimbursement under the *pendente lite* consent order.

I. BACKGROUND

Father and Nikeisha Thomas ("Mother") married in 2019 and are parents to one minor child, whom we'll call U. Shortly after U's birth, Father contacted mother through counsel, seeking a divorce. On September 24, 2024, Father filed a Complaint for Absolute Divorce, Child Custody, Child Support and Related Relief with the Circuit Court for Howard County. In response, Mother filed simultaneously an Answer and a Counter Complaint for Absolute Divorce. After interim motions and hearings, the parties ultimately signed and had the court enter a *Pendente Lite* Consent Order that addressed, among other things, reimbursement of childcare costs and physical custody scheduling until the final judgment after trial.

The circuit court held a two-day trial on August 25 and 26, 2025. At trial, the court heard testimony from Father, various members of Father's family, Mother, and Mother's mother. The court also received numerous items of documentary evidence, including AppClose records of text-based messages between the parties and financial statements and paystubs.

The court issued a Memorandum Opinion and Order and an accompanying Judgment of Absolute Divorce on September 25, 2025. The court granted an absolute divorce, awarded joint legal custody without any tiebreakers, set a physical custody schedule, ordered that Father pay Mother child support at a rate of $683.00 per month after running the Support Guidelines, and awarded Father a monetary award of $75,000.00. The court did not address the claims for outstanding reimbursement under the *pendente lite* consent order or any retroactive child support. The court also denied Father's request for attorney's fees, denied alimony to both parties, and declined Father's request to find that Mother had dissipated assets.

Both Father and Mother filed motions to alter or amend the Judgment of Absolute Divorce, and the court granted Mother's motion to the extent that it corrected language referring erroneously to "the Defendant's [(Mother's)] child support obligation" instead of "the Plaintiff's [(Father's)] child support obligation"; clarified the custody exchange schedule; and addressed how to divide various pensions between the parties. The court denied Father's Motion. Father noted a timely appeal.[1] We supply additional facts below as they pertain to our analysis.

[1] On June 15, 2026, Father filed a Reply Brief without a motion for leave to file it. This brief is untimely, as the case was submitted without oral argument four days earlier on June 11, 2026. *See* Md. Rule 8-502(a)(3) ("The appellant may file a reply brief not later than the earlier of 20 days after the filing of the appellee's brief or ten days before" the case is submitted.) As such, we will rely solely on Father's initial brief for his arguments and, on our own motion, strike his reply as untimely.

II. DISCUSSION

Father presents five questions for our review, which we rephrase as follows:

1. Did the circuit court abuse its discretion when it did not award an exact equalization value for the monetary award?

2. Did the circuit court abuse its discretion granting joint legal custody without a tiebreaker?

3. Did the circuit court err clearly in finding Mother credible as to her work-related childcare costs?

4. Did the circuit court err clearly in finding no dissipation of funds?

5. Did the circuit court err by not ordering childcare reimbursement under the *pendente lite* consent order?[2]

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[2] Father phrased the Questions Presented in his brief as:

1. Whether the lower court abused its discretion in awarding a monetary award of $75,000.00 to Appellant to adjust equities in the division of marital property, based on the lower court's arbitrary determination in selecting the figure $75,000.00, well below the equalization amount, without clear justification or explanation?
2. Whether the lower court abused its discretion in awarding joint legal and physical custody and denying Appellant's request for legal custody tie-breaker authority, given the parties' documented inability to cooperate on significant parental decisions and the lower court's own credibility findings regarding Appellee's testimony?
3. Whether the lower court erred in calculating child support at $683.00 despite the lack of credibility underlying Appellee's testimony regarding childcare payments to her mother, when the lower court acknowledged that a recalculation might produce a different support obligation if the claimed childcare costs were not properly supported?
4. Whether the lower court abused its discretion in failing to make explicit findings regarding Appellee's dissipation of marital assets, including specific transactions totaling $39,194.00 and large account withdrawals between June and July of 2025, and in failing to adjust the monetary award or revalue the

Continued . . .

We answer the first four questions in the negative. The law doesn't require courts to divide marital property equally or award tiebreakers in every joint custody situation where there's friction between parents. Nothing in this record undermines the court's credibility determinations, nor do we see basis to overturn the court's finding that Mother didn't dissipate assets. As to the fifth issue, we agree with Father to the extent that the circuit court should either have awarded retroactive support or explained why it thought such an award inequitable. We vacate the financial portions of the judgment with the understanding that we are affirming all of them except retroactive support, and we remand for further proceedings on that question alone.

We review a circuit court's decision to grant a monetary award, and the value of that award, for an abuse of discretion. *Gallagher v. Gallagher*, 118 Md. App. 567, 576

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marital estate as of the date of separation to account for such dissipation?

5. Whether the lower court erred in failing to address Appellant's entitlement to reimbursement of $3,730.00 under the February 20, 2025 *Pendente Lite* Consent Order requiring equal sharing of work-related childcare costs?

Mother phrased the Questions Presented in her brief as:

1. Did the Circuit Court abuse its discretion by awarding Appellant a monetary award of $75,000?
2. Did the Circuit Court abuse its discretion in awarding the parties joint legal custody of the parties' Minor Child?
3. Did the Circuit Court err in calculating guideline child support including work-related childcare expenses for both parties?
4. Did the Circuit Court abuse its discretion by rejecting Appellant's claim of dissipation of assets?
5. Did the Circuit Court err in not ordering retroactive child support or reimbursement for childcare expenses under the *Pendente Lite* Consent Order?

(1997) (*citing Alston v. Alston*, 331 Md. 496, 504–06) (1993)); *Innerbichler v. Innerbichler*, 132 Md. App. 207, 230 (2000) (citations omitted). "Within that context, 'we may not substitute our judgment for that of the [trial court], even if we might have reached a different result.'" *Richards v. Richards*, 166 Md. App. 263, 272 (2005) (*quoting Innerbichler*, 132 Md. App. at 230). We employ a tripartite standard of review for custody decisions: we review factual findings for clear error, legal questions *de novo* subject to harmless error, and the ultimate conclusion on custody for abuse of discretion. *In re Yve S.*, 373 Md. 551, 584–86 (2003) (*citing, inter alia, Davis v. Davis*, 280 Md. 119, 122–26 (1977)) (further citations omitted). We review factual findings generally, including credibility determinations, for clear error. Md. Rule 8-131(c); *Smith v. Smith*, 266 Md. App. 106, 116, *cert. denied sub nom.*, *Dixon-Smith v. Smith*, 492 Md. 430 (2025).

A. The Circuit Court Exercised Its Discretion In Setting The Monetary Award Properly.

Father argues *first* that the circuit court abused its discretion when setting the monetary award. More specifically, he complains that the court didn't select a figure that left each party with half of the value of the marital estate. The thrust of his argument is that although courts have discretion to balance the equities after considering the required factors, and to set monetary awards that track how they see those equities weigh, circuit courts have an extra duty to explain any award other than a fifty-fifty split. We disagree.

Section 8-205 of the Family Law Article sets out the statutory framework for monetary awards based on marital property. Md. Code (1999, 2019 Repl. Vol., 2025 Cum. Supp.), § 8-205 of the Family Law Article ("FL"). "[A]fter the court determines which property is marital property, and the value of the marital property, the court may . . . grant a monetary award . . . as an adjustment of the equities and rights of the parties concerning marital property . . . .” FL § 8-205(a). “The court shall determine the amount . . . of a monetary award . . . after considering” the following eleven factors:

> (1) the contributions, monetary and nonmonetary, of each party to the well-being of the family;
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> (2) the value of all property interests of each party;
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> (3) the economic circumstances of each party at the time the award is to be made;
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> (4) the circumstances that contributed to the estrangement of the parties;
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> (5) the duration of the marriage;
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> (6) the age of each party;
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> (7) the physical and mental condition of each party;
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> (8) how and when specific marital property or interest in [certain types of property], was acquired, including the effort expended by each party in accumulating the marital property or the interest in [those certain types of property], or both;
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> (9) the contribution by either party of [non-marital property] to the acquisition of real property held by the parties as tenants by the entirety;
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> (10) any award of alimony and any award or other provision that the court has made with respect to family use personal property or the family home; and
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> (11) any other factor that the court considers necessary or appropriate to consider in order to arrive at a fair and equitable monetary award . . . .

FL § 8-205(b). Although the circuit court must consider all of these factors, “[g]enerally, even where the trial court must issue a statement explaining the reasons for its decision, the court need not articulate every step of the judicial thought process in order to show that it has conducted the appropriate analysis." *Gizzo v. Gerstman*, 245 Md. App. 168, 195–96 (2020) (*first citing Viamonte v. Viamonte*, 131 Md. App. 151, 162 (2000); *and then citing Bangs v. Bangs*, 59 Md. App. 350, 370 (1984)). In the context of monetary awards, "the [trial] court is not required to recite each factor" so long as we "appellate courts" are "able to discern form the record that [the] factors were weighed." *Hart v. Hart*, 169 Md. App. 151, 166–67 (2006) (*first citing Malin v. Mininberg*, 153 Md. App. 358, 429–30 (2003); *and then citing Randolph v. Randolph*, 67 Md. App. 577, 585 (1986)). Indeed, "the trial court need not go through a detailed check list of the statutory factors, specifically referring to each, however beneficial such a procedure might be." *Malin*, 153 Md. App. at 429–30 (cleaned up) (citations omitted).

We can tell from the record in this case that the circuit court did weigh all of the factors even if it didn't "go through a detailed check list." *Id.* In its Opinion, the circuit court made findings of fact and addressed explicitly the factors it felt most weighty, including the parties' contributions to the family's well-being; the value of the parties' property interests; the parties' economic circumstances; the duration of the marriage and why it broke down; the age and physical condition of the parties; the fact that it was declining to award alimony or otherwise divide the marital property outside a monetary award; and perhaps heaviest of all, that Mother's "insistence in creating/accumulating savings was a substantial factor sin [sic] the growth of the marital assets." *See* FL § 8-205(b). The court considered the evidence carefully in making factual findings, matched those findings to the statutory factors, and came out with a reasonable dollar value to award

Father at the end. We see no abuse of discretion in how the court weighed the factors against the record developed at trial.

Father's disagreement with the circuit court seems tied more to the view that the court needed to provide additional explanation when it decided not to split the pie equally. But marital distribution and monetary awards in Maryland are equitable, and "[t]he Maryland Legislature [has] specifically rejected the notion that marital property should presumptively be divided equally. In Maryland, as in the majority of equitable distribution states, 'equitable' does not necessarily mean 'equal.'" *Alston*, 331 Md. at 508–09 (1993) (footnote omitted) (*first citing Deering v. Deering*, 292 Md. 115, 130 (1981); *and then citing Ohm v. Ohm*, 49 Md. App. 392, 405 (1981)) (reversing as an abuse of discretion the decision to split a certain asset's value equally). We understand that sometimes a less-than-precisely-equal split might feel unfair, but when a circuit court reviews the record, weighs the required factors reasonably, and sets a monetary award that is not widely off the mark—as it did here—it's acting within its discretion. The monetary award in this case was explained amply and we affirm it.

B. The Circuit Court Exercised Its Discretion Properly In Setting Joint Legal Custody.

Father argues further that the circuit court abused its discretion when it awarded joint legal custody to both parents without giving a tiebreaker to either parent (well, to him, really) on any topics. He argues that because both parties put on evidence of communication issues, and because the court assessed that the parties had such communication issues, it was an abuse of discretion not to grant him tiebreaking authority.

We see no error here either.

"[I]n any child custody case, the paramount concern is the best interest of the child." *Taylor v. Taylor*, 306 Md. 290, 303 (1986). Legal custody refers to a parent's authority to make "long-range decisions" on issues such as education, health, and "other matters of major significance concerning the minor's life and welfare." Cynthia Callahan & Thomas C. Ries, *Fader's Maryland Family Law* § 5-4(b) (7th ed. 2021). Over the years, Maryland courts have assembled a non-exhaustive list of factors trial courts must consider in determining custody. *See Taylor*, 306 Md. at 303–11 (collating factors); *Montgomery Cnty. Dep't of Soc. Servs. v. Sanders*, 38 Md. App. 406, 420 (1978) (collating additional factors).

In weighing the required factors, the circuit court made these extensive findings of fact in its Opinion:

> Both parties are fit and proper persons to have physical custody. By all accounts, [U] is a happy, healthy baby who does well with both parents. [U] is too young to have a preference for either parent; and her gender is not a factor in this instance. Each party has appropriate housing and furnishings for her; while the Parties live approximately an hour apart, they have been able to maintain a 50/50 schedule as per the *pendente lite* orders. Each party has the financial wherewithal to provide (and is providing) food, housing, clothing and other material items for her. Each party encourages natural family relations within his or her own family group; neither parent has encouraged relations with the other parent's family. Both parents are in the military and have excellent careers.
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> * * *
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> Additionally, the Court notes that each parent has the same or similar employment obligations; each parent is sincere in the request for joint legal custody despite the trial testimony of each as to communication issues between them as to some

> legal custody issues. Specifically, the Court is referring to issues over [U]'s health insurance coverage, primary care physicians, pediatric dentist, notifications regarding urgent care visits, and daycare enrollment. The Court finds fault with both parties on this issue and cannot blame or praise one parent over the other for this. However, this does not preclude the Court from ordering joint legal custody and creating a mechanism to encourage agreement. Granting one parent tie breaker authority would likely perpetuate the demonstrated issues and the Court declines o [sic] do so. The Parties must discuss and attempt to reach agreement regarding these legal custody issues. If they are unable to do so, they must mediate those issues.

(citations omitted).

Based on those findings, weighed against the required factors, the court found that joint legal custody without a tiebreaker would be in U's best interest. Father doesn't dispute the court's decision to grant joint legal custody overall, nor does Mother. Instead, Father insists that when a court grants joint legal custody in the face of a factual finding that the parents communicate poorly, as the circuit court found and did here, someone has to be awarded tiebreaking authority. And not surprisingly, Father contends that he should be the one to have it.

We see no abuse of discretion in the court's decision to grant joint legal custody without a tiebreaker. The court made accurate factual findings and weighed them reasonably against the required factors. To be sure, the parents' ability to communicate, as borne out by a track record of agreement or at least productive communication, is the weightiest factor in the legal custody list. *See Santo v. Santo*, 448 Md. 620, 628 (2016) (*citing Taylor*, 306 Md. at 304–05). But it is not the sole factor, and courts have affirmed the grant of joint legal custody in the face of poor communication in the past. *Id.* at 629–31, 646–47.

But what about tiebreaking authority? The decision whether to grant tiebreaking authority, as a subset of custody, is commended to the court's discretion as well, and we don't reverse just because another judge might not have ruled the same way. *See Santo*, 448 Md. at 625–26, 646–47. So too here. The court considered both parents' requests for tiebreaking authority and concluded, in the context of this family, that "[g]ranting one parent tie breaker authority would likely perpetuate the demonstrated issues." Instead, the court decided that despite their communication challenges, they must attempt to work out any disputes over U's needs—the court directed them specifically to "discuss and attempt to reach agreement regarding these legal custody issues" and, "[i]f they are unable to do so, [to] mediate those issues." If the parents prove the court wrong, they're free to seek a modification. But in light of the court's factual findings and analysis of the custody factors, its decision not to award a tiebreaker fell well within the court's discretion.

C. The Circuit Court Did Not Err In Finding Mother's Childcare Expenses Evidence Credible.

Father challenges the court's finding, as an input into the Child Support Guidelines calculation, that Mother testified credibly when she testified that she pays her mother $1,000 per week in childcare expenses. Besides asserting that $1,000 per week seems too much to pay for childcare given his view of Mother's income (he appears to be comparing it to her bi-weekly net pay rather than a monthly figure, based on his misreading her paystubs), he doesn't provide any reason to doubt Mother's credibility. But the circuit court had all of the evidence and testimony before it and this record affords no basis for us to reverse the court's findings on this point.

Courts must run the Child Support Guidelines when calculating child support even if they don't intend to use the final result; there is a rebuttable presumption that the Guidelines figure is the correct amount of support to award; and should a court wish to deviate from the Guidelines figure it must explain itself on the record. FL §§ 12-202(a)(1)–(2). Under the Guidelines, the court must input work-related childcare expenses, including, for example, daycare costs. FL § 12-204(g)(1).

In this case, the court explained that it ran and used the Guidelines figure. Father is challenging one of the inputs into the Guidelines calculation as a way to challenge the final figure. Mother testified that she pays her mother, a certified licensed nursing assistant, $1,000 per week to serve as a full-time nanny to U, after researching local rates for au pair services. Mother also introduced documentary evidence of payments she made to her mother that reflect this figure. Mother's mother took the stand and corroborated these payments and services. In its Opinion, the court explained that it found this evidence credible and then set out how it apportioned that $1,000 into work-related and non-work-related segments:

> Mother is currently paying her mother $1000 per week as an au pair. The Court calculates the work-related daycare portion of that as $714 per week, or $3094 per month. (To determine what percentage of the $1000 is due to work related day care, the Court divided the weekly sum by 7, and calculated day care of 5 of those 7 days as the daycare covering Mother's work).

The court then used the final work-related daycare figure in running the Guidelines.

Father contends on appeal that it's incredible for Mother to pay $4,000 per month for (all) daycare when, he claims, her net monthly pay is $4,345.00. But he is mistaken on that second figure. Although the court didn't find Mother's net monthly pay, it found as fact on page three of its Opinion that her gross monthly pay is $10,482.00 for purposes of child support. Even if we were to substitute our own judgment on credibility, which we don't, the $1,000 per week figure and the testimony and evidence supporting it aren't incredible. And Father doesn't contend that the court made any errors in how it subdivided that figure into work-related and non-work-related segments, nor does he allege any errors in the court's Guidelines math after the court entered $3,094 per month into the worksheet. We find no error here.

D. The Circuit Court Did Not Err Clearly In Not Finding Dissipation.

Father argues next that the circuit court erred clearly by declining to find that Mother dissipated marital assets despite his evidence that she made substantial expenditures from the marital assets during the separation period. We see no clear error on this record.

Generally speaking, property disposed of before trial is excluded from the value of the marital estate, but can be added back in should a party prove intentional dissipation of assets:

> In determining a marital award, the trial court first must determine the amount and value of the marital property. Generally, property disposed of before trial cannot be marital property. An exception to the general rule has been recognized when a court finds that property was intentionally dissipated in

> order to avoid inclusion of the property towards consideration of a monetary award.

Omayaka v. Omayaka, 417 Md. 643, 653 (2011) (cleaned up) (internal citations omitted) (*quoting Solomon v. Solomon*, 383 Md. 176, 202 (2004)).

The purpose of the common-law doctrine of dissipation is to remedy a spouse's nefarious intent to diminish the marital estate to bring down the potential distribution:

> *What matters is not that one spouse has, post-separation, expended some of the marital assets, what is critically important is the purpose behind the expenditure.* The doctrine of dissipation is aimed at the nefarious purpose of one spouse's spending for his or her own personal advantage so as to compromise the other spouse in terms of the ultimate distribution of marital assets.

Id. at 654 (emphasis added) (*quoting Heger v. Heger*, 184 Md. App. 83, 96 (2009)) . To prove dissipation, the accuser bears the initial burden of production, the accusee bears a rebuttal burden of production to show that the expenditures were appropriate, and, finally, the accuser bears the ultimate burden of persuading the court that the assets were dissipated. *Id.* at 656–57 (*citing Jeffcoat v. Jeffcoat*, 102 Md. App. 301, 311 (1994)). As in all burden-shifting regimes where the ultimate burden of proof remains with an accuser, the accusee is not required strictly to explain where every single dollar went. At the final stage, after an accusee explains their expenditures and the burden of proof remains on the accuser, "what is critically important is the purpose behind the expenditure[s]." *Id.* at 654 (*quoting Heger*, 184 Md. App. at 96). Generally speaking, if there's no nefarious intent, there's no dissipation. *Id.* at 652 ("[A spouse]'s right to freely alienate property at the expense of supporting [the other spouse] is valid, 'provided [they do] so *bona fide*, and with no design of defrauding [the other spouse] of [their] claims'" on the marital estate. (*quoting Feigley v. Feigley*, 7 Md. 537, 561 (1855) (introduction of common-law doctrine of dissipation to Maryland))); *see also Sharp v. Sharp*, 58 Md. App. 386, 399 (1984) ("[W]here a chancellor finds that property was *intentionally* dissipated in order to avoid inclusion of that property towards consideration of a monetary award, such *intentional* dissipation is no more than a fraud on marital rights . . . ." (emphasis added)); *but see Omayaka*, 417 Md. at 652 n.3 ("Appellate courts have held that improper expenditures on a paramour, or on gambling, constitutes dissipation even though the guilty spouse had no intention to reduce the amount of funds that would be available for equitable distribution at the time of the divorce." (*first citing Brosick v. Brosick*, 974 S.W.2d 498 (Ky. Ct. App. 1998); *and then citing In re Marriage of Bartley*, 712 N.E.2d 537 (Ind. Ct. App. 1999))); *Welsh v. Welsh*, 135 Md. App. 29, 50–52 (2000) (without finding dissipation or nefarious intent, affirming circuit court's balancing of equities to order reimbursement of attorney's fees for separate defamation case).[3]

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[3] The Supreme Court of Maryland has cited *Welsh* in dicta for the proposition that intent isn't always necessary to find dissipation, *see Omayaka*, 417 Md. at 652, but we question whether that's the most accurate reading of *Welsh*. There was no factual finding of dissipation in that case, and the opinion instead affirmed a reimbursement order at the later step of balancing the equities rather than the earlier step of valuing the marital estate. *Welsh*, 135 Md. App. at 51–52 ("Although our final conclusion in *Jeffcoat* appears to establish that a *prima facie* case of dissipation includes a finding that one spouse spent or otherwise depleted marital funds or property *with the principal purpose of reducing the amount of funds that would be available for equitable distribution at the time of the divorce*, the consideration enunciated in *Sharp* and *Jeffcoat* is an appropriate one for the court in balancing the equities among the

Continued . . .

The court didn't say explicitly whether Father didn't prove a *prima facie* case of dissipation or whether Father failed to carry his ultimate burden of proof, but ultimately found no dissipation because the court was unconvinced Father proved dissipatory intent on Mother's part. We see no clear error in the court finding Mother's explanations of her expenditures both credible and satisfactory. And "[a]lthough it is not uncommon for a fact-finding judge to be clearly erroneous when [they are] affirmatively **PERSUADED** of something, it is, as in this case, almost impossible for a judge to be clearly erroneous when [they are] simply **NOT PERSUADED** of something." *Omayaka*, 417 Md. at 658–59 (2011) (*quoting Bricker v. Warch*, 152 Md. App. 119, 137 (2003) (emphasis in original)); s*ee generally Starke v. Starke*, 134 Md. App. 663 (2000) (an extensive meditation on the difference between findings and non-findings); *see also id.* at 667 ("We do not, and cannot, assess the propriety of **what is not done** in the same way that we assess the propriety of **what is done.**" (emphasis in original)).

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parties. . . . *[T]here [was not] a prima facie case of dissipation established or a specific finding of dissipation* . . . ." (emphasis added)).

The doctrine of dissipation began its life as a theory of fraud, specifically fraud on marital rights. *See Feigley*, 7 Md. at 561–62. And fraud, civil or criminal, traditionally incorporates some level of scienter. As a species of fraud, dissipation already requires and should continue to require a certain level of nefarious intent. *See id.* at 562 ("If not made with the *actual intent* of defeating the rights of his wife, [a husband's transfer of marital assets] will be sustained, although they leave her without the means of a subsistence." (emphasis in original)). This intent requirement helps courts stay out of policing every little expenditure parties make during the separation period, because the universe of "family purposes," *Jeffcoat*, 102 Md. App. at 312, is much smaller than one might think. Appropriate non-familial expenditures during the divorce process without nefarious intent aren't fraudulent and shouldn't be punished or remedied as fraud.

The circuit court found that Father failed to carry his burden with regard to the intent behind Mother's expenditures. Father identified and questioned multiple expenditures by Mother from the marital assets during the separation period, but the court was convinced that when Mother explained the vast majority of those expenditures from the stand, she put on credible testimony supporting the legitimacy of those decisions. For example, she explained that she spent that money on mortgage and tax payments on the new home she acquired after Father told her to leave their shared residence; divorce attorneys' fees; and childcare expenses. Perhaps the most questionable expenditure might have been the $4,482.56 for an "Umami [sic] aesthetic" spa treatment (actually a "mommy aesthetic" spa treatment). But Mother explained from the stand that she went regularly for similarly in-depth med spa treatments every few years, spent about that much each time, and was due for one after her last treatment around 2023. The court accepted that explanation as credible, and although that sort of spa treatment might not fall within every family's usual "family purposes," *Jeffcoat*, 102 Md. App. at 312, Mother's explanation persuaded the court that she didn't incur that expense for the primary purpose of shrinking the marital estate. It was a normal thing for Mother to do in the context of their family spending before the divorce, and we find no clear error in the court's decision to accept that explanation.

E. The Circuit Court Should Either Have Awarded Retroactive Child Support Or Explained Why An Award Was Inequitable.

Finally, Father contends that the circuit court should have awarded retroactive support and addressed childcare reimbursement under the *pendente lite* order. We agree insofar as the circuit court didn't rule specifically on the question, and we vacate the financial components of the judgment and remand for further (narrow) proceedings on this issue alone.

Under FL § 12-101, if "an initial pleading . . . requests child support pendente lite, the court shall award child support for a period from the filing of the pleading that requests child support" unless "the court finds from the evidence that the amount of the award will produce an inequitable result." FL § 12-101(a)(1). If the request comes in a later filing, the retroactive reward is discretionary. FL § 12-101(a)(3); *see also Chimes v. Michael*, 131 Md. App. 271, 294–96 (2000). Father suggests on appeal that he prayed for child support *pendente lite* in his initial complaint, but he's mistaken; his prayer for child support asked only that the circuit court "determine the issue of child support in accordance with the Minor Child's best interests and the Maryland Child Support Guidelines." Even so, Mother's initial Counter Complaint requested child support *pendente lite*,[4] so the circuit court needed either to award retroactive support and reimbursement starting from the date Mother filed her Counter Complaint or explain on the record why it thought that'd be

[4] We face a conundrum: Mother filed an Answer to Father's complaint simultaneously to her Counter Complaint. And we do mean simultaneously, as MDEC lists both documents filed and submitted at 5:15 on the dot in the same envelope number. The Answer doesn't contain a request for child support *pendente lite* while the Counter Complaint does, but we can't tell whether the chicken or the egg came first here, or which paper superseded which. Because they were filed at the same time, we can't say that the Answer preceded the Counter Complaint as the sole initial pleading. We therefore are treating *both* papers as an initial pleading for the purposes of FL § 12-101(a) (since FL § 12-101(a)(1) applies to "*an* initial pleading," use of the indefinite article means plain text of statute contemplates that multiple documents can qualify as an initial pleading (emphasis added)). And by the plain text of the statute as well, at least one initial pleading making a *pendente lite* request is enough to trigger subsection (a)(1).

inequitable. FL § 12-101(a)(1). And unfortunately, neither the Order nor the Opinion (or the Amended Judgment) addresses this issue beyond the catch-all statement that "[a]ny and all other claims requested and not addressed above are denied," and that doesn't provide the explanation the statute requires.

Because the financial issues in a divorce proceeding are intertwined, we are compelled to vacate the financial components of the judgment—everything except the divorce and custody—and remand for the circuit court to either award the retroactive support and reimbursement it was obliged to give or explain on the record why it thinks doing so would be inequitable. *See St. Cyr v. St. Cyr*, 228 Md. App. 163, 198 (2016) (*quoting Turner v. Turner*, 147 Md. App. 350, 400, 401 (2002)).

We take no position today on who owes whom net money and whether or not inequity may be present. We reiterate, though, that we are otherwise affirming the circuit court's decisions and reasons on all financial elements of this case (and custody too) other than retroactive *pendente lite* child support, and we leave to the circuit court to determine whether to decide the issue on the existing record and, for that matter, whether a hearing or any additional evidence or testimony are necessary or appropriate.

JUDGMENT OF THE CIRCUIT COURT FOR HOWARD COUNTY AFFIRMED IN PART AND VACATED IN PART AND CASE REMANDED FOR FURTHER PROCEEDINGS CONSISTENT WITH THIS OPINION. APPELLANT TO PAY FOUR-FIFTHS COSTS, APPELLEE TO PAY ONE FIFTH.