Circuit Court for Montgomery County
Case No.: C-15-FM-23-002315

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 2275

September Term, 2023

L.M.

v.

B.C.

Graeff,
Leahy,
Kenney, James A.
(Senior Judge, Specially Assigned)

JJ.

Opinion by Leahy, J.

Filed: March 11, 2025

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Md. Rule 1-104(a)(2)(B).

Appellant, L.M. ("Father"),[1] appeals from the Judgment of Absolute Divorce entered on January 16, 2024, in the Circuit Court for Montgomery County (the "Divorce Judgment"). Father was married to appellee B.C., ("Mother"), and together they have one son (the "Child" or "M."), who was nine years old at the time of the divorce.

At the conclusion of a three-day hearing on Father's complaint for divorce, at which both parties represented themselves,[2] the circuit court announced its decisions from the bench. The court then entered a six-page Judgment of Absolute Divorce ordering, among other things, that the parties have joint physical and legal custody of M., with tie-breaking authority granted to Father. The court also ordered the marital home to be sold within 10 months, proceeds of the sale to be divided evenly. The court divided Father's retirement account and pension plan between the parties, ordering that Father receive 60% percent and Mother receive 40% of each. Finally, the court ordered that Father pay Mother $877.00 per month in child support beginning June 1, 2024.

Father filed the underlying appeal on January 29, 2024.

Also on January 29, 2024, Father requested emergency post-disposition relief from the joint legal custody order in the Divorce Judgment on the ground that M. had recently been hospitalized with a newly discovered life-threatening illness requiring medical care

[1] For the reasons explained in this opinion, we must include certain facts and determinations from the intervening case brought by the Montgomery County Department of Social Services requesting emergency shelter care for the child in this case. Accordingly, to protect the identity of the child, we shall refer to all members of the family by their initials.

[2] Father is a former member of the Maryland bar.

for which Mother was refusing to consent. After Father and Mother failed to appear for a January 30 emergency hearing on Father's custody petition, the Montgomery County Department of Social Services (the "Department"), on February 9, 2024, requested emergency shelter care for M. for the purpose of authorizing the Department to make medical decisions.

In the interests of M. and the parties, and in order to "reach a just result," *Dashiell v. Meeks*, 396 Md. 149, 176 (2006),[3] we take judicial notice of Montgomery County Circuit Court Case No. C-15-JV-24-86, decided on March 12, 2024, after the underlying appeal was filed, in which the juvenile court adjudicated M. to be a "child in need of assistance" ("CINA").[4] M. was diagnosed with aplastic anemia, a life-threatening condition for which he remains under medical treatment that has included multiple hospitalizations and a bone marrow transplant. We will summarize the custody determinations of the CINA court that have intersected with this appeal, rendering Father's challenges to the custody

[3] We have recognized that courts may take judicial notice of the records in prior CINA proceedings. *In re Priscilla B.*, 214 Md. App. 600, 629 n.4 (2013) (citing *In re Nathaniel A.*, 160 Md. App. 581, 598 n.1 (2005)); *see also Dashiell v. Meeks*, 396 Md. 149, 176 (2006) (explaining that courts may "travel outside the record of the case before it in order to take notice of proceedings in another case," by "mak[ing] use of established and uncontroverted facts not formally of record in the pending litigation[,]" "in order to reach a just result[.]").

[4] A "child in need of assistance" is "a child who requires court intervention because: (1) The child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and (2) The child's parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child's needs." Md. Code (1973, 2020 Repl. Vol.), Courts and Judicial Proceedings Article ("CJP") § 3-801(f).

determinations in the underlying divorce case moot. The CINA case remains pending in the juvenile court.

In his brief on appeal, Father challenges most financial aspects of the Divorce Judgment and requests relief from the alimony and child support awards, as well as orders regarding the marital residence and vehicle. He also asks this Court to "[u]phold" decisions by the juvenile court in the CINA case, so that he can "concentrate on caring for the minor child."[5] As an alternative to the rulings contained in the Divorce Judgment, Father proposes that we require the circuit court to order "transfer ownership of the 2020 Mazda CX-5 to [Mother], free of all encumbrances[,]" plus "a lump sum of $25,000 in lieu of any alimony, support or property interests." With respect to any "marital debts, including all hospital costs, past and future[,]" he asks this Court to rule that he "will not be required to pay back any portion."

Father presents ten questions (see appendix A), which we have revised, combined, and reordered for clarity as follows:

1. Regarding child custody, did the circuit court err in awarding shared legal custody of M. "without an analysis showing why that would be in the best interests of the minor child," given that, among other things, Mother failed

[5] Father states in his brief that

> **"[a]fter the trial**, on January 21, 2024, the minor child was admitted to Johns Hopkins Hospital in Baltimore, MD for what turned out to be a life-threatening medical condition called aplastic anemia. This condition is a complete collapse of his immune system. Several components of his immune system were at dangerously [sic] levels. His neutrophil counts, his first line of defense against any infection, were zero and continue to remain so. . . . More hospitalization is to be expected as the condition is very difficult to treat."

to demonstrate her ability to transport M. to school or care for M. after school, and given Mother's subsequent history of withholding consent to medical treatment in life-threatening circumstances resulting in judicial interventions to declare M. to be a CINA?

2. During trial, did the circuit court err or abuse its discretion in questioning Father and "shutting off cross examination[,]" "[in] failing to notice that the case had been sealed upon the motion of [Father] to protect [M.,]" or in not finding that "the reason for the breakdown of the marriage was [Mother's] actions"?

3. Regarding marital property, did the circuit court err or abuse its discretion in dividing marital property, in allocating all outstanding marital debts to Father, in not ordering sale of the marital vehicle driven by Mother, in ordering sale of the marital residence, or in allowing Mother to remain in the marital residence without contributing toward the mortgage or expenses?

4. Regarding child support and alimony, did the circuit court err in "in failing to rule that Mother is estopped to claim alimony and child support based on her allegedly broken promise to learn English," in determining that Mother did not voluntarily impoverish herself, or in awarding Mother alimony and property that "effectively impoverish[ed]" Father "who needs more money in order to care for" M.?

During this appeal, M. has remained a CINA in the Department's custody, residing with Father under a Trial Home Visit order. This Court does not have jurisdiction over those juvenile proceedings. We hold, therefore, that in light of M.'s illness, medical treatment, and CINA adjudication, that the issues Father raises on appeal concerning the trial court's custody determinations contained in the Divorce Judgment are now moot. Furthermore, we cannot address Father's challenges to the trial court's child support and alimony determinations to the extent that they are based on changes in circumstances occurring subsequent to entry of the underlying Divorce Judgment. Father's factual allegations concerning changes in circumstances must first be raised in proceedings in the circuit court. *See generally* Md. Code, § 11-107(b) of the Family Law Article ("FL")

(providing that, subject to exceptions not applicable here, "on the petition of either party, the court may modify the amount of alimony awarded as circumstances and justice require"); FL § 12-104(a) (providing that "[t]he court may modify a child support award subsequent to the filing of a motion for modification and upon a showing of a material change in circumstance").

In sum, as we explain in our discussion below, we hold that: 1) Father's challenge to the trial court's custody determination is moot; 2) Father has not established, on the record before us, that the trial court impermissibly "shut off cross examination" or otherwise erred in granting the divorce on grounds of irreconcilable differences; 3) there was no error or abuse of discretion in the trial court's division of marital property; and 4) based on the evidence before the circuit court at the time of trial, there was no error or abuse of discretion in the trial court's child support and alimony determinations.

FACTUAL AND LEGAL BACKGROUND

April 2023 – January 16, 2024: Divorce and Custody Proceedings in Circuit Court

In April 2023, Father filed a complaint seeking divorce; sole custody of M.; imputation of income to Mother based on her "refus[al] to secure any meaningful employment"; and disposition of the marital property, including use and possession of the marital residence in Germantown, where Father, Mother, and M. continued to reside. Mother counterclaimed, seeking shared physical and legal custody, alimony, child support, use and possession of the marital residence, and a marital award.

During a three-day hearing on January 2-4, 2024, Father and Mother represented themselves. They testified that they met online, while Mother was living outside the United

States in her native Colombia, where she was working as a nurse. Before they married, he told Mother that it was important to him to have a child, that she learn English, and that he did not plan for their child or himself to participate in religious activities. Father testified that his first marriage ended in divorce after he discovered his wife's infertility. Based on "promises" regarding those issues, Father incurred $40,000 in debt "to get her" to the United States.

Two years after their November 19, 2010, wedding in Colombia, when Father obtained a "green card" for her, Mother moved to Maryland. M. was born on April 29, 2015. At the time of the hearing, M. had no health issues and had "never been in the hospital, [or] had a serious illness."

In 2016, the family moved to a townhouse in Germantown. Father testified that he continued to encourage Mother to learn English. He enrolled her in several English courses and purchased a desktop and a car so she could "drive . . . to school to take English lessons." In 2018, he financed the purchase of a Volkswagen with money from his retirement account, then traded that car in 2020, for a Mazda CX-5 with safety features because Mother was "still learning to drive." At the time of trial there was still a $5,000 note on the Mazda. Father drove his Saab, which he paid off before the marriage.

Father, age 60, works from home for a "financial industry regulatory authority," which allows him to take M. to school and pick him up. Given Mother's language barrier, Father testified that he helps M. with schoolwork, takes him to doctor appointments, and handles family finances. Father testified that he was "exclusively paying all bills and

working with no help" and had trouble keeping payments current. He takes M. to the park and on other community and educational outings.

Father complained about Mother's failure to learn English and "refusal to work until three months ago[,]" as well as her devotion of time and interest to religious activities, including her Spanish-speaking church and YouTube videos. Father also alleged that some of Mother's behavior toward M. was "abus[ive.]" Although Father called police three times, and was advised to file for a protective order, Father did not "want that being discovered" in order "to protect [his] son." For that reason, he also asked for the record to be sealed when he filed this case.

Mother testified that about three months earlier, she began working as a teacher's assistant at a private school where she previously worked from 2021 to 2022, but had left "to spend more time with" M. "because [she] was spending too much time outside the home." At work, Mother was able to "understand the instructions and simple sentences" in English. She was certified as a teacher's assistant and "studying to become a teacher for . . . young children from zero to 5 years old." She began paying Father $1,000 a month toward household expenses in September 2024.

She testified that her church provides her with fellowship, support, and activities, including a dance group. She views that community as her "second family."

Mother complained that Father told her pastor "that he wanted his wife to be submissive" but Mother believed that "what he wanted was just a slave." According to Mother, "he has diminished" her, telling her "all the time" that she is "good for nothing," that she doesn't "know anything" or "know English."

As the marriage deteriorated, Mother and Father began living separate lives. Although they remained in the same residence, they had occupied separate bedrooms for at least one year before the hearing.

The circuit court issued a bench ruling, followed by entry of the Divorce Judgment:

- Granting the parties' divorce "on the basis of irreconcilable differences";
- Awarding joint legal and physical custody of M. on a specified schedule;
- Authorizing ten minutes of daily contact with the non-custodial parent "if the minor child so chooses";
- Ordering sale of the marital residence within 10 months, and 50-50 division of any net sale proceeds;
- Requiring Father pay Mother, beginning June 1, 2024, monthly rehabilitative alimony of $500 "for six (6) years";
- Requiring Father pay Mother, beginning June 1, 2024, monthly child support of $877;
- Requiring Father transfer title to the vehicle acquired during the marriage to Mother, after "paying an existing lien on the vehicle with funds from [his] 401(k) retirement account";
- Dividing Father's remaining retirement account and "any fixed pension [he] may be entitled to from his employer," with 60% to Father, and 40% to Mother; and
- Requiring Father to "provide health insurance for the minor child" and for a one-year period from the date of the Order, for Mother.[6]

[6] The Divorce Judgment provides that if Father "wishes to further delay implementation of this Order concerning alimony and child support payments based upon a pending appeal, he must file such motion by May 10, 2024." The record does not show that he filed any such motion.

January 21-30, 2024: Notice of Appeal and Post-Divorce Proceedings Precipitated by M.'s Medical Crisis

On January 26, 2024, Father filed an "Emergency Motion to Transfer Decision-Making Authority to" him, on the ground that "since the 21st of January 2024, the minor child has been admitted into Johns Hopkins University Hospital, in Baltimore, with a life-threatening condition." In support, Father averred:

> 4. According to the doctors, the minor child has suffered a catastrophic failure of his entire immune system and could potentially succumb to any infection, because his body has no means of fighting such infection. The longer the wait, the higher the changes of him getting such an infection.
>
> 5. At least six doctors have approached the parties to obtain consent to do a genetic testing to isolate the potential cause and commence appropriate treatment.
>
> 6. [Mother], through an interpreter, has refused to give such consent, citing her religious convictions and the power of God.
>
> 7. [Father] has given the required consent. . . .
>
> 10. [Father] desires that [Mother] be temporarily removed as a decision-maker, especially for medical decisions and the attending physicians have given permission to undertake medical treatment only with the consent of [Father].

Meanwhile, Father filed his notice of appeal in this divorce case on January 29, 2024. The circuit court scheduled a hearing for Father's emergency petition for January 30. Because "[a]ll parties failed to appear" for that hearing, however, the court dismissed Father's emergency petition.

February 9 – March 12, 2024: Shelter Care and CINA Proceedings

On February 12, the Department filed a petition seeking shelter care for M. in the Circuit Court for Montgomery County Case No. C-15-JV-2-86 (the "CINA case"),

identifying its reason for requesting authority to consent to medical care for him as "Medical NG – Biological Parents." In that petition and a verified CINA petition filed just hours later, the Department explained that neither Mother nor Father had consented to emergent medical treatment necessary to diagnose and treat M. for a life-threatening failure of his immune system caused by suspected leukemia or aplastic anemia. The Department reported that M. had been hospitalized at The Johns Hopkins Hospital ("JHH") since January 21, 2024; that "**medical neglect**" by both parents put him "**at imminent risk of harm.**" In the petition, the Department explained that,

> On January 21, 2024, the parents brought [M.] to Adventist HealthCare Shady Grove Medical Center for the third time that month. He continued to experience symptoms . . ., but also appeared jaundiced, with scattered bruising on his extremities. [M.] was weak and lethargic. His lips were swollen, and he complained of abdominal pain. He had been vomiting for a week, per the parents' report. Adventist staff arranged for [M.] to be transported by ambulance to The Johns Hopkins Hospital (JHH). JHH staff echoed [Children's National Medical Center's] previous recommendation for a bone marrow biopsy, to rule out leukemia and confirm the suspected diagnosis of aplastic anemia. The parents eventually gave their consent.
>
> On February 9, 2024, Mother failed to appear for a previously scheduled treatment meeting with JHH. Doctors were unable to reach her by phone. Father, in recent conversations with JHH physicians and staff, reported that Mother was "the problem." JHH staff informed both parents that [M.] may die if he does not receive treatment within the next few weeks.
>
> On February 9, 2024, Ms. Joppy attempted an unannounced home visit in an effort to speak with Mother about treatment options, without success. The Department issued a shelter authorization.

The Department asserted that M.'s condition required constant medical monitoring and care:

> Currently, [M.] receives blood products almost daily. He is unable to independently maintain his red blood cell and platelet counts. He also has

> herpes simplex virus (HSV) which causes significant swelling and sores on his sores and in his mouth. This causes great pain and oozing. He is unable to eat or drink much on his own. He continues to have high fevers each day and is not receiving fever-reducing/pain-reducing medication regularly, per his Mother's direction. [M.] receives antibiotics, antifungal, and antiviral medications via intravenous therapy (IV).

At the hearing on February 13, 2024, during which the court heard from both Mother and Father, the court found that it was in M.'s best interest for the Department and its designee to be appointed as his limited guardian for decision-making purposes "in the event that the Child's Mother and Father are not available, are unable to reach an agreement, and/or are unwilling to consent." In its Order Granting Limited Guardianship of a Juvenile for Decision-Making Purposes, entered the same day, the juvenile court appointed "Lisa Merkin, Director of Child Welfare Services," the Limited Guardian for M., with authority, "in the event the Child's Mother and Father are not available, are unable to reach an agreement, and/or are unwilling to consent[,]" authority to make "ALL CARETAKING DECISIONS, after consultations with the Child's parents," including decisions regarding M.'s education and medical needs, travel and hospitalization, and psychotropic medication and mental health treatment needs.

On March 3, 2024, following a hearing on an amended CINA petition, the juvenile court sustained the allegations in the Department's petition, determined that M. is a CINA, and committed him "to DHHS/Child Welfare Services, under the jurisdiction of the Juvenile Court under an Order of Protective Supervision in the care and custody of his [Father]." Father became "the sole medical decisionmaker, so long as [he] follows the recommendations of medical professionals[.]" Otherwise, Limited Guardianship was

"granted to Lisa Merkin, Director of Child Welfare Services, . . . for medical decisions including authorization for treatment, emergency surgery, medical testing, medications including pain management, and immunosuppressive therapy[.]"

March – May 2024: Divorce Proceedings Pending Appeal

On March 25, 2024, Father asked the circuit court for emergency relief prohibiting transfer of his retirement account assets. On April 25, the court, explaining that there was no qualified domestic relations order ("QDRO") pertaining to those accounts, denied relief.

On May 20, 2024, Father filed his brief in this appeal, challenging multiple aspects of the Divorce Judgment based largely on the alleged material changes precipitated by M.'s health crises. Mother has not filed a brief or otherwise appeared in this Court.

June – July 2024: Juvenile Court Proceedings During M.'s Ongoing Medical Treatment

In a July 2, 2024 report filed in the juvenile court before a CINA review hearing, the Department advised that M. "continues to reside with his father under an Order of Protective Supervision." According to the Department, when both parents initially "expressed interest in discharging [M.] from Children's National Medical Center (CNMC) against medical advice[,]" staff had to convince them that additional testing was required to verify his diagnosis. After a bone marrow biopsy confirmed aplastic anemia, M.'s Hematology team at JHH recommended a bone marrow transplant as the best treatment course because "it has a very high success rate," in contrast to immunosuppressive therapy (IST) which consists of medications designed to stimulate "the body to start making blood cells on its own" and has "about a 70% success rate and is much longer treatment course"

requiring him to return two to three times every "week for many months to receive treatment, monitoring, and blood product transfusions." Although both parents initially "appeared . . . on board with IST treatment[,]" they later "stated that they were overwhelmed with the volume of information provided by medical professionals." recommended behavioral health services to help M. develop coping skills, but Father refused those services.

The Department reported that after M. was declared a CINA on March 12, 2024, he had "been hospitalized three" more times, "for bacterial infection, a complication of" his aplastic anemia. Moreover, despite "intensive" IST over "the past four months[,]" M. was not "responding" and needed a bone marrow transplant. At that time, he was receiving transfusions of red blood cells, platelets, and medications three times each week.

Father initially "was not on board with BMT[.]" Father could not be a donor because of his age, and Mother "refused to be a donor" or "provide information for a sibling that resides out of the country." In its report to the juvenile court, the Department requested continuation of the CINA proceedings in light of the parents' history of not giving timely consent to medical treatment and because a BMT would be "a curative life saving measure[.]" Father had "been very diligent in ensuing that [M.] attends all medical appointments and that he takes all medications as prescribed," establishing "a good protocol for administering them" and keeping them "in a locked box to prevent [Mother] from throwing them out as she has done previously." Father had "completed his psychological evaluation" and "generally followed all of [the] recommendations for [M.'s] medical treatment, until the discussion of BMT."

The Department reported that "the mother has continued to reside in the family home with supervision." Both Father and the Department expressed "concerns regarding [Mother's] ability to care for and be unsupervised with" M. Indeed on June 27, 2024, after [M.] disclosed recent instances of physical abuse by [Mother], Father obtained a temporary protective order on July 1, 2024, on behalf of [M.]. The temporary protective order was granted and Mother was ordered to vacate the home.

At the conclusion of a CINA review hearing on July 31, 2024, the juvenile court issued an order entered August 1, 2024, continuing M.'s CINA case and giving the Department custody for placement "in a Temporary Living Arrangement at Johns Hopkins Hospital, where he ha[d] been since July 11[.]" Citing his "medical fragility, and the upcoming bone marrow treatment," the juvenile court concluded that "it is necessary and appropriate for him to remain there for the time being." The court "reaffirmed" the "Limited Guardianship Order dated July 8, 2024" and required Father to "follow all treatment recommendations from M.'s] psychological" and other "treatment providers[.]" Mother was allowed supervised weekly in-person visitation "for a minimum of one hour with a goal of extending the one hour when [M.] is able" and supervised virtual visitation at least three times a week.

August – November 2024: Bone Marrow Transplant and Placement With Father

After M. received a bone marrow transplant on August 28, 2024, he was hospitalized for more than four weeks. The juvenile court, by a "Consent Change of Placement Order" entered September 24, 2024, recommitted M. to the Department, but specified "placement with his Father . . . under a Trial Home Visit" with additional

conditions, including that they must "reside within thirty (30) minutes of John[s] Hopkins Hospital, until John[s] Hopkins providers clear [M.] to return to his home[.]" M. "was approved for discharge on October 2, 2024." For the ensuing 60 days, he was required to return to the clinic two to three times each week.

As a result of the ongoing medical care at JHH and in accordance with the juvenile court's geographic restriction in its September 23 order, Father and M. temporarily resided in a hotel. During this period, Mother "returned to the family home" because "the person she was residing with had family come for the holiday and there was no room for her" and "no other place to go." "Neither parent reported this to the Department[.]"

December 2024 – January 2025: Change in Residence and CINA Review

On December 4, 2024, the Department petitioned to amend the placement terms in the juvenile court's July and September orders by enlarging the geographic restriction to 50 miles because M. "has been medically stable following this procedure," and his "JHH providers have since cleared him to return to his family home effective December 5, 2024[,]" subject to returning to residing "within a 30-minute radius if JHH requires."

The magistrate reported that in a remote zoom meeting on December 4, 2024, "[a]ll parties agreed to changes to the Court's order" to allow M.'s placement to remain with Father, under the "Trial Home Visit . . . granted on September 23, 2024[,]" with an expansion of the residential radius from 30 to 50 miles. The magistrate recommended continuing CINA jurisdiction with commitment to the Department.

On January 2, 2025, the Department filed its report to the juvenile court, which was prepared on December 19, 2024, in preparation for a CINA review hearing scheduled for

January 15, 2025. The Department reported that Father and M. were residing at the Germantown residence, and that Mother "vacate[d] the home prior to [M.] returning" and was living in Gaithersburg. The Department recommended that pending another "3 month review hearing[,]" M. continue to be a CINA in the Department's custody, residing with Father under the Trial Home Visit order limiting travel to within 50 miles of JHH; that Father "shall be the sole medical decision maker, so long as [he] follows the recommendations of medical professions, under the direction of the Department"; and that Mother "continue to have no unsupervised contact[,]" weekly supervised visits, "liberal" virtual contact "loosely supervised by" Father. The Department also recommended that "Limited Guardianship for Medical and Educational purposes" be continued for "the Director of Child Welfare Services, . . . for medical decisions" in case Father "does not agree to the medical recommendation of medical professionals" or "sign all releases for treatment providers[.]"

At the CINA review hearing on January 15, 2025, the juvenile court appears to have generally accepted the Department's recommendations. The court continued M.'s CINA status, and set a permanency planning review hearing for April 22, 2025.

DISCUSSION

Father, continuing to represent himself as he has throughout this litigation, contends that the circuit court erred or abused its discretion in its rulings on custody; grounds for divorce; division of marital property and marital debts; and in its child support and alimony determinations. In light of the CINA proceeding, we conclude that Father's custody challenge is moot. With respect to his remaining questions, we discern no error, abuse of

discretion, or other grounds for relief from the Divorce Judgment. To the extent there may be grounds for modifying alimony, child support, or rights regarding the marital residence, health insurance, health-related debts, and other financial issues affected by M.'s health crises, those matters must be first addressed to the circuit court.

Standards Governing Review

Under Md. Rule 8-131(c),

> [w]hen an action has been tried without a jury, an appellate court will review the case on both the law and the evidence. It will not set aside the judgment of the trial court on the evidence unless clearly erroneous, and will give due regard to the opportunity of the trial court to judge the credibility of the witnesses.

Generally, we review the circuit court's determinations regarding divorce, custody, child support, and disposition of marital property issues for error of law in applying legal standards, for clear error in factual findings, and for abuse of discretion in the ultimate awards. *See Velasquez v. Fuentes*, 262 Md. App. 215, 227-28 (2024); *Malin v. Mininberg*, 153 Md. App. 358, 414-15 (2003). Orders involving an interpretation of Maryland statutory law are reviewed *de novo*. *See Reichert v. Hornbeck*, 210 Md. App. 282, 316 (2013) (citation omitted). Factual findings underlying a circuit court's decision, whether on alimony, child support, custody, or marital property, are not clearly erroneous if supported by competent and substantial evidence. *See St. Cyr v. St. Cyr*, 228 Md. App. 163, 180 (2016); *Innerbichler v. Innerbichler*, 132 Md. App. 207, 230 (2000). A ruling is an abuse of discretion only when

> no reasonable person would take the view adopted by the [trial] court, or when the court acts without reference to any guiding rules or principles. It has also been said to exist when the ruling under consideration appears to

> have been made on untenable grounds, when the ruling is clearly against the logic and effect of facts and inferences before the court, when the ruling is clearly untenable, unfairly depriving a litigant of a substantial right and denying a just result, when the ruling is violative of fact and logic, or when it constitutes an untenable judicial act that defies reason and works an injustice.

Velasquez, 262 Md. App. at 227-28 (cleaned up).

I. Legal Custody

Citing M.'s CINA adjudication, Mother's failure to consent to medical treatment, and her restricted access to M., Father argues that the circuit court erred and abused its discretion in ordering shared legal custody. As noted above, Father's custody challenge to the Divorce Judgment is moot. As we have detailed, after being sheltered during a medical emergency, M. was declared a CINA on March 12, 2024, based on sustained findings that his parents' failure to timely consent to medical care warranted Department intervention. Although M. initially remained in Father's custody subject to an Order of Protective Supervision, the juvenile court placed M. into the Department's custody last summer, while he was hospitalized pending a bone marrow transplant. In proceedings on December 4, 2024, just eight days before this appeal was submitted on the brief, M. remained in the Department's custody, subject to (i) his placement with Father in a residence within 50 miles of The Johns Hopkins Hospital, where he continues to receive medical care, and (ii) continuing restrictions on Mother's visitation, limited to Department-approved and -supervised contact. The juvenile court, on January 15, 2025, ordered M. continue under the foregoing permanency plan, and set a review hearing for April 2025.

Because an appeal from a custody order becomes moot when the court issues a subsequent custody order, the CINA orders foreclose Father's challenge to the shared custody provision in the Divorce Judgment. *See Cabrera v. Mercado*, 230 Md. App. 37, 85-87 (2016). This Court cannot provide an effective remedy in this case because even if we were to vacate the custody order in the Divorce Judgment, the superseding CINA custody orders would still govern. *See id.* Consequently, we will not address Father's arguments regarding custody of M.

II. Trial Proceedings: Cross-Examination, Grounds for Divorce, and Order to Seal

Father contends that the trial court erred in cross-examining him, in determining that irreconcilable differences are the grounds for this divorce, and in disregarding an order sealing information about M. We are not persuaded that the circuit court erred or abused its discretion in these matters.

Cross-Examination Challenge

First, in his brief, Father asks

> [w]hether the trial judge erred in repeatedly interrupting the proceedings in the process debating and arguing with the appellant, shutting off cross examination, and asking that January 4 hearing page 21, line 20, thereby throwing the whole issue into confusion.

The cited transcript does not support Father's challenge. To the contrary, that page sets forth the circuit court's evaluation of the statutory factors that must be considered in determining alimony. *See* FL § 11-106(b). More specifically, the line that Father points to is the single word "employment" at the end of the following statement by the court: "I

don't know how she's going to finance anything, but she seems rather resourceful, and I think she will do what she needs to do to better herself, get better employment."

Given the cross-examination context described by Father, we reviewed page 21 of the other two transcripts, but found nothing pertinent. The January 2 transcript is a colloquy between the court and Father regarding what the issues before the court were. On the next day January 3, Mother was testifying when the court merely interjected to clarify whether she sought admission of the deed to the marital residence, without any objection by Father.

Appellate courts are not required to "rummage in a dark cellar" to find support for "bald and undeveloped" contentions. *See HNS Dev., LLC v. People's Counsel for Balt. Cnty.*, 425 Md. 436, 459 (2012). When, as here, a "brief provides only sweeping accusations and conclusory statements[,]" without supporting citation to the record, we decline "to search for and supply . . . authority to support" the claimed error. *See id.*

Challenge to Grounds for Divorce

Next, Father contends that the circuit court "erred in not finding that the reason for the breakdown of the marriage was [Mother's] actions and failing to notice that the case had been sealed upon the motion of [Father] to protect the minor child." We disagree, discerning no error in the court's predication of the divorce on irreconcilable differences.

As the circuit court recognized, revised Maryland law that took effect on October 1, 2023, authorizes absolute divorce on grounds of "irreconcilable differences based on the reasons stated by the complainant for the permanent termination of the marriage." *See* FL § 7-103(a)(2). Under this new statute, the petition for divorce may include the prior

grounds for fault-based divorce as "among the reasons" cited for irreconcilable differences." *See Lloyd v. Niceta*, 485 Md. 422, 456 n.17 (2023).

During Father's direct testimony, when the court observed, "Well, I'm here to decide, you've got to prove irreconcilable differences, right, is that what you're proving the grounds are?[,]" Father answered, "Yes, Your Honor." Both spouses then testified that they "have not gotten along" after "the breakup of the marriage[]," while residing in separate rooms and living different schedules and lives under the same roof for "more than a year." The court found that Father complained about Mother "not learning English, and being much too involved with her church, which he . . . called a cult[,]" whereas Mother complained that Father "has been too controlling and demeaning of her." Because there was no dispute and ample evidence on this issue, the court did not err in "finding they are living separate lives at this point" and granting Father's "request for a divorce based upon irreconcilable differences."

Challenge Based on Order Sealing Records

With respect to Father's complaint about the court overlooking that the record was sealed, Father offers neither a citation to the record, nor any supporting argument. Again, we decline to speculate what Father is referring to or what remedy he seeks from this Court. *See* Md. Rule 8-504(a)(6) (requiring appellate briefs to present "[a]rgument in support of the party's position on each issue); *Honeycutt v. Honeycutt*, 150 Md. App. 604, 618 (2003) ("the Estate failed to adequately brief this argument, and thus, we decline to address it on appeal").

III. Marital Property

Father challenges multiple aspects of the circuit court's decisions regarding marital property. Addressing each in turn, we explain why the court did not err or abuse its discretion in resolving the disputes based on the record before it.

Challenges to Allocation of Marital Property and Debts

Father contends that the circuit court erred in "not giving [him] credit for all outstanding debts of the parties which [he] continues to pay[,]" and in failing to "divide the marital property equally between the parties."

Section 8-205(a)(1) of the Family Law Article provides that "after the court determines which property is marital property, and the value of the marital property, the court may transfer ownership of an interest in property described in paragraph (2) of this subsection, grant a monetary award, or both, as an adjustment of the equities and rights of the parties concerning marital property, whether or not alimony is awarded." In making these determinations, the court must consider enumerated factors, which, according to Father, weighed in his favor. In applying the factors listed in FL § 8-205(b), Father claims the court erred in several respects.

First, in evaluating "the contributions, monetary and nonmonetary, of each party to the well-being of the family[,]" under FL § 8-205(b)(1) Father asserts that he "made all of the monetary contributions to the family" and "also was responsible for the transportation of the minor child to and from school, extracurricular activities, ensuring that the minor child does his homework and insists that the minor child study every night." Acknowledging that Mother "did most of the cleaning, starting with the bathroom once, or

so a week, and the kitchen with [his] assistance[,]" he complains the court foreclosed him from questioning Mother "as to why she had not been working and making monetary contributions[.]"

Next, Father argues that the "circumstances that contributed to the[ir] estrangement[,]" under FL § 8-205(b)(4), is another factor that should have weighed in his favor. Father points to what he alleges were Mother's "acts of violence to the minor child," and "her failure to fulfill key promises to learn English and keep religion at bay."

Regarding the factors set out under FL § 8-205(b)(8)-(9)—"how and when specific marital property . . . was acquired, including the effort expended by each party in accumulating[,]" and "the contribution by either party . . . to the acquisition of real property held by the parties as tenants by the entirety[,]"—Father contends that he alone "undertook to borrow money and get the mortgage," and that no contribution was made by Mother. Father asserts, "[y]et the trial court seems to suggest that who made what contribution is irrelevant."

We observe that Father expressly agreed to pay certain marital debts, including the mortgage on the marital residence and car payments on the marital vehicle, in exchange for the court staying his alimony and child support obligations until June 1, 2024. When explaining its ruling regarding marital property and debts, the court correctly cited and applied the controlling legal standards:

> Next is marital property. . . . In making a marital distribution, the Court must determine three factors, according to [F]amily [L]aw [A]rticle 8-203 through 8-205 for a step in determining . . . what is marital property, property gathered by the parties during the marriage, and what is not marital property. The second step is valuing that marital property. The third step is

considering whether a monetary award is appropriate in analyzing the factors in the statute.

First of all, factor one, which is the marital property. I agree with what the parties have come up with is the house on Celebration Way in Germantown, the Mazda CX5, [Father's] . . . two accounts . . . and retirement account, and then [Mother's] bank account. . . . And [Father's] vehicle is not marital property since it was acquired prior to the marriage.

As to the valuation. I'll go with dad's valuation. That is $400,000 for the home with a $250,000 mortgage on it. As to the Mazda, both seem to say 25,000 with a $5,000 debt lien on it. As to dad's accounts, it was somewhat vague. I'll go with what he had on the 9-207 [inventory] that there is 400 and 300 [dollars] . . . . Mom's account was at 2,558. . . . As to [Father's] retirement account, it looks at 150,000, but dad said $75,000 has already been withdrawn. . . .

Next is . . . the factors I must consider [which] are very similar to the alimony factors. . . . Contribution. Monetarily and non-monetarily of both parties. I already addressed that, the alimony, and they both did. The value of the property. I've already listed that. The economic circumstances of each party. I don't find that either is in a strong economic position at this point.

Circumstances that contributed to the estrangement of the parties. Already described. The duration of the marriage. The age of each party. The physical, mental condition, all those factors have been addressed in the alimony equation. How the property was gathered. It was all gathered through dad's earnings through the marriage, or I'm saying, mostly, vastly.

The contribution of each party – the property described in 8-201(T)(3) of the subtitle, the acquisition of real property. Again, parties were contributing to raising [M.], and dad was doing most of the bread winning at the time. Any award of alimony. I just awarded $500. I did not make any award of use of the personal property, or the family home. . . .

As to the home, again, that's a difficult thing because that's the one place where the child knows, but I can't imagine him staying in a place where there is such tension and anger between the parties at this time. That's not helping. So I'll order that the parties sell the home within 10 months of today. I'll let them set the price, hire the real estate agent, because I'm trying to help them save as much money as they can. . . . All proceeds, whatever they are, shall be equally divided between the parties, after paying off the mortgage obviously. . . . [T]he mortgage continues to be paid by dad.

> As to the bank accounts. Each side shall keep their own bank accounts. As to the Mazda CX5, I'll order that whatever lien is left, it's listed as 5,000. Whether it's an exact amount or approximation, that amount should be taken out of the 401K retirement and paid off, and mom will keep the Mazda CX5 that she's been driving. Dad will transfer title over to mom. . . . Dad obviously keeps his own vehicle.
>
> 401K. That will be divided. Dad will get 60 percent. Mom will get 40 percent. One reason I'm doing that is, I'm concerned dad might have some penalties he may have to pay. . . . Dad, I think it goes without saying, will keep his vehicle. If there is a fixed pension at dad's work, it will be awarded, if as and when, 60 percent to dad, 40 percent to mom.

It is clear that the court accepted what the parties identified as marital property, and when valuing the marital property, the court agreed with Father's valuations. After applying the FL § 8-205(b)factors, the court asked Father whether he needed "[a]ny clarifications[.]" Father then requested clarification about when the order was final and about his appeal rights. After clarifying that the divorce was final "as of now[,]" and that Father was "required to pay" starting February 1, the court denied Father's request "to stay the ruling until the appeal is filed[,]" because Mother "has to live on something." Still, the court changed its ruling after Father pointed out that Mother "has no expense. Right now I am taking care of the expenses." Although Mother had been paying him $1,000 a month toward household expenses, including the mortgage and car payments, Father explained that he did not have the resources to pay Mother $500 in monthly alimony and $877 in child support, while also losing her monthly $1,000 contribution:

> The thing is that there's no way I can pay – I'm making payments on this house and paying all the bills, no way I can do that and pay her $1,300 as well. There is just not enough money to do that. So it's a period of adjustment for me, whether I pay her successfully or not, it's a huge jump for me.

In response, the court reconsidered and revised its ruling to accommodate Father's financial circumstances:

> THE COURT: Well, let me think about that for a second. Are you going to . . . continue to pay the expenses?
>
> [FATHER]: I a[m.] Yes, yes, it's not – nothing has changed. I've always been paying the expenses, and so –
>
> THE COURT: All right. Then I'll tell you what, I'll do what you ask with conditions. I will hold off – what's this? February, March? I don't know how long it will take you to get your appeal going and up because you better . . . do it fast.
>
> [FATHER]: Uh-huh.
>
> THE COURT: And you guys got to get going on selling the house. As long as dad pays all the expenses of the house and the cars, I'll hold off on the alimony, the child support. You pay for all the food and everything. . . .
>
> [M]om does not have to pay $1,000 a month to you during that period. She may keep . . . her own checks.
>
> [FATHER]: Okay. That's fine.
>
> THE COURT: I will stay the order until June 1st.

Father, without acknowledging this exchange, complains that the circuit court "refused" when he "asked for relief from . . . those debts[.]" Although he recognizes "that the court does not apportion debts during the divorce," he argues that "the present circumstances might warrant a consideration of what to do with the debts of the parties."

As the foregoing colloquy shows, however, the court correctly applied the law when ruling on marital property, specifically addressing marital debts on the marital residence and marital vehicle and finding that Mother did not make enough that she could contribute to post-divorce debt service. After awarding Mother monthly alimony and child support,

the court required Father to pay off the Mazda with retirement account funds and transfer title to Mother. Father was also required to pay the mortgage pending sale of the marital residence. When Father objected that he could not afford to pay those debts, the court reconsidered its ruling. Based on Father's promise to continue paying all marital debts pending his appeal, the court stayed his obligations to pay alimony and child support until June 1, 2024. Days later, M. was hospitalized with the life-threatening illness that resulted in the ongoing CINA proceedings.

Although we discern no error or abuse of discretion in the circuit court's marital property and debt rulings, we agree with Father that changed circumstances may warrant modification of "what to do with the debts of the parties." We recognize that the custody and needs of M. have materially changed since the Divorce Judgment, likely affecting the financial circumstances of both parents. However, as mentioned above, any request for relief from Father's obligations under the Divorce Judgment must be addressed to the circuit court. *See* FL § 11-106(b); FL § 12-104(a).

Challenges to Orders Regarding Marital Residence and Vehicle

Next, Father contends that the circuit court erred or abused its discretion in ordering sale of the marital residence, not ordering sale of the marital vehicle driven by Mother, and in allowing Mother to remain in the marital residence indefinitely without contributing toward mortgage or expenses. To the extent these challenges have not been mooted by subsequent events and court orders, we are not persuaded the court erred or abused its discretion.

Questions about occupancy of the marital residence under the Divorce Judgment were mooted by subsequent court orders prohibiting Mother from living there and authorizing Father and M. to return post-bone marrow transplant. With respect to the Mazda acquired during the marriage, the court did not err or abuse its discretion in deciding that marital funds in Father's retirement account should be used to pay off the remaining debt, then title transferred to Mother. The court had both authority and reasonable grounds to divide marital property so as to provide Mother title to the car that had been acquired with marital funds for her to be able to drive to work, especially given her limited income, and where Father had a working vehicle that he brought into the marriage. Accordingly, we cannot say on the record before us that the court erred or abused its discretion in ordering sale of the marital residence and not ordering sale of the marital vehicle driven by Mother.

IV. Child Support and Alimony

Father predicates his challenges to the child support and alimony orders in the Divorce Judgment on principles governing estoppel and voluntary impoverishment. Addressing each in turn, we again conclude the trial court did not err or abuse its discretion based on the law and the record at the time those decisions were made.

Estoppel Challenge

Father contends that the circuit court erred by not treating Mother's "failure to adhere to a key element in" their pre-marital agreement as grounds for estopping her from receiving alimony and child support. In his view, she "reneged on" her promises to learn English to his detriment, citing his testimony that he spent "more than $40,000 just to get

[her] to the United States[,]" and "because of these expenses," "was sued two times[,]" "had his wages garnished[,]" and "was harassed so much by Customs that he filed a formal complaint with the Commission of Customs."

In *Lloyd v. Niceta*, 485 Md. 422 (2023), our Supreme Court "recognize[d] that '[t]he general principles governing other types of contracts apply to' marital agreements[,]" but "[t]his approach . . . does not prohibit this Court from deviating from common law contract principles when they are incongruent with principles governing marital contracts" because "[u]nlike other contracts, . . . a confidential relationship exists between the parties[.]" *Id*. at 446-47 (cleaned up) (citing *McGeehan v. McGeehan*, 455 Md. 268, 294 (2017)). For that reason, "marital agreements are necessarily infused with equitable considerations and are construed in light of salient legal and policy concerns[,] which may occasionally render normal tenets of contract interpretation inapplicable." *Id*. (cleaned up) (citing *Holtham v. Lucas*, 460 N.J. Super. 308, 319-20 (App. Div. 2019)). Although Father broadly challenges the alimony and child support awards on the ground that they do not reflect Mother's "breach" of her contract to learn English, we are satisfied that the court did weigh Mother's language limitations on its evaluation of such equitable considerations.

Alimony

In reviewing each statutory factor pertinent to alimony,[7] the court discussed Mother's language barrier in its finding regarding "[t]he circumstances that contributed to the estrangement of the parties":

[7] When determining alimony, the court must consider the following statutory "factors necessary for a fair and equitable award":

> (1) the ability of the party seeking alimony to be wholly or partly self-supporting;
>
> (2) the time necessary for the party seeking alimony to gain sufficient education or training to enable that party to find suitable employment;
>
> (3) the standard of living that the parties established during their marriage;
>
> (4) the duration of the marriage;
>
> (5) the contributions, monetary and nonmonetary, of each party to the well-being of the family;
>
> (6) the circumstances that contributed to the estrangement of the parties;
>
> (7) the age of each party;
>
> (8) the physical and mental condition of each party;
>
> (9) the ability of the party from whom alimony is sought to meet that party's needs while meeting the needs of the party seeking alimony;
>
> (10) any agreement between the parties;
>
> (11) the financial needs and financial resources of each party, including:
>
> (i) all income and assets, including property that does not produce income;
>
> (ii) any award made under §§ 8-205 and 8-208 of this article;
>
> (iii) the nature and amount of the financial obligations of each party; and

(continued)

> I think parties did not get to know each other prior to marriage, and didn't see each other's faults before marriage, and they were compounded during the marriage. I think dad's lack of flexibility and mom's not acquiring English contributed greatly to the break-up of the marriage.

The court nevertheless found that "both parties contributed" to "the well-being of the family." Although Father was "the breadwinner throughout the bulk of the marriage" and the "active, energetic parent with the education, with cultural matters, and with bettering the child[,]" in part due to M.'s limited English, Mother was "now contributing $1,000 a month" because "she's been working recently[,]" and she "contributed to cooking and cleaning, washing, raising the child." We conclude the circuit court properly factored into its alimony determination the consequences of Mother's failure to learn English, as a contributing cause of the breakdown of the marriage and as a factor affecting both her ability to become self-supporting and her current income.

Finding that Mother earned $3,033 monthly, while Father earned $7,000, the court stated that it "thought long and hard about" whether Mother could "reasonably be expected to [make] substantial progress [toward] being self-supporting, or whether the respective standards of living would be unconscionably disparate." Instead of indefinite alimony, the court awarded Mother $500 monthly for six years, emphasizing that "there is just not much to go around" and that "both sides . . . are going to have to earn some extra money."

> (iv) the right of each party to receive retirement benefits; and
>
> (12) whether the award would cause a spouse who is a resident of a related institution as defined in § 19-301 of the Health-General Article and from whom alimony is sought to become eligible for medical assistance earlier than would otherwise occur.

Child Support

Father also contends that the circuit court erred in failing to consider Mother's broken promise to learn English in setting child support, citing the court's remark, when calculating child support, "That's beyond my control. I will be reversed if I did not award that. That's by statute." In our view, this remark reflects the court's recognition that our General Assembly has enacted "a rebuttable presumption that the amount of child support which would result from the application of the child support guidelines . . . is the correct amount of child support to be awarded." FL § 12-202(a)(2)(i). As this Court has recognized, "the goals of equity and consistency in child support awards are best served by stripping the court of most discretion, thereby reducing the decision to a purely mathematical exercise in which support obligations and related expenses are allocated between the parents in proportion to their 'actual income.'" *Ruiz v. Kinoshita*, 239 Md. App. 395, 426 (2018) (quoting *Lemley v. Lemley*, 102 Md. App. 266, 291 (1994)).

This statutory "presumption may be rebutted by evidence that the application of the guidelines would be unjust or inappropriate in a particular case." FL § 12-202(a)(2)(ii). Section 12-202(a)(2)(iii) of the Family Law Article sets forth a non-exhaustive list of factors that must be brought to the circuit court's attention by the parent seeking to rebut the presumption that the guidelines amount of child support is correct.[8]

[8] FL § 12-202(a)(2)(iii) provides:

> (iii) In determining whether the application of the guidelines would be unjust or inappropriate in a particular case, the court may consider:

(continued)

Viewing the court's remarks in the context of this established framework, we discern no legal error or abuse of discretion. Father does not contend that he presented evidence sufficient to rebut the presumption in favor of the Guidelines amount of child support, and we see none. Nevertheless, given the CINA proceedings affecting custody based on M.'s health needs, which have superseded the shared custody order on which the child support order was predicated, Father may seek modification in the circuit court if he has not already done so. *See* FL § 12-104(a) ("The court may modify a child support award subsequent to the filing of a motion for modification and upon a showing of a material change of circumstance.").

Voluntary Impoverishment Challenge

As alternative grounds for contesting child support and alimony, Father contends that "the trial court erred in holding that [Mother] is not voluntarily impoverished." For purposes of child support, "'[v]oluntarily impoverished' means that a parent has made the free and conscious choice, not compelled by factors beyond the parent's control, to render the parent without adequate resources." FL § 12-201(q). When the General Assembly

1. the terms of any existing separation or property settlement agreement or court order . . . ;

2. the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing; and

3. whether an obligor's monthly child support obligation would leave the obligor with a monthly actual income below 110% of the 2019 federal poverty level for an individual.

codified Maryland's common law regarding voluntary impoverishment in 2020, *see* Acts of 2020, chs. 383, 384 (H.B. 946, S.B. 847), it established a two-step process, requiring the court to "make a finding as to whether, based on the totality of the circumstances, the parent is voluntarily impoverished[,]" FL § 12-204(b)(2)(i), and if so, to "consider the factors specified in [FL] § 12-201(m) . . . in determining the amount of potential income that should be imputed to the parent." FL § 12-204(b)(2)(ii). These incorporate common law factors pertinent to the earning capacity of each spouse, including:

> (1) his or her current physical condition;
>
> (2) his or her respective level of education;
>
> (3) the timing of any change in employment or other financial circumstances relative to the divorce proceedings;
>
> (4) the relationship between the parties prior to the initiation of divorce proceedings;
>
> (5) his or her efforts to find and retain employment;
>
> (6) his or her efforts to secure retraining if that is needed;
>
> (7) whether he or she has ever withheld support;
>
> (8) his or her past work history;
>
> (9) the area in which the parties live and the status of the job market there; and
>
> (10) any other considerations presented by either party.

Dillon v. Miller, 234 Md. App. 309, 319 (2017) (citations omitted).

For alimony purposes, the concept of imputing income to a spouse under a voluntary impoverishment theory is not statutory, but instead predicated on analogous inquiry into employment-related factors. As this Court has explained,

> [t]he Family Law Article does not expressly require a trial court to consider a spouse's voluntary impoverishment or potential income for alimony purposes. Using more general terms, the alimony statute directs the court to "consider all the factors necessary for a fair and equitable award," including: "the ability of the party seeking alimony to be wholly or partly self-supporting" (FL § 11–106(b)(1)); "the time necessary for the party seeking alimony to gain sufficient education or training to enable that party to find suitable employment" (FL § 11–106(b)(2)); and "the financial needs and financial resources of each party, including . . . all income and assets" (FL § 11–106(b)(11)(i)). Consequently, the court may consider the potential income of a voluntarily impoverished spouse when it considers an alimony request.

St. Cyr v. St. Cyr, 228 Md. App. 163, 179-80 (2016) (citations omitted).

In Father's view, the circuit court erred in rejecting his argument that Mother "is able to work, . . . but chooses not to do so" even after Father "provided sufficient resources so she could" learn English and obtain employment. In support, Father argues:

- Mother failed to become "fluent in English so she could seek employment in the medical profession, and . . . help [him] with child-related functions (liaising with teachers helping with homework, organizing his activities and the like)."

- Although Father obtained "legal permanent residence" for Mother "upon arrival in the United States," she "enrolled in school to learn English" only "[f]or a brief period" and "[t]hereafter . . . sporadically attended such classes and stopped altogether by 2018."

- Although "it was always understood that [Mother] would seek employment[,]" she presented "no evidence that [she] has sought any employment as no W2 was eve[r] sent by any employer."

- When the family moved to Germantown in 2016, there were free English lessons offered in the immediate area, at a public library, high school, and community college. In 2018, "[a]s an incentive" to attend English classes, Father "entered into debt and bought" a vehicle "for her exclusive use," then replaced that vehicle in 2020 with a Mazda CX-5."

- Mother "is not disabled or unable to work[,]" and "admits to being a member of a dance group."

- Although Mother told Father before they married "that she wasn't religious," she was "frequently absent from the residence" and "spent a lot of time in a 'church'" at "a private residence[.]" In addition, she "set the alarm for 4:00 a.m." to watch "one pastor on Youtube after that other" while disturbing Father and M., who had to go to work and school.

- Although Mother testified at the hearing that "she worked at a[n early school]" during "a three-month period, just before trial," "she left this position around the beginning of this year and has not worked since."

The circuit court pointed out that Father did not timely raise the issue of voluntary impoverishment, then decided that Mother did not voluntarily impoverish herself, explaining:

> [D]ad raised in closing about voluntary impoverishment. Again, the Court can't consider that, A, because it wasn't raised during trial, B, because it wasn't raised in pleadings, and, C, even if it did, the Court would not find that mom in any way voluntarily impoverished herself, and I didn't see any information that he was encouraging her to go to work, or that he knew of any jobs that would be paying greater sums.
>
> The fact that she did not learn English quicker does not equate to voluntary impoverishment. Under that theory, somebody losing a license, somebody having an addiction, would be voluntary impoverishment. That's not how voluntary impoverishment works.

To the extent Father waited until closing argument to claim that Mother's failure to learn English and to obtain employment constituted voluntary impoverishment, such delay in raising the language issue prevented the court and the parties from fully exploring it during their testimony. *Cf. Harbom v. Harbom*, 134 Md. App. 430, 461 (2000) (finding waiver because "the issue of voluntary impoverishment was never raised at trial, nor was the possibility of attributing potential income to appellee in calculating child support"). In any event, the court did not err or abuse its discretion in concluding that Mother did not voluntarily impoverish herself. *Cf. id.* ("Assuming . . . that the issue has not been waived,

we find that the trial court did not abuse its discretion in not ruling that appellee was voluntarily impoverished."). In evaluating both alimony and child support, the court specifically cited the lack of any evidence that Father encouraged her to work during the marriage, that Mother recently started working in a school, and that she could continue working. Based on this record, and the court's opportunity to observe Mother as she testified (through an interpreter), the court was not persuaded that Mother's failure to learn English—although a factor in the breakdown of the marriage, and in her lack of employment until divorce proceedings began—amounted to an intentional "choice, not compelled by factors beyond [her] control, to render [herself] without adequate resources." FL § 12-201(q). We cannot say that the circuit court erred or abused its discretion in doing so. *See Harbom*, 134 Md. App. at 460 ("Assuming . . . that the issue has not been waived, we find that the trial court did not abuse its discretion in not ruling that appellee was voluntarily impoverished.").

To the extent either parent's financial circumstances have materially changed after the Divorce Judgment, whether as a result of M.'s medical needs, related legal proceedings, and/or employment, that is a matter that may be addressed to the circuit court as grounds for modifying alimony and child support. *See* FL § 11-107(b) (authorizing the circuit court to "modify the amount of alimony awarded as circumstances and justice require"); FL § 12-104(a) (authorizing modification of child support "subsequent to the filing of a motion for modification and upon a showing of a material change of circumstance.").

Effect of Alimony and Property Settlement on Father's Finances

In his final assignment of error, Father contends the trial court erred in awarding Mother alimony and a "property settlement" that "effectively impoverish[es]" him. Because he cites no record or law, and makes no supporting argument, we need not address this issue. *See* Md. Rule 8-504(a)(6); *Honeycutt v. Honeycutt*, 150 Md. App. 604, 618 (2003). Nevertheless, we again recognize that Father may seek relief from alimony and child support based on material changes in his financial circumstances precipitated by M.'s health needs, through modification proceedings in the circuit court. *See* FL § 11-106(b); FL § 12-104(a).

APPELLANT'S CUSTODY CLAIM DISMISSED AS MOOT; IN ALL OTHER RESPECTS, JUDGMENT OF ABSOLUTE DIVORCE ENTERED JANUARY 16, 2024, BY THE CIRCUIT COURT FOR MONTGOMERY COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.

APPENDIX A

Summary of Appellant's Questions on Appeal

"1. Whether the court was in error when, in seeking to divide up the marital property, in not giving Appellant credit for all outstanding debts of the parties which Appellant continues to pay to this day."

"2. Whether the trial court erred in holding that Appellee is not voluntarily impoverished."

"3. Whether contract rules apply in this context. Whether the failure to adhere to a key element in the agreement Exhibits one and two) estops her, thereby depriving her of the ability to claim alimony or support."

"4. Whether the trial court erred in allowing Appellee to stay in the marital property but not contribute towards the mortgage and other expenses indefinitely."

"5. Whether the judge was wrong in applying the marital distribution laws incorrectly stating that he is required to divide the marital property equally between the parties."

"6. Whether the court erred in awarding shared custody to the parties without an analysis showing why that would be in the best interests of the minor child, especially since Appellee did not display any independent ability to look after the child on a school day, has no planned resident [sic] at the moment, and her work schedule, according to her testimony would not allow her to get the child to and from school, since she is working during those periods. . . .[Mother] stated that she had joint legal custody and she is exercising that right to deny [M.] treatment[.] . . . Alarmed, the hospital put [M.] on life support and contacted the Montgomery County Child Protection Services. That agency filed an emergency request for a [CINA] petition with the Circuit Court.

"7. Whether the trial judge erred in repeatedly interrupting the proceedings in the process debating and arguing with the appellant, shutting off cross examination, and asking that **January 4 hearing page 21, line 20,** thereby throwing the whole issue into confusion."

"8. Whether the trial judge erred in not finding that the reason for the breakdown of the marriage was Appellees [sic] actions and failing to notice that the case had been sealed upon the motion of Appellant to protect the minor child."

"9. Whether the court err in ordering the house to be sold but not the Mazda."

"10. Whether the trial court erred in awarding Appellee both Alimony and property settlement thereby effectively impoverishing Appellant who needs more money in order to care for the minor child."