

Circuit Court for Baltimore County
Case No.: 03-C-17-005437

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 2317

September Term, 2024

M. J.-H.

v.

J.H.

Friedman,
Shaw,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Wright, J.

Filed: October 24, 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).

M. J.-H. (“Mother”), appellant, challenges a post-divorce order modifying custody of her three minor children with J.H. (“Father”), appellee,¹ so that Father now has sole legal and primary physical custody. In Mother’s view, the Circuit Court for Baltimore County erred and abused its discretion in ways she itemizes in her informal brief identifying twenty-two issues.²

On the merits, Father contends that both the record and the law support the court’s determination that material changes in family dynamics since the divorce, including Mother’s difficulties with their two sons, make these custody modifications in the best interests of the children. In addition, Father asks this Court not to address issues that are unpreserved and for which Mother, despite exceeding this Court’s briefing limits, does not supply supporting facts, argument, or record citation.

For reasons that follow, we conclude that the circuit court did not err or abuse its discretion in modifying legal and physical custody.

¹ To protect the privacy of the parties and their minor children, we refer to them by initials and family relationships. Although we use Mother’s and Father’s initials, we have assigned random initials for their three children (“A., B., and C.”), as well as the only other witness who testified at the modification hearing (“D.E.”).

² Mother, as a self-represented appellant in this family law appeal, elected to file an informal brief, as permitted by Md. Rule 8-502(a)(9), this Court’s Administrative Order dated December 19, 2022, and “informal briefing protocols” issued by the Chief Judge of this Court. See Guidelines for Informal Briefs, dated June 23, 2023, as appended to Administrative Order dated December 19 2022, <https://www.courts.state.md.us/sites/default/files/import/cosappeals/pdfs/adminorderinformalbriefs.pdf>.

BACKGROUND

Mother and Father have three children: son “A.” born in 2009, son “B.” born in 2011, and daughter “C.” born in 2016. This appeal from an order modifying legal and physical custody is what Father describes as “the most recent chapter in this long-running matter” that has been “specially assigned to” a judge in the Circuit Court for Baltimore County. After summarizing those prior chapters, we address the current dispute.

Divorce and Initial Custody Order

Following a five-day hearing, in which both parties were represented by counsel, Mother and Father divorced in March 2020. A judgment of absolute divorce (“JAD”) incorporated their agreement to share physical custody on a week-on, week-off basis, with a schedule for holidays, vacations, and other matters. In addition, the court ordered joint legal custody, with Father having tie-breaking authority.

Following their divorce, these parents presented multiple custody-related disputes to a specially assigned judge. After a consent order following a domestic violence filing by Father, both parents requested custody modifications.

Custody Modification Proceedings

In October 2023, Father asked the court to modify custody for B., the middle child, contending that he suffered injuries while in Mother’s care and that Mother’s harsh disciplinary measures were not in his best interests. In May 2024, Mother counterclaimed for sole legal and joint physical custody of all three children. In October 2024, Father amended his petition to seek sole legal and physical custody of all three children.

During a custody modification hearing conducted on December 16-19, 2024, both Father and Mother presented evidence of their contentious course of custody since the divorce. Three witnesses testified: Mother (who appeared remotely and represented herself), Father, and D.E., the director at the children’s summer day camp.³

In December 2021, when A., the eldest child, returned from Mother’s care, Father observed bruises and scratches on his face, neck, and arms. Mother blamed the injuries on the child, claiming he acted “fucking crazy, that he was being a pathological liar, . . . [and] that she was afraid he was going to try and hurt her.” When A. refused to return to Mother’s house on Christmas Day, Mother came to Father’s house with the younger children, then texted Father messages that prompted him to call for police to intervene. According to Father, Mother sent him “hundreds of messages” that night.

Father obtained a temporary protective order. After Mother informally agreed to a gradual return to the week-on/week-off custody schedule, Father dropped the protective order proceeding. But Mother soon refused to abide by her agreement, instead “picking [A.] up from school against what [they] worked out[,]” which “that night led to additional violence and bruising” for which Father had photos.

While in Mother’s custody during the early morning hours of January 22, 2022, A. texted Father the following from his sister’s phone: “pick me up”; “This is [A.] pick me up; and “Hurry.” When Father arrived, A. was “crying,” “panicked,” “beside himself,” “so

³ After the court granted Father’s request for an updated custody evaluation by Dr. Killeen, Mother did not comply with the court order, claiming that Dr. Killeen owed her money from the prior evaluation. As a result, no custody evaluation was completed.

scared” and “in the middle of some kind of breakdown[.]” After Father texted Mother that he had A. at his house, she brought the two younger children to Father’s house to pick up A. Afraid “of what she might do and” unsure “what was going on in her car outside,” Father called police for assistance with the “escalating” conflict. A. told an officer that he felt “unsafe with his mother” and wanted to stay with Father.

Thereafter, citing Mother’s refusal to communicate with him, Father sought a temporary protective order. Working through counsel, the parties agreed to a plan that gradually returned A. to the shared weekly custody schedule established by the JAD. During that period, Mother reported to Father that there was violence between Mother, A., and his younger brother B., including incidents with a knife and scissors.

In November 2022, eleven-year-old B. returned from Mother’s custody with injuries similar to those suffered by A. in December 2021. Father received photos from Mother after she had to break up one fight between the boys. By the following summer, Father reported, B. was returning frequently from Mother’s custody with scratches and bruises. After B. spent the first half of that summer with Father full time, he resumed going to Mother’s and “the obvious scratch marks, bruises on a regular basis violence” also resumed.

Photographs admitted into evidence show injuries to A. and B. while they were in Mother’s custody. In text messages, Mother complained to Father that the two boys were “spitting, hitting, scratching, punching and hair pulling.” To support her complaints about their behavior, Mother also recorded conversations and actions on a surveillance camera that she installed in the boys’ shared bedroom at her home.

In the summer of 2023, B. ran away from Mother’s home three times. The first time, Father found B. along Edmondson Avenue, running without shoes, crying, shaking, bleeding from scratches, and looking as if he had been in a fight. When Father brought B. back to Mother’s home, C. was upset and tried to leave in Father’s car. The second time B. ran away, he arrived at Father’s home upset and shaking. The third time, Father was unable to find B., who eventually returned to Mother’s house.

During that summer, Father learned that a counselor at the day camp attended by B. and C. (and previously by A.) reported to CPS concerns for B.’s safety while he was in Mother’s custody. At the modification hearing, D.E., a special educator in Anne Arundel County Public Schools and director of the summer day camp attended by the children for the past ten years, testified that while in Mother’s custody that summer, B. and C. were more likely to be late or absent. When Father picked up the children, he was “more outgoing” and they were “very excited to see him[.]” In contrast, when Mother picked up, she “is more reserved” so they “would quietly walk out with her.”

During that summer, Mother interacted with a camp staff member in a way that “made her uncomfortable,” so the counselor talked with B., who disclosed that Mother had punished him by locking him out of the house without shoes, until after dark. Other counselors who first learned about the incident were “mandated reporters” who “did what they did” and everyone “kept an eye on it” because D.E. “didn’t feel like [it] was a safe situation.” Mother later questioned staff members about who made the CPS call.

After learning that Mother planned for B. to stay with her all day during the weeks he was not scheduled to be at camp, D.E. arranged for him to continue attending free of

charge, as a counselor-in-training “to give him a space to go to because [she] wasn’t sure what was going on at home.” D.E. described B. as “tender-hearted” and a “really gentle kid” who was an “amazing role model” to other campers, consistently showing respect and a desire to please and make others happy. She would not “ever come at [him] harshly” and did not believe he was a danger to himself or others.

Father testified that Mother admitted locking B. out and that she also had left B. “outside all day in the front yard without food or water[.]” Mother also disciplined B. by making him walk to school along busy roads, while she drove the other two children.

When school started that September, B. spoke to his school counselor about experiencing violence in Mother’s care. The counselor reported his disclosure to CPS. Although B. spoke to the counselor again, disclosing that he was “upset about having to go to mom’s because of [the] last incident[.]” the counselor did not believe any more could be done.

On October 14, 2023, Father received a voicemail from Mother. Apparently unaware that she made the call, Mother was recorded using angry and profane language concerning B. brushing his teeth.

Father also reported that “as [C.] gets older, . . . now some of these scratches start appearing on” her when she “came back from her mom’s house[.]” When she recently returned “with a bunch of hair cut off her doll[.]” it was Father’s “understanding that that happened as a result of not . . . doing her chores properly.”

Father testified that he does not have any comparable issues with discipline, violence, fighting, or injuries. He expressed concerns that Mother’s punishments are

“emotional based” and inappropriate. He does not “agree with locking the children outside[,]” “washing their mouths out with soap[,]” “making your children walk to school or home from school[,]” sending children “to bed without dinner[,]” “being made to stay up late at night,” and “being made to stay outside all day with no food or water.”

The trial court also heard evidence that Mother repeatedly threatened both sons that she would have them committed to Sheppard Pratt or subjected to involuntary mental health treatment. Health records showed that on August 6, 2023, Mother took twelve-year-old B. to Sheppard Pratt, asking for him to be admitted for “crisis evaluation” because he had “walked to his father’s house this morning without her permission.” Accompanied by the other two children, Mother reported B.’s “history of running out of the house” and that he “punched and kicked her, and punched his sister in the face.” Mother acknowledged that “he is very calm right now,” but reported that “when he gets upset, he becomes uncontrollable[,] attempts to run away, destroys properties, tries to injure me and his sister, and is unmanageable.”

B. disclosed to staff evaluators that he “was looking forward to go[ing] to a camp this week,” but after doing “all his chores,” including emptying the trash and mowing the lawn, Mother told him “that he is not able to go, which made him very upset[,]” so he walked toward Father’s house “to just calm down and ‘cool off.’” He reported that “his mother told him that ‘he is a pathological liar and would be locked in a mental facility.’”

Father testified that Mother frequently made such statements. He considered her “nearly being successful at having [B.] committed inpatient” to be “a prime example of psychological abuse” that “must have scared him” and was damaging because “he’s . . .

going to feel alienated from any sort of . . . psychiatric help . . . should he ever need it in the future.”

Mother continued to seek mental health intervention for B. “[A] couple weeks” after her first attempt, Mother “made another attempt to have him committed inpatient to Sheppard Pratt.” And in August 2024, she told Father, she again “wanted to take him to have him committed inpatient[.]” In addition, she texted Father “that she was going to take [B.] to his pediatrician to have him injected with an anti-psychotic medication.” She told Father that B. should be committed because he was a “pathological liar” and “acting like a fucking psycho[.]”

Circuit Court’s Findings and Modification Order

In its bench ruling at the conclusion of the trial and in an order entered January 2, 2025, the circuit court found that since the 2020 consent custody order in the JAD, there had been a material change in the parents’ abilities to co-parent. Given their inability to agree or communicate effectively regarding matters ranging from parenting style to education, health, and activities, the court concluded that it is in the best interests of the children for Father to have sole legal custody.

After reserving on physical custody, the court entered a written order on January 9, 2025 (the “Modification Order”), explaining its decision to modify both legal and physical custody, so that Father had primary physical custody, with Mother having custody every other weekend. In the Modification Order, the court detailed its findings and reasons as follows:

Material Change

* * *

The children of the parties are now almost five years older than the first trial in this case. The oldest child is now in high school and the middle child will attend high school next year. A variety of other changes have occurred. Mother was not employed at the initial trial in January of 2020, but a vocational expert testified as to her ability to earn an income. A medical expert also testified that she was able to work. She appeared every day for trial in the courtroom and appeared to be intelligent and able to understand what was going on. Mother has not worked since the original trial. She noted she has difficulty driving for more than fifteen minutes and her medical conditions (Multiple Sclerosis and/or Neuromyelitis Optica) can often make it difficult for her to do physical activities. No medical testimony was heard at the 2024 trial. Mother stated she takes no medication for the above noted conditions.

The Court has observed a deterioration in her condition in the nearly five years since the original trial. Mother stated at trial she suffered from “brain fog” and is a “slow worker.” Throughout the trial, she had great difficulty following simple instructions. These observations draw into question whether Mother is physically and/or psychiatrically able to parent her children on a week on/week off basis.

The Court also has concerns about the children’s safety at the Mother’s home on a full week basis. Plaintiff’s Exhibit 4 is a police report where [A.] advised the police who were called because Father had “kidnapped” [A.] on January 23, 2022. It is noteworthy that [A.] (then twelve) told the police that he felt unsafe with his Mother.

Mother admitted that she has video surveillance in the room her sons share, but stated she does not use it all of the time.

Defendant’s Exhibit 18 is the student log of [B.’s] counseling at his school. In it, it is noted on September 8, 2023 that he disclosed violence in his home and CPS was contacted. This was related to occurrences at Mother’s home.

Defendant’s Exhibit 6 is a note from Sheppard Pratt Health System dated March 22, 2021. In it, [B.] notes that his Mother told him “he is a pathological liar and will be locked up in a mental facility.”

Exhibit 23 was a recording left on Father’s phone by Mother. Mother does not appear to be aware she made the call. In it, she is screaming at [B.] due to his failure to brush his teeth properly and uses threatening and profane language.

[D.E.] testified during the trial. [D.E.] is a special education teacher that runs the . . . summer camps that the children of the parties attend. The Court found her to be an excellent witness. She knew all three children and had them over several summers. She stated the children were always on time when the Father had them and missed days and were tardy often when Mother had them. The children were more “outgoing” when dealing with Father and more “reserved” when dealing with Mother. She testified to the punishment of [B.] wherein he related to her that he had been locked out of the house in June until midnight with no shoes. She was concerned Mother’s home was “not a safe situation”. After [B.] was not allowed to go to an overnight camp by Mother, she was concerned and established a position for [B.] at the camp so he had somewhere to go.

[D.E.] also testified [Mother] told her that she could not afford an attorney, she works many hours on the custody case and the kids will bring her food while she is working on the case. She was also aware someone from the camp had reported Mother to Child Protective Services, but she was not the one who reported Mother.

She also noted Father is much easier to deal with.

All of the above strongly show that circumstances have changed and the children’s best interests are affected. Clearly, this is not a case where Father merely wants to relitigate custody. Accordingly, the Court finds there has been a material change in circumstances. The children are older and have different needs now. Mother is less able to take care of them and safety and violence issues have occurred in Mother’s home.

Best Interests of the Child

* * *

Maryland law requires the Court to consider the children’s best interests in deciding custody matters. In *Taylor v. Taylor*, 306 Md. 290 (1986), a list of criteria that have commonly become known as the Taylor factors were set forth.

1. Capacity of parents to communicate and to reach shared decisions affecting the child's welfare. The parents have displayed a poor ability to communicate with each other.
2. Willingness of parents to share custody. The parents are unwilling to have joint legal custody. Mother is willing to continue with shared physical custody.
3. Fitness of the Parents. Father is a fit and proper parent. His interactions with both [the children's school] and [D.E.] have shown he is the better parent for legal custody. He appears to be even tempered and puts the children's needs first. Mother clearly loves her children, but as noted above, the Court has concerns about her fitness due to her stated health issues, difficulty driving for more than fifteen minutes, angry outbursts at the children, inappropriate discipline of the children and "brain fog".
4. Relationship established between the child and each parent. Father appears to enjoy an excellent relationship with the children. Mother's relationship with her sons appears to be hot and cold. The video she showed at trial depicts a happy home. Calling her children "pathological liars," her child telling the police they don't feel safe with her, her angry outbursts at the punishment of [B.] being forced to stay outside until midnight, are several examples of difficulties she has with her children.
5. Preference of the Child. No evidence was received on this issue.
6. Potential disruption of child's social and school life. This is not an issue.
7. Geographic proximity of parental homes. This is not an issue. The parents live near each other and the children's schools.^[4]
8. Demands of parental employment. Father is employed but has shown ability to handle his responsibilities as a parent and work simultaneously. Mother is not employed.
9. Age and number of children. . . . It appears that Mother has had more difficulties as the children have aged.

⁴ Post-modification changes in Father's residency and educational plan for B. are the subject of Mother's pending petition alleging material change warranting a new custody plan. Because we are limited to reviewing the Modification Order before us, we express no opinion on that proceeding.

10. Sincerity of parent’s request. The court believes both parents are sincere in their requests.
11. Financial status of the parents. Father is doing well financially and is also backed financially and in other ways by his parents. Mother is unemployed. The Court has little other information about her financial status.
12. Impact on state or federal assistance. Not applicable.
13. Benefit to parents. Not applicable.
14. Other factors. This is dealt with elsewhere in this Opinion.

Taking the children’s best interests and the Taylor factors into consideration, the Court finds that physical custody shall be changed and Father shall have primary physical custody. The children shall reside with Father primarily and Mother shall have visitation every other weekend from Friday afternoon after school until Monday morning when the children will be taken to school. The Court believes Mother may be overwhelmed by having the children on a full time (week on basis), but will be able to handle the demands of parenting on an every other weekend basis.^[5]

The court also “order[ed] both parents to place a priority on attendance at” the children’s sports and extracurricular activities, with the proviso that if “Mother is unable or unwilling to transport the children for their weekend activities, the child or children shall be returned to Father for transport to the activities and then returned to Mother for the remainder of her weekend visitation.” In light of these changes, the court suspended Father’s obligation to pay child support “as of February 1, 2025,” while noting its “significant concerns about Mother’s ability to work.”

⁵ With respect to telephone contact, the court authorized “an every other day basis during reasonable hours not to interfere with school or extracurricular activities when the children are in the custody of the other parent.”

On February 3, 2025, after the Modification Order went into effect, Mother timely noted this appeal.

Mother’s Continuing Custody Challenges Pending Appeal

While this appeal has been pending before this Court, Mother has continued to challenge the Modification Order in the circuit court. On April 7, 2025, Mother filed a petition for contempt seeking to enforce the Modification Order and a petition seeking to modify the Modification Order, alleging material changes arising from Father building a new house in Frederick County and planning to send B. to public school there for ninth grade. The circuit court has not yet adjudicated that request.

Meanwhile, Mother has simultaneously sought emergency relief from the existing Modification Order, both in the circuit court and in this Court. Throughout July and August of 2025, Mother filed multiple motions alleging that Father’s enrollment of B. in ninth grade at a public high school in Frederick, rather than at a private or public high school in Baltimore County, would not be in the child’s best interests and would interfere with her custody time given the distance and driving time from her house. Although the circuit court and this Court denied Mother’s motions, she continued to oppose the school plan. On August 18, she refused to allow Father to pick up B. so that he could attend school to get his schedule, locker, and computer for the school year starting on August 20, claiming that B. was in her custody for vacation during this entire week.

Father sought emergency injunctive relief to enforce the Modification Order so that B. would not fall behind in his new school. On August 20, 2025, the circuit court ordered

Mother to immediately return all the children to Father. Mother moved to vacate that order in the circuit court and this Court. Both courts have denied that relief.

Mother has also delayed adjudication of this appeal, first by belatedly filing transcripts, then by seeking relief from filing deadlines for her reply brief, moving to strike material in Father’s brief, moving to correct her pleadings, and moving to supplement the record with material from the ongoing circuit court proceedings. Pointing out that Mother could argue in her reply brief that Father’s brief relied on material outside the circuit court record, we denied her request for extra time to file a motion to strike but did extend the deadline for her reply brief. As a result of Mother’s motions, the submission date of her appeal was delayed by more than three weeks.

STANDARDS GOVERNING REVIEW OF CUSTODY MODIFICATION

A child custody order, including an order entered by the consent and upon the agreement of the parties, may be modified if the court finds that (1) circumstances have materially changed since the prior custody determination, so that (2) a change in custody is in the child’s best interest. *See Santo v. Santo*, 448 Md. 620, 639 (2016); *Sayed A. v. Susan A.*, 265 Md. App. 40, 81 (2025); *Caldwell v. Sutton*, 256 Md. App. 230, 270 (2022). The purpose of the “material change” requirement is to preserve stability in custody arrangements and to prevent parties from relitigating the same issues decided in earlier proceedings. *See Domingues v. Johnson*, 323 Md. 486, 498 (1991).

In this context, “[a] change in circumstances is ‘material’ only when it affects the welfare of the child.” *McMahon v. Piazze*, 162 Md. App. 588, 594 (2005). When

conducting a best interests evaluation in light of a material change in circumstances, courts “are guided by the factors articulated” in *Montgomery County Department of Social Services v. Sanders*, 38 Md. App. 406 (1978) and *Taylor v. Taylor*, 306 Md. 290 (1986). *Kadish v. Kadish*, 254 Md. App. 467, 504 (2022).

On appeal, we review the circuit court’s factual findings for clear error, its legal decisions for errors of law, and its ultimate ruling on whether to modify custody for abuse of discretion. *See id.* at 492-93. Mindful that a change may be material even if it has not yet “caused identifiable harm[,]” we review a court’s determination of materiality as a fact-specific finding that rests on the unique circumstances of each family and “the future best interest of the children.” *Domingues*, 323 Md. at 499. Factual findings are not clearly erroneous if, after giving “due regard to the opportunity of the trial court to judge the credibility of the witnesses[,]” there is any competent evidence that supports the trial court’s findings. *St. Cyr v. St. Cyr*, 228 Md. App. 163, 180 (2016) (cleaned up). A court abuses its 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, or when the ruling is clearly against the logic and effect of facts and inferences before the court.” *Gizzo v. Gerstman*, 245 Md. App. 168, 201 (2020). Because “[t]he trial judge who sees the witnesses and the parties, and hears the testimony is in a far better position than the appellate court, which has only a transcript before it, to weigh the evidence and determine what disposition will best promote the welfare of the child[,]” *id.* (cleaned up), appellate courts find a reversible abuse of discretion only in “extraordinary, exceptional, or most egregious” circumstances. *B.O. v. S.O.*, 252 Md. App. 486, 502 (2021).

DISCUSSION

In the particularized portions of her brief, Mother contends that the circuit court erred and abused its discretion in failing to

- (1) “conduct the required statutory analysis for individuals with disabilities under” Md. Code, Family Law (“FL”) Article § 9-107;
- (2) “consider mandatory evidence of past domestic violence and child abuse”;
- (3) consider Father’s “pattern of medical neglect, emotional harm, educational neglect and domestic abuse[,]” in violation of FL § 9-101 and 9-101.1;
- (4) determine that the material change favored modifying custody in Mother’s favor and failing “to make individualized findings for each child”;
- (5) afford Mother “a full opportunity to present her case” and to credit her “clear, credible, and uncontested testimony and evidence”;
- (6) “conduct a child specific best interest analysis, as required under Maryland law”; and
- (7) afford Mother “a fair and impartial process” that accommodated her self-representation “with documented disabilities,” in violation of Maryland Rules, the Americans with Disabilities Act, and constitutional guarantees of due process.

In addition to these challenges, Mother, asserting that she “didn’t have any more room,” lists more challenges as Issues 8-22. *See infra* Appendix.

Father asks this Court to refrain from addressing any issue that is not supported by facts, argument, or record citation, or otherwise not preserved in the circuit court proceedings. On the merits of the custody change, Father contends that the circuit court did not err in applying the law and that the evidence amply supports its findings “that Mother has not consistently provided a safe and stable home for the parties’ children” given that

the “children sustained injuries while staying with [M]other, that [M]other imposed harsh and inappropriate discipline, and that the children felt unsafe at her home.”

Under Md. Rule 8-131(a), this Court commonly restricts appellate review to issues that “have been raised in or decided by the trial court[.]” This preservation requirement ensures that issues are brought “to the attention of” the court when it “can pass upon, and possibly correct any errors in the proceedings.” *Chimes v. Michael*, 131 Md. App. 271, 288 (2000) (cleaned up).

We agree that Mother did not preserve a number of issues asserted in her brief, either by failing to present her complaints to the circuit court, by failing to provide supporting argument and authority to this Court, or both. Considering each issue in turn, we narrow the scope of our review to matters that were presented to the circuit court and are adequately argued to this Court.

Issue 1: Disability Protections Under FL § 9-107

Mother argues that the circuit court erred

when it failed to conduct the required statutory analysis for individuals with disabilities under [FL] § 9-107 when it modified the original custody order based on [her] medical condition[] without appropriate findings, in the absence of medical evidence, and without evaluating whether reasonable accommodations could preserve custody[.]

In support, she points to the court’s references to her “medical condition in its best interest assessment” and in “addressing the fitness of the parents using the Taylor factors,” when stating “its ‘concerns about her fitness due to her stated health issues, difficulty driving for more than fifteen minutes, angry outbursts at the children, inappropriate discipline of the children and brain fog[.]’” (Cleaned up.)

In Mother’s view, “[t]he [c]ourt’s reliance on [her] medical condition in its custody modification triggered additional obligations under [FL] § 9-107(b)(4)[,],” which requires the court to state in writing its finding that her “medical condition affects the best interests of her children” and “the reason that the provision of supportive parenting services is not a reasonable accommodation to prevent the finding[.]” (Cleaned up.) Moreover, “[t]here was no evidence” that her “disability affected the best interest of all of the children,” given that Father previously argued that her “disability didn’t affect her” such that she “could work as a CNA,” and Mother testified that her ability to deal with the children was not affected because “her brain fog only affected things like her ability to manage the trial as a pro se litigant and legal document drafting[.]”

In response, Father argues Mother’s FL § 9-107 challenge “is doubly foreclosed” because (1) “the statute does not apply to this case” given that Father “never claimed that Mother has a disability, let alone one that affects the best interests of the . . . children”; and (2) Mother “never invoked the statute or any of its requirements in proceedings below.”

Under Maryland’s statutory framework for modifying child custody, protections for parents with disabilities apply when one “party alleg[es] that the disability of the other party affects the best interest of the child[.]” FL § 9-107(b)(2). Disability is “construed in accordance with the ADA Amendments Act of 2008, P.L. 110-325” and defined to mean

1. a physical or mental impairment that substantially limits one or more of an individual’s major life activities;
2. a record of having a physical or mental impairment that substantially limits one or more of an individual’s major life activities; or

3. being regarded as having a physical or mental impairment that substantially limits one or more of an individual’s major life activities.

FL § 9-107(a)(2)(i)-(ii).

The General Assembly has directed that when evaluating child custody,

(b)(1) . . . the disability of a party is relevant only to the extent that the court finds, based on evidence in the record, that the disability affects the best interest of the child.

(2) The party alleging that the disability of the other party affects the best interest of the child bears the burden of proving that the disability of the other party affects the best interest of the child.

(3) If the burden of proof is met, the party who has a disability shall have the opportunity to prove that supportive parenting services would prevent a finding that the disability affects the best interest of the child.

(4) If the court finds that the disability of a party affects the best interest of the child and denies or limits custody or visitation, the court shall specifically state in writing:

(i) the basis for the finding; and

(ii) the reason that the provision of supportive parenting services^[6] is not a reasonable accommodation to prevent the finding.

FL § 9-107(b).

Here, Father argues that the statutory requirements do not apply because he “has never contended that Mother has a physical or mental impairment that substantially limits any of her major life activities.” “To the contrary,” he points out, he “has consistently taken the position that Mother is *not* disabled, including by putting forward evidence that Mother

⁶ ““Supportive parenting services’ means services that may assist an individual with a disability in the effective use of techniques and methods to enable the individual to discharge the individual’s responsibilities to a child as successfully as an individual who does not have a disability[.]” FL § 9-107(a)(3).

has the physical and mental capacity to work full time.” Moreover, Mother failed to identify “any major life activity in which she claims to be limited” or to otherwise offer evidence “that her asserted disability ‘affects the best interest[s] of the child[ren.]’” Nor did Mother claim that her medical conditions required evaluation of whether she required “supportive parenting services,” or otherwise ask the court to make specific findings under FL § 9-107.

Although Mother did not expressly invoke the disability protections in FL § 9-107, the circuit court recognized that she has multiple disabilities. In the divorce proceedings, Mother established that she suffers from a chronic neurological condition that has limited her employment and ability to drive longer than fifteen minutes. In this modification proceeding, Mother filed a “Request for Accommodation for Person with Disability,” asking the court to accommodate her “auditory processing delay causing delayed processing times, MS/Transverse Myelitis/Optic Neuritis: causing fluctuation in the severity of her symptoms affecting vision, mobility and cognition[.]” She requested “CART service and . . . remote proceedings when needed[.]” as well as the “[a]bility [sic] court for repetition and/or slower spe[e]ch, ability to sit when needed, [and] extended time when available[.]”

On the final day of the modification hearing, the court questioned Mother extensively about her health and related diagnoses, medical treatments, and limitations.

THE COURT: Okay. I’m going to ask you some questions about your health, ma’am. The, what, if any, diagnosis do you have now with regard to your health?

[MOTHER]: I guess the one that's . . . most affecting my, I guess my diagnosis goes between MS and NMO, they're very similar, they have –

THE COURT What is MO?

[MOTHER]: NMO is neuromyelitis optica.

THE COURT: Oh, NMO, okay, great.

* * *

[MOTHER]: – and then MS. So, they have the same symptoms, but I don't quite fit the bubble [T]hey both have transverse myelitis and optic neuritis are the . . . common (inaudible). But I have (inaudible), which one doctor says is indicative of NMO, so.

* * *

THE COURT: How does . . . MS or NMO in your case, how does that affect you? I mean, what does it preclude you, for instance, and I bring this up, I know [Father] made the comment that, and it's not inconsistent with your request to do this via Zoom, that you're unable to drive more than fifteen minutes.

[MOTHER]: It just depends on the day. So, it's actually been long standing. I've always had an issue with like falling, getting very tired, even from when [Father] and I were dating in college at JMU, and we got to drive and (inaudible) stay alert. And I had Lyme disease in 2007.

THE COURT: Um hm.

[MOTHER]: And just kind of, through the years it got a lot worse. And I'm at the, the age where I can admit my faults. . . .

And it just depends on the day. Like some days, if . . . I'm not sick or something, like certain things, like if I'm sick, if I'm stressed, (inaudible) long walk, whatever, like I'll get more fatigued. . . .

It's hard, it's hard to plan with driving. . . . You know, some days it could be better. Like I could be fine, but though some days are, are worse. It just, depends what, what's aggravating it.

THE COURT: Okay. Do you take medication for this?

[MOTHER]: I do the holistic thing. I take like lots of supplements, like turmeric and ginger, (inaudible), fish oil, (inaudible) like a lot of different kind[s] of combinations of like herbs. That have helped me, that keep down inflammation.

THE COURT: Okay. But you don't take any . . . medication that the pharmacist would give you?

* * *

[MOTHER]: Not, no, not for that. They were going to put me on a thing called Rituxan, and but my dad had a bone marrow failure disorder. So, we're already, and my sister has issues with her (inaudible) disorder. So, we thought that it was the best (inaudible) so close to Hopkins that when I start feeling like the symptoms, just to go in.

But that's the hard part is sometimes you can't, it's really hard to tell between a relapse or a flare. Because they're, essentially, they're . . . very similar. It's, when you have a, like an actual relapse, that's when you're (inaudible) get steroids and . . . inflammation of your already existing lesions in your spine or your brain or your eyes. But with actual relapse you, essentially, have that plus new lesions.

* * *

THE COURT: So, . . . [t]he fifteen-minute driving question, is that a, every day is a different day thing, or you generally don't drive more than fifteen minutes?

[MOTHER]: I don't [sic] where we got the fifteen minute one.

THE COURT: Okay. Well, then you tell me, tell me what your restriction is on driving then, if there is one?

[MOTHER]: So, to be honest with you, like I, I am in physical therapy at Greenspring, and I went there, I guess, like a month ago and there was a bunch of traffic and it (inaudible) Maryvale. . . .

And I, when I got there, I literally almost fell asleep. It was, and I think that was only like thirty-five, forty minutes. But that was bad. I don't know . . . I would say like my half an hour I know . . . it's going to be fine, but then, you know, Greenspring, you know, it just depends on if there's traffic or not. Like that's a thirty-five, forty minute –

THE COURT: Okay. If I’m hearing you correctly, you tell me if I’m wrong. It sounds like you don’t feel comfortable driving more than thirty minutes at one particular time.

When the court asked whether “the only ongoing medical care you’re getting now is to treat your MS or NMO[,]” Mother answered, “ADD.”

Next, the court explored the impact of Mother’s health on her ability to care for the children:

THE COURT: . . . [H]ow does the MS, in what way does it affect your ability to deal with the children?

[MOTHER]: It doesn’t.

THE COURT: Okay. Ma’am, you, you had mentioned two things, like either yesterday or the day before, that you’re a slow worker and also something about brain fog. Give, give me some examples, what . . . exactly does this mean?

[MOTHER]: So, it’s, like for instance, . . . someone took a, like a puzzle piece, . . . And like scattered the pieces. So, a lot of time like it’s, you know, if, obviously, this is not a, not an unstressful event, . . . because it’s hard being pro se. You know, so . . . it’s literally like someone puts . . . a barrier in your brain and you’re trying to like, I guess, I can describe it as like it’s static. . . . And sometimes it’s better or worse than others. Like if I’m, obviously if I’m stressed or a four-day trial.

THE COURT: Okay.

[MOTHER]: And . . . I’m very bad like slow writer. It takes me like fifteen times longer to write things. My, my kids make fun of me. You know, I’ll be responding back to an e-mail or something and I’ll be, give me a minute.

THE COURT: Um hm.

[MOTHER]: And, you know, I get super, super distracted.

Although Mother requested disability accommodations, neither she, nor Father, argued that her medical conditions “limit major life activities” or otherwise are a factor

affecting the best interests of the children. Indeed, Mother specifically denied that her health or disability affected her ability to care for them.

Despite Mother’s contention, the circuit court did conduct the statutorily required analysis for individuals with disabilities under FL § 9-107. After eliciting and crediting Mother’s testimony about her medical conditions, the court concluded that Mother’s admitted difficulties with “brain fog” and auditory processing, as well as her driving limitations, contribute to the material changes that have impaired Mother’s ability to continue co-parenting on the shared legal and physical custody basis established under the JAD. The court made written findings that Mother’s disabilities affect the best interest of the children and contribute to the grounds for modifying custody. We are satisfied that the court’s oral and written decisions conform to the statutory requirement that the court state “the basis for th[at] finding[.]”

Issues 2 and 3: Abuse and Neglect Protections Under FL § 9-101, § 9-101.1

Mother next contends that the circuit court erred in failing to comply with the statutory protections for abuse and neglect victims under FL § 9-101⁷ and § 9-101.1,⁸ which require specialized findings when there is either a history of domestic violence, child abuse

⁷ Under FL § 9-101,

(a) In any custody or visitation proceeding, if the court has reasonable grounds to believe that a child has been abused or neglected by a party to the proceeding, the court shall determine whether abuse or neglect is likely to occur if custody or visitation rights are granted to the party.

(b) Unless the court specifically finds that there is no likelihood of further child abuse or neglect by the party, the court shall deny custody or visitation rights to that party, except that the court may approve a supervised visitation arrangement that assures the safety and the physiological, psychological, and emotional well-being of the child.

⁸ Under FL § 9-101.1,

(b) In a custody or visitation proceeding, the court shall consider, when deciding custody or visitation issues, evidence of abuse by a party against:

(1) the other parent of the party's child;

(2) the party's spouse; or

(3) any child residing within the party's household, including a child other than the child who is the subject of the custody or visitation proceeding.

(c) If the court finds that a party has committed abuse against the other parent of the party's child, the party's spouse, or any child residing within the party's household, the court shall make arrangements for custody or visitation that best protect:

(1) the child who is the subject of the proceeding; and

(2) the victim of the abuse.

or neglect, or reasonable grounds for such concerns. In Issue 2, Mother maintains that the court failed to consider evidence of Father’s past domestic violence and child abuse, and that the court abused its discretion in preventing her from fully presenting supporting evidence of such abuse. In Issue 3, she argues that the court ignored “uncontested evidence” of an alleged “pattern” of Father’s medical and educational neglect, “physical, emotional and financial abuse,” and “obstruction of” her “parental role and advocacy for the children’s well[-]being.”

Father responds that Mother’s claims “are fundamentally flawed in their premise” because

[t]here is no record evidence of domestic violence or abuse that the circuit court could have considered, and the only such evidence that has ever been introduced in this case (a) was not introduced in the custody modification proceedings at issue here, (b) relates to the period prior to the couple’s divorce in 2020, and (c) was rejected in prior custody proceedings at the time of the divorce.

“[C]ourts in custody modification proceedings are not precluded from considering evidence that was before a court in a previous custody hearing[.]” *Augustine v. Wolf*, 264 Md. App. 1, 20 (2024) (citing *McCready v. McCready*, 323 Md. 476, 481 n.1 (1991)). Here, the same judge presided over both custody proceedings and was not persuaded in either instance that Father abused or neglected the children or Mother.

In the divorce proceedings litigated in 2020, Katherine W. Killeen, Ph.D., a custody evaluator appointed by consent order, testified that there was no evidence of drug or alcohol problems detected during drug testing. Nor did she or Father’s health care provider observe any indications of substance abuse. Likewise, Dr. Killeen testified that she found

“absolutely no basis” for Mother’s allegations of violence or psychological abuse. Although the parents argued and failed to communicate effectively, Dr. Killeen discerned nothing to indicate that Father was “trying to systematically . . . control” Mother “through denigration, de-valuation, isolation,” or other interactions. Ultimately, Mother’s consent to share legal and physical custody equally with Father, which the court adopted in the JAD, further undermines her allegations of pre-divorce abuse and neglect.

In this modification proceeding, there was no independent custody evaluation of post-divorce circumstances because, even though Father requested that Dr. Killeen “continue to serve as custody evaluator” given the complicated nature of the case, Mother objected. Nor did Mother persuade the court that Father abused or neglected the children while sharing custody with Mother.

Mother complains that she was “unjustly restricted from presenting more evidence” that Father abused steroids and stimulants “after 2020[.]” In support, she cites to the following pages from the December 19, 2024 hearing transcript:

- Mother testified that Father has “had issues with stimulant and drug abuse[.]” that she “found a stash of his needles and (inaudible) handwritten log,” and that “[h]e steals the kids’ medications.”
- Mother testified that “years ago,” she “found like bottles, bottles of stuff” that she naively did not understand was “like Suzie homemaker stuff that he was injecting.” Mother was concerned about the children “put[ting] their hands somewhere” and getting “pricked.”
- Mother proffered an undated photo of “I guess the drug paraphernalia” and “what he’s injecting himself with.”

We decline to re-weigh evidence because “[i]t is not our role, as an appellate court, to second-guess the trial judge’s assessment of a witness’s credibility.” *Gizzo*, 245 Md.

App. at 203. Here, the circuit court was not persuaded by Mother’s abuse and neglect allegations, finding instead that “Father is a fit and proper parent” who “enjoy[s] an excellent relationship with the children” and “appears to be even tempered and puts the children’s needs first.” This assessment reflects the court’s evaluation of the evidentiary record in light of its extensive experience with this family, which we may fairly infer enhanced its ability to assess the credibility and post-divorce capability of each parent.

For these reasons, we hold that the court did not err or abuse its discretion in finding that Father did not abuse Mother or the children. In turn, absent predicate factual grounds, the court was not required to make the findings contemplated by FL § 9-101 and § 9-101.1.

Issues 4, 5, and 6: Material Change and Best Interest Findings

Mother next challenges the material change and best interest findings underpinning the court’s decision to modify custody. In Issue 4, she contends that the court erred in concluding, based on inadmissible hearsay, unreliable witnesses, and unsubstantiated allegations, that during the five years since the consent custody order under the JAD, circumstances affecting the best interests of the children have materially changed. In Issue 5, she argues that the court abused its discretion in failing to credit her “clear, credible, and uncontested testimony and evidence, which [Father] failed to rebut.” In Issue 6, Mother maintains that “[t]he [c]ourt erred by failing to conduct a child specific best interest analysis, as required under Maryland law.”

Father points out that Mother does not identify the specific findings that she asserts are erroneous, much less provide supporting citations to the record or the law. To the extent Mother challenges the circuit court’s finding that she has not provided a safe and stable

home for the children, he contends there is ample evidence to support that factual finding, given the documented physical and mental injuries to the children while in her care, Mother’s harsh and inappropriate discipline, and the children themselves expressing feelings of being unsafe at her home. Moreover, the decision to grant Father sole legal and primary physical custody plainly applies to all three children, reflecting the court’s “overall ‘concerns about the children’s safety at the Mother’s home.’”

Appellate review is not a forum for a disappointed parent to relitigate the weight of the evidence or dispute the credibility of witnesses, because the circuit court “sees the witnesses and the parties, hears the testimony, and . . . is in a far better position than is an appellate court, which has only a cold record before it, to weigh the evidence and determine what disposition will best promote the welfare of the minor child.” *Reichert v. Hornbeck*, 210 Md. App. 282, 304 (2013) (cleaned up). As long as there is substantial evidence to support the factual findings and no abuse of discretion, we will affirm that court’s determinations regarding a material change and best interests. *See Gizzo*, 245 Md. App. at 200-01.

Here, the court, in its factfinding role, evaluated Mother’s post-divorce history with Father and with the children. During the four-day hearing, the court credited evidence that, while in Mother’s care, the children were subjected to her “angry outbursts” and inappropriate discipline, repeatedly sustained physical injuries, made distress calls to Father, refused to go to Mother’s, ran away multiple times, witnessed custody-related disputes involving police intervention, reported to police they did not feel safe at Mother’s, requested to stay with Father, recounted incidents of harsh discipline that generated a report

to CPS, were called “pathological liars,” and threatened with involuntary psychiatric hospitalization.

In support of its material change finding, the court expressly found that “[t]he children . . . are now almost five years older[,]” with the eldest “now in high school and the middle child will attend high school next year.” Although vocational and medical experts previously testified that Mother was able to earn an income and work, and Mother “appeared to be intelligent and able to understand” the legal proceedings, there was “[n]o medical testimony” at the modification hearing. Mother, who had “not worked since the original trial[,]” cited her driving limitations and medical conditions as factors making “it difficult for her to do physical activities.”

The court also stated that it “observed a deterioration in [Mother’s] condition in the nearly five years since the original trial[,]” citing Mother’s testimony that “she suffered from ‘brain fog’ and is a ‘slow worker’” and her “great difficulty following simple instructions” throughout the hearing. “These observations[,]” in addition to “draw[ing] into question whether Mother is physically and/or psychiatrically able to parent her children on a week on/week off basis[,]” raised the court’s “concerns about the children’s safety at the Mother’s home on a full week basis.” Also citing B.’s disclosure to police and his school counselor that he experienced violence at Mother’s home, Mother’s recorded call screaming at B., and her descriptions of him as a “pathological liar,” the court determined that, now that “[t]he children are older and have different needs[,] . . . Mother is less able to take care of them and safety and violence issues have occurred in [her] home.”

When, as in this case, the circuit court finds “that an existing provision concerning custody . . . is no longer in the best interest of the child and that the requested change is in the child’s best interest, the materiality requirement will be satisfied.” *McMahon*, 162 Md. App. at 596. In its best interests assessment, the court addressed each of the *Taylor/Sanders* factors, concluding that, as a result of material changes, both legal and physical custody should be modified. We discern no error or abuse of discretion in these decisions.

When deciding whether joint legal custody is appropriate, the “‘most important factor’” is “the ‘capacity of the parents to communicate and to reach shared decisions affecting the child’s welfare.’” *Santo*, 448 Md. at 628 (quoting *Taylor*, 306 Md. at 304). “Ordinarily the best evidence” concerning this factor is “the past conduct or ‘track record’ of the parties.” *Taylor*, 306 Md. at 307. If the parents’ history shows that they cannot make important decisions affecting their child’s welfare “together because, for example, they are unable to put aside their bitterness for one another, then the child’s future could be compromised.” *Santo*, 448 Md. at 628. “Blind hope that a joint custody agreement will succeed, or that forcing the responsibility of joint decision-making upon the warring parents will bring peace, is not acceptable.” *Taylor*, 306 Md. at 307.

Here, the evidence strongly supports the circuit court’s decision to end the joint custody arrangement for all three children. The court found that the parents no longer wanted to share legal custody because they could no longer reach shared decisions or communicate effectively. They frequently spar over child-related communications and decisions, escalating to the point that police have intervened on two occasions. Nothing in the parents’ testimony suggested that they were likely to make progress toward joint

decision-making. To the contrary, during this appeal, they continued to fight over matters involving education, health care, and vacation. Based on this record, the circuit court did not err or abuse its discretion in modifying legal custody in order to prevent protracted disputes that are not in the children’s best interests. *See Baldwin v. Baynard*, 215 Md. App. 82, 111-12 (2013).

Likewise, the evidence supports the decision to grant Father primary physical custody. Finding that Father is “even tempered and puts the children’s needs first[,]” the court concluded that Mother’s “stated health issues, difficulty driving for more than fifteen minutes, angry outbursts at the children, inappropriate discipline of the children, and ‘brain fog’” make Father “the better parent for legal custody.” Moreover, “Mother’s relationship with her sons appears to be hot and cold[,]” given that she calls them “pathological liars” and metes out inappropriate discipline, including withholding food and locking B. “outside until midnight[.]” Significantly, the court found that “Mother has had more difficulties as the children have aged.”

Trial courts have “wide discretion in determining questions concerning the welfare of children” and deciding what custody arrangement will serve a child’s best interests. *Azizova v. Suleymanov*, 243 Md. App. 340, 345 (2019). When reviewing a custody decision, this Court’s role is not to decide whether it would have made the exact same decision as the circuit court. *See Gordon v. Gordon*, 174 Md. App. 583, 638 (2007). Instead, we will not disturb the circuit court’s exercise of discretion unless it was “‘well removed from any center mark imagined by the [appellate] court and beyond the fringe of what that court deems minimally acceptable.’” *Gillespie v. Gillespie*, 206 Md. App. 146,

175 (2012) (quoting *In re Yve S.*, 373 Md. 551, 583-84 (2003)). Based on the material changes in Mother’s ability to provide a safe and supportive home for all three children during her full-week custody periods under the JAD, the court did not err or abuse its discretion in modifying physical custody.

Issue 7: Bias Allegations

Mother asserts that the circuit court erred by “exhibiting extreme bias” against her and by failing to follow Maryland Rules implementing the Americans with Disabilities Act. In Mother’s view, the court “failed to provide all of her accommodations and instead treated her disabilities as evidence of unfitness, contrary to Title II of the ADA.” Father counters that Mother “did not preserve” these complaints “for appellate review” because she did not timely raise them in the circuit court. Nor does she identify the type of bias that merits appellate relief.

Under Md. Rule 18-102.2, judges are required to “perform all duties of judicial office impartially and fairly[,]” which may require them to “make reasonable efforts, consistent with the Maryland Rules and other law, to facilitate the ability of all litigants, including self-represented litigants, to be fairly heard.” Under Md. Rule 18-102.3(b), “a judge shall not, by words or conduct, manifest bias, prejudice, or harassment based upon . . . disability[.]” Yet this restriction does “not preclude judges . . . from making legitimate references to the listed factors, or similar factors, when they are relevant to an issue in a proceeding.” Md. Rule 18-102.3(c).

Maryland law establishes a “‘strong presumption’ that ‘judges are impartial participants in the legal process.’” *Harford Mem’l Hosp., Inc. v. Jones*, 264 Md. App. 520,

541 (citations omitted), *cert. denied*, 490 Md. 640 (2025). “Bald allegations and adverse rulings are not sufficient to overcome this presumption of impartiality.” *Id.* at 541-42.

Because preservation requirements apply to allegations of judicial bias, in the absence of very extenuating circumstances, any “litigant claiming bias on the part of the trial judge must generally move for relief as soon as the basis for it becomes known and relevant[.]” identifying the objectionable conduct and the relief requested. *Id.* at 542 (cleaned up). Requiring contemporaneous objection preserves opportunities to ensure an impartial proceeding and prevents belated allegations of bias from being “weaponized to avoid unfavorable rulings[.]” *Id.* at 543. For that reason, when reviewing claims of partiality, we ask whether the

(1) facts are set forth in reasonable detail sufficient to show the purported bias of the trial judge; (2) the facts in support of the claim [were] made in the presence of opposing counsel and the judge who is the subject of the charges; (3) [the party alleging bias was] ambivalent in setting forth his or her position regarding the charges; and (4) the relief sought [was] stated with particularity and clarity.

Braxton v. Faber, 91 Md. App. 391, 408-09 (1992).

Mother does not cite us to a single instance during the course of this four-day hearing when she timely objected that the court was biased against her, either as a result of her claimed disabilities or otherwise, and then requested specific relief. For that reason, Mother did not preserve her due process challenge based on bias.

Even if she had done so, we are not persuaded that Mother would be entitled to relief. On appeal, we ask “whether a reasonable member of the public knowing all the circumstances would be led to the conclusion that the judge’s impartiality might reasonably

be questioned.” *Harford Mem’l Hosp.*, 264 Md. App. at 547 (cleaned up). For allegations of bias in evidentiary rulings or the manner in which the court conducted trial, we recognize that such allegations are undermined when those decisions were legally correct and within the scope of the trial court’s discretion. *See id.*

Notably, Mother’s appellate complaints do not identify a type of judicial partiality that has warranted appellate relief based on either inappropriate personal conduct toward counsel, improvident remarks concerning a jury, or potential connections to litigants and witnesses. *Cf. Surratt v. Prince George’s Cnty.*, 320 Md. 439 (1990) (female attorney alleged repeated instances of sexual misconduct by judge); *In re Turney*, 311 Md. 246 (1987) (judge presided over criminal trial in which stepson of judge’s former wife’s stepson was implicated and stepson’s friend was charged); *Jefferson-El v. State*, 330 Md. 99, 109 (1993) (judge criticized the jury and remarked that acquittal was an “abomination”). Instead, Mother complains that the circuit court “repeatedly interrupted” her and “rushed her case, den[ying] her requests for more time” and making “disparaging expressions and inappropriate remarks[,]” including “in the final order.”

In support of her bias allegations, Mother cites to transcript pages from the final day of the hearing. Addressing each in turn, we explain why none supports her belated bias challenges.

- In the first instance, the court sustained an objection when Mother attempted to question the court and Father’s counsel about their communications with the former custody evaluator, Dr. Killeen, who was not a witness in this modification proceedings. The court did not err or exhibit bias when it excluded argument and evidence regarding a witness who did not testify.

- In the second colloquy toward the end of the final day, although the court had just noted that Mother’s remaining list of questions included “already asked and answered” matters, Mother again returned to remarks that she had already covered, about the discrepancy between her ten-year-old car and Father’s fully paid vehicle. The court interjected, “you’ve said this at least four times. Can we, if there’s something new you want to say, I’ll listen. But it’s got to be new.” The court did not err, abuse its discretion, or demonstrate bias in merely preventing redundancy.

Alternatively, Mother contends that the court’s bias is shown by other evidentiary rulings, including decisions to admit the school counselor’s log and the recording of Mother yelling at B., but to exclude a CPS report that she maintains “documented [Father’s] emotional and physical abuse of the children[,]” a recording in which A. allegedly “admitted to [B.] that [Father] paid him \$50 to break something that had belonged to” his maternal grandfather “to get her angry[,]” and “photos of [Father’s] hand written drug log/ stash of syringes/ needles[.]” Again, Mother’s meager citations to the record do not establish bias on the part of the trial judge in its evidentiary rulings. Given the lack of foundation and relevance, combined with the lack of any contemporaneous objection asserting bias, these rulings were neither legally erroneous, nor prejudicial.

Finally, Mother complains that the circuit court relied on her “courtroom demeanor, shaped by her *pro se* status, documented disabilities, and the cumulative impact of pretrial bias and denied accommodations, as grounds to reduce her custody.” Despite the impact of her self-representation and her auditory processing disability causing delayed processing times warranting “CART service,” remote proceedings, and “repetition and/or slower speech[,]” Mother believes that she was “penalized for requesting clarification or repetition during trial . . . , with the [c]ourt later using this against her in its written Order by stating

she had ‘*great difficulty following simple instructions*’” and “basically saying that her intelligence had declined since the 2020 trial.”

We do not agree that the circuit court commented derogatorily on Mother’s intelligence or otherwise improperly penalized Mother for her disabilities. As we have discussed, the court elicited and considered Mother’s description of her health in assessing whether there had been material change affecting the children’s best interests. The court found that Mother was having more difficulty with the children as they got older and that she was struggling with the existing custody schedule of alternating full weeks, as evidenced by her increasing conflicts with the two boys, inappropriate discipline, and angry outbursts, prompting intervention by police and CPS reports by concerned mandatory reporters. For these reasons, we conclude that Mother failed to preserve her bias challenge, but even if she had, a reasonable person would not question Judge Battista’s impartiality in adjudicating these cross-petitions to modify custody.

Issues 8-22: Additional Issues

Stating that she “didn’t have any more room” in her brief, Mother “summarized some other ‘Issues’” in a list numbered 8-22. *See infra* Appendix. She offers no supporting argument, record citation, or legal principles. *See* Md. Rule 8-504(a)(6) (providing that an appellate brief must contain “[a]rgument in support of the party’s position on each issue”). Although Mother was entitled to proceed by informal brief, she is not entitled to appellate review on the issues for which she has provided no argument. Under Md. Rule 8-502(a)(9),

(9) Informal Briefing in the Appellate Court. For cases in which at least one party is self-represented, the Chief Judge of the Appellate Court, by administrative order, may authorize informal briefing in one or more

categories of appeals in that Court. The administrative order shall: (A) list the categories of appeals to which it applies; (B) state the protocols to be followed, including protocols to remove a case from informal briefing by stipulation of the parties or order of the Court; and (C) promulgate forms to be used. The administrative order shall be posted on the Judiciary website, and paper copies of it shall be available to the public in the Office of the Clerk of the Appellate Court. A case designated for informal briefing is not subject to the requirements of Rules 8-501 through 8-504, *except to the extent a Rule is incorporated into the informal briefing protocols set forth in the administrative order.*

(Emphasis added.)

The Court-approved form for informal briefs instructs appellants to “refer to the Guidelines for Informal Briefs provided with this form for instructions on how to fill out this form.” The form directs the appellant to

identify the issues that you would like the Appellate Court of Maryland to consider, identify the facts relating to those issues, and identify your argument in support of the resolution of those issues. When referencing facts, identify where the facts can be located in the record (in other words, exhibits, transcripts, pleadings, orders, decisions, etc.). You may cite case law, statutes, or other authorities, but you are not required to do so. You may attach any relevant documents from the record.

Informal Brief of the Appellant, available at <https://www.mdcourts.gov/sites/default/files/import/cosappeals/pdfs/informalbriefappellantcivil.pdf>. Likewise, the accompanying Guidelines expressly require appellants to identify both issues and supporting arguments. Guidelines for Informal Briefs, available at <https://www.courts.state.md.us/sites/default/files/import/cosappeals/pdfs/guidelinesinformalbriefs.pdf>, at (b)(2). Under subsection (b)(2), the Guidelines state:

the appellant must identify issues that explain why the trial court erred or made a mistake in deciding the case and why the decision should be reversed or modified. The issue presented in the informal brief should be stated

concisely with a description of the facts surrounding the issue *and an argument supporting the resolution of the issue.*

(Emphasis added.)

Under subsection (3) of these Guidelines, “[a]ny issue not raised specifically in an informal brief may not be considered by the Court.” *Id.* This is consistent with the longstanding appellate principle that “if a point germane to the appeal is not adequately raised in a party’s brief, the court may, and ordinarily should, decline to address it.” *DiPino v. Davis*, 354 Md. 18, 56 (1999). Because “arguments not presented in a brief or not presented with particularity will not be considered on appeal[,]” *Klauenberg v. State*, 355 Md. 528, 552 (1999), to the extent we have not already addressed these issues listed by Mother without supporting argument, we will not do so.

**CUSTODY MODIFICATION ORDERS
ENTERED BY THE CIRCUIT COURT FOR
BALTIMORE COUNTY ON JANUARY 2,
2025, AND JANUARY 9, 2025, AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**

APPENDIX

Mother enumerates the following issues in her informal brief:

Issue 1: FAILURE TO FOLLOW MARYLAND FAMILY CODE § 9-107; ETC.

Issue 2: FAILURE TO CONSIDER MANDATORY EVIDENCE OF PAST DOMESTIC VIOLENCE AND CHILD ABUSE AS REQUIRED; ABUSE OF DISCRETION IN PREVENTING THE APPELLANT FROM FULLY PRESENTING HER CASE

Issue 3: FAILURE TO INCLUDE THE APPELLEE’S PATTERN OF MEDICAL NEGLECT, EMOTIONAL HARM, EDUCATIONAL NEGLECT AND DOMESTIC ABUSE; ABUSE OF DISCRETION BY IGNOR[ING] UNCONTESTED EVIDENCE AND FAILURE TO APPLY PROTECTIONS UNDER §§ 9-101 and 9-101.1.

Issue 4: ABUSE OF DISCRETION IN DETERMIN[ING] A MATERIAL CHA[N]GE AGAINST THE APPELLANT, NOT THE APPELLEE, AND IMPROPERLY DECREASING THE APPELLANT[’]S CUSTODY; IMPROPERLY ADMITTING EVIDENCE AND TESTIMONY, AND RELYING ON HEARSAY, UNRELIABLE WITNESSES, AND UNSUBSTANTIATED ALLEGATION IN REACHING CUSTODY DETERMINATION; MAKING FINDING OF FACTS THAT ARE NOT SUPPORTED BY THE RECORD; VIOLATION OF THE APPELLANT[’]S 14TH AMENDMENT RIGHT

Issue 5: ABUSE OF DISCRETION IN HANDLING UNDISPUTED TESTIMONY AND EVIDENCE

Issue 6: FAILURE TO CONDUCT INDIVIDUALIZED BEST INTEREST ANALYSIS FOR EACH CHILD; IMPROPERLY GROUPING MORE CHILDREN IN THAN THE RECORD SUPPORTS, FOR ITS SPECIFIC EXAMPLES

Issue 7: FAILURE TO FOLLOW: Md. Rule 18-102.2, Md. Rule 18-102.3, Md. Rule 1-332, Title II of the ADA; and Constitutional Due Process Rights Violation, etc

The Appellant didn’t have any more room, so hopes it’s ok that she summarized some other “Issues.”

8. The Court abused its discretion by failing to apply judicial estoppel when the Appellant requested it.
9. The Court abused its discretion by refusing to interview [C.], citing her age.
10. The Court abused its discretion by allowing the Appellee to use his tie breaking authority to prevent [B.] and [A.] from being interviewed, even though the Appellant requested it.
11. The Court abused its discretion by considering child support in its custody determination, despite the Court stating during the 12/6/24 conference call (and in its Order) that child support would be addressed in a separate hearing.
12. The Court abused its discretion by denying [C.] and [A.] a BIA or custody evaluation, while granting the Appellee's request for both for [B.]
13. The Court abused its discretion by failing to address extensive ex parte communication between the Appellee and his legal counsel and key decision-makers in the case.
14. The Court abused its discretion by ignoring evidence that the Appellee is relocating, a fact that directly affects several *Taylor* factors.
15. The Court abused its discretion in its handling of the BIA and the resulting bias, which severely prejudiced the Appellant.
16. The Court abused its discretion by admitting mental health documents that were not obtained in compliance with the required legal protocols.
17. The Court abused its discretion by using the [camp director] incident as a primary basis for penalizing the Appellant even though the Appellee was in violation of the Court's own Order by having the children attend.
18. The Court abused its discretion by making multiple findings of fact unsupported by the record.
19. The Court abused its discretion by issuing an Order that was misleading in several respects, including but not limited to referencing the 2022 domestic violence filing but omitting that it was dismissed against the Appellant[] as frivolous.

20. The Court abused its discretion by denying the Appellant's various filings and requests during this litigation. The denials appear to have been tainted by bias, and the Appellant's filings were legally and factually warranted.

21. The Court abused its discretion by not allowing the Appellant to present her full case at trial, particularly after the Appellee expanded the case to include [A.] and [C.]

22. The Court abused its discretion by allowing the Appellee to introduce evidence at trial that was not properly served in accordance with Maryland Rule 2-401(d)(2), such as the school counselor log, without a proper certificate of service.