Circuit Court for Baltimore County
Case No. 03-C-15-009471

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 0653

September Term, 2023

VALERIE CODD BROWNING

v.

SHAWN BROWNING

Wells, C.J.,
Zic,
Raker, Irma S.,
(Senior Judge, Specially Assigned),

JJ.

Opinion by Wells, C.J.

Filed: December 4, 2023

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

Appellant Valerie Codd Browning ("Mother") and appellee Shawn Browning ("Father") each filed motions to modify custody of their two minor children. Following a hearing, the Circuit Court for Baltimore County granted Father's custody request and denied Mother's requested relief. On appeal, Mother argues the circuit court (1) erred in granting Father tie-breaking authority, (2) erred in granting Father physical custody of the children while also changing Mother's access schedule, and (3) erred in denying Mother's request to alter or modify the court's decision.[1] For the reasons we discuss below, we affirm the judgment of the circuit court.

[1] Mother's verbatim questions are:

I. WHETHER IT WAS AN ABUSE OF DISCRETION FOR THE CIRCUIT COURT TO GRANT FATHER TIE-BREAKING AUTHORITY ON LEGAL CUSTODY DECISIONS, PARTICULARLY WHEN HE HAD DENIED THE CHILD'S DIAGNOSES AND TREATMENT?

II. WHETHER IT WAS AN ABUSE OF DISCRETION FOR THE CIRCUIT COURT TO AMEND THE PHYSICAL CUSTODY SCHEDULE ABSENT ANY FINDING THAT A MATERIAL CHANGE HAD OCCURRED WHICH WARRANTED A CHANGE IN PHYSICAL CUSTODY, RATHER THAN LEGAL CUSTODY?

III. WHETHER IT WAS AN ABSUE OF DISCRETION FOR THE CIRCUIT COURT TO GRANT FATHER "PRIMARY" PHYSICAL CUSTODY, RELYING ON THE PREMISE THAT FATHER WILL CHANGE HIS BEHAVIOR?

IV. WHETHER IT WAS AN ABUSE OF DISCRETION FOR THE CIRCUIT COURT TO OUTRIGHT REJECT MOTHER'S MOTION TO ALTER OR AMEND DEMONSTRATING HER NEW HOUSING ARRANGEMENTS WHEN THE COURT HAD RAISED CONCERNS ABOUT HER HOUSING IN AWARDING FATHER PRIMARY PHYSICAL CUSTODY?

FACTS AND LEGAL PROCEEDINGS

In September 2016, the parties divorced. Mother and Father have two minor children, W and G, who were aged thirteen and ten, respectively, at the time of the modification hearing here. By the terms of a marital settlement agreement, the parties agreed to joint legal and shared physical custody of the children on a schedule delineated in the agreement.

In 2018, both parties moved to modify custody. A hearing was held before a family magistrate. During the hearing, according to the docket entries, the parties reached an agreement. Oddly, no agreement was placed on the record before the magistrate, nor did the circuit court review and ratify a proposed order from the magistrate embodying the parties' supposed agreement.[2]

Later, both parties again moved to modify custody, Father in 2020 and Mother in 2021. The circuit court appointed a Best Interests Attorney for the children, and the dueling modification motions were set for a hearing before a circuit court judge, which took place on November 2, 4, and December 28, 2022.

We will summarize the testimony of the main witnesses at the hearing. Father testified about his relationship with his current partner, with whom he has a child. The three live with W and G in a three-bedroom house in Baltimore County. The children attend school in his school district, which is only a few miles from Mother, who lives in Baltimore

[2] Despite this strange omission, testimony at the modification hearing now at issue revealed that the parties kept in place the same shared physical custody arrangement they had reached in 2016.

City. Father testified about his impressions of the personalities of the children and noted they were engaged in a variety of sports and other extra-curriculars. Father testified that at his house the children were expected to perform various chores, and they were not permitted access to any electronic devices until their homework was done.

According to Father, he moved to modify custody because he thought Mother was becoming negligent in her care of the children. He cited numerous examples including his impression that the children were inadequately fed when they were with Mother, and that their hygiene was poor after returning from her care. He called Mother's house "a mess." He cited examples of what he deemed Mother's neglect of G, who has medical and developmental issues, including a fall G experienced while with Mother which caused an injury to G's eye that Father thought was serious, but Mother did not. Overall, he believed Mother was a permissive and inattentive parent.

Mother testified that she lives in a two-bedroom apartment in Baltimore City. She works as a special educator in the City's public school system. She described the current custody arrangement in which she has the children on a shared weekly basis with Father.[3] One major concern she raised was Father's alleged over-consumption of alcohol, leading to his hospitalization, which happened while the children were in his custody. She mentioned a 2019 agreement in which Father agreed to install an ignition lock device on his vehicle so that it would only start after he'd blown into a "breathalyzer." He also agreed to send her the results of the breathalyzer.

[3] "I have them Sunday nights, Monday, and Tuesday, they go back to [Father] Wednesday morning and Thursday and then we alternate Friday and Saturday."

Mother testified that she was in good health and had no physical or mental impairments that would prevent her from caring for the children. Like Father, Mother gave her impressions of the children's personalities and described how well the children got along with each other. By way of countering one of Father's concerns about the lack of discipline at her house, Mother explained that she "do[es] a lot of explaining" to the children if they misbehave and then will administer appropriate consequences. She testified she is their sole caregiver when they are with her, providing them with nutritious meals, clean clothing, regulating their schedules (including completing homework), and tending to any medical needs, etc.

As for her specific concerns with G, Mother described physical and academic delays G has experienced from infancy to the present. G currently has an Individualized Education Program (IEP) in math and English at school. As a result of physical, cognitive, and emotional challenges, G has seen several physicians. For our purposes we need not dwell on the number, specializations, and treatment each doctor rendered to G, but Mother's testimony went into detail on these topics. Mother testified she made and ensured G attended all appointments and has kept Father informed as well.[4]

Mother described Father as being "aggressive and accusatory" in his communication with her. For example, she stressed that the number and content of nearly every email he sent her "border[ed] on harassment." She claimed he withheld information

[4] Mother testified about some emotional issues that W was experiencing, and the treatment received.

about the children and their activities, such as camping trips and music lessons: Mother said she knew the children were engaged in these activities, but she did not know where they were taking place. She denied being inattentive and uncaring about the children's well-being. In her estimation, the children were anxious, sad, or frustrated when they returned from spending time with Father. Further, Mother felt it was important to tell the children's pediatrician and other physicians about Father's alleged drinking because the children were fearful and in danger, in her opinion. Overall, Mother thought Father was controlling and emotionally and verbally abusive toward her.

Without objection, the Best Interests Attorney called Dr. Johari Massey, a clinical psychologist, to testify as an expert witness, chiefly about her observations and conclusions concerning G's emotional and psychological health. Dr. Massey testified that she first did a psychological assessment of G, which included an anxiety measure. Dr. Massey noted that despite both parents' claims that the other had emotionally abused G, the psychological assessment showed no such abuse. Dr, Massey ultimately diagnosed G with "generalized anxiety disorder, separation anxiety disorder, and ADHD (Attention Deficit Hyperactivity Disorder)." As a result, Dr. Massey found that G "gets very emotionally dis-regulated pretty easily. And this will lead to difficulties processing information altogether, meaning that [G] has a hard time putting the information together . . . ." Because of the severity of the delays and lack of treatment. Dr. Massey discontinued the assessment recommending immediate treatment.

Dr. Massey found that G's anxiety was triggered by Mother's "enmeshment." [5] Further, it seemed to Dr. Massey that G was exposed to the parents' inappropriate boundary setting. Father's boundaries were too rigid, while Mother's were too loose and overlapping, leading G to struggle with how to cope with stress. Dr. Massey concluded that Mother was G's source of coping, but that G simultaneously took on Mother's anxieties as well. Dr. Massey spoke to both parents about how to address this imbalance. Additionally, Dr. Massey worried that Mother sleeping in the same bed with both children, an issue that Father had raised, would not decrease the enmeshment. After the last meeting with the parents, when Dr. Massey revealed her findings, according to Dr. Massey, Father was upset but stated he would try to follow Dr. Massey's recommendations. Mother, on the other hand, was also angry, but tried to blame Father, sending Dr. Massey several emails after their last meeting, blaming G's issues on Father's supposed drinking and domineering attitude.

After hearing testimony from several additional witnesses, including other doctors who treated both children, G's teacher, and an oral report from the Best Interest Attorney, the court issued a fifteen-page memorandum opinion. The court concluded that a material change in circumstances occurred since the parties' original custody agreement was entered

[5] "An enmeshed relationship is a type of relationship between two or more people in which personal boundaries are unclear and permeable. This often happens on an emotional level in which two people 'feel' each other's emotions, or when one person becomes emotionally escalated and the other family member does as well." New Haven Treatment Center. https://www.newhavenrtc.com/parenting-teens/understanding-enmeshment/.

in 2016,[6] specifically major changes in the health of both children. The court listed the various somatic and psychological diagnoses of both children, particularly G. None of these ailments affected the children in 2016.

Having found a material change in circumstances, the court engaged in an analysis of each of the so-called *Taylor*[7] factors. The court concluded that, despite their personality differences, it was in the children's best interests that both parents should be involved in major decisions affecting the children, particularly those concerning the children's health. The court awarded the parents joint legal custody. However, because the court found Father "ha[d] better insight and understanding of the children's needs," if after "reasonable discussions" the parties were at an impasse, Father would be the final decision maker. The court awarded Father primary physical custody of both children. In rendering this decision, the court found that Mother showed little insight into how her behavior harmed the children. Furthermore, she struggled to meet the children's daily needs.

Mother filed a timely notice of appeal of the court's order. Additional facts will be discussed as needed.

[6] We note that neither parent disputed that, despite going before a magistrate on March 25, 2019, and supposedly reaching an agreement, they were still adhering to the terms of the 2016 custody order in which they shared legal and physical custody of both children.

[7] *Taylor v. Taylor*, 306 Md. 290 (1986).

DISCUSSION

I. THE COURT DID NOT ABUSE ITS DISCRETION IN GRANTING FATHER TIE-BREAKING AUTHORITY

In her first issue, Mother contends that the circuit court erred when it granted Father tie-breaking authority in the event the parties are unable to reach a joint decision after good-faith discussions. She argues that the court abused its authority because the record, in her opinion, shows that Father "either failed to believe or support [G]'s special needs." Mother asserts that she is better attuned to G's needs, particularly his medical diagnoses and the recommended treatment.

Whether to grant a motion to modify child custody rests within the sound discretion of the circuit court and will not be disturbed absent legal error or abuse of discretion. *Kaplan v. Kaplan*, 248 Md. App. 358, 385 (2020) (quoting *Ruiz v. Kinoshita*, 239 Md. App. 395, 425 (2018)). When an action has been tried without a jury, we review the case on both the law and the evidence. MD. R. 8-131(c); *Ley v. Forman*, 144 Md. App. 658, 665 (2002). We give due regard to the opportunity of the circuit court to evaluate the credibility of the witnesses, and we will not set aside the court's factual findings unless they are clearly erroneous. *Id.*

Maryland law provides that a circuit court has continuing equitable jurisdiction over custody matters. The relevant statute provides: "In exercising its jurisdiction over the custody, guardianship, visitation, or support of a child, an equity court may: . . . from time to time, set aside or modify its decree or order concerning the child." MD. CODE, FAM. LAW ("FL") § 1-201(c). "Because the court retains continuing jurisdiction over

the custody of minor children, no award of custody or visitation, even when incorporated into a judgment, is entirely beyond modification, and such an award therefore never achieves quite the degree of finality that accompanies other kinds of judgments." *Frase v. Barnhart*, 379 Md. 100, 112 (2003).

Our courts engage in a two-step process when presented with a request to modify an existing custody order. *Gillespie v. Gillespie*, 206 Md. App. 146, 170 (2012). *First*, the circuit court must assess whether "there has been a material change in circumstances." *Green v. Green*, 188 Md. App. 661, 688 (2009). "A material change of circumstances is a change of circumstances that affects the welfare of the child." *Gillespie*, 206 Md. App. at 171. *Second*, should the court find a material change in circumstances, "the court then proceeds to consider the best interests of the child as if the proceedings were one for original custody." *Id.* at. 170 (quoting *McMahon v. Piazze*, 162 Md. App. 588, 594 (2005)). The trial court is thus required to evaluate each case on an individual basis to determine what is in the best interests of the child. *Wagner v. Wagner*, 109 Md. App. 1, 39 (1996).

This Court and the Supreme Court of Maryland have consistently held that a circuit court's grant of tie-breaking authority to one parent in a shared legal custody arrangement is permissible, and, in some cases, necessary. In the first case to discuss the concept of tie-breaking authority, *Shenk v. Shenk,* 159 Md. App. 548, 556 (2004), we held that the trial court "acted within its legal authority" in awarding joint legal custody and designating one parent as the "tie[-]breaker" if the parents disagreed about a consequential matter affecting their children. Further, we rejected the argument that *Taylor* precluded such an award by

noting that *Taylor* "expressly acknowledged the existence of 'multiple forms' of joint custody" and rejected formulaic approaches to child custody matters as inconsistent with the "'unique character of each case.'" *Id.* at 560 (quoting *Taylor*, 306 Md. at 303). In our view, joint legal custody with tie-breaking authority to one parent was a form of joint custody. *Id.* ("The accommodation fashioned by the trial court does not transform the arrangement into something other than joint custody."). We reasoned that the trial court's ability to fashion such an award was "in keeping with the 'broad and inherent power of an equity court to deal fully and completely with matters of child custody.'" *Id.* (quoting *Taylor,* 306 Md. at 301).

Later, in *Santo v. Santo*, 448 Md. 620 (2016), the Supreme Court of Maryland (at the time called the Court of Appeals) affirmed the propriety of awarding tie-breaking authority to one parent when the parties shared legal custody. There, the father argued that the circuit court erred in granting the parties joint legal custody because the circuit court had determined that parents had been continually "at war" with each other. In the father's view, joint legal custody required the parents have the ability to communicate and be capable of making joint decisions. The father argued that he and the mother simply could not do so. *Id.* at 626. Further, the court erred in granting the mother tie-breaking authority if the parties could not reach a final decision, so the father contended, because granting one parent the ability to override the other was inconsistent with *Taylor* and FL § 5-203(d), which provides "a court may award custody of a minor child to either parent or joint custody to both parents." In the father's view, the circuit court could either grant one parent

sole, or both parents joint legal custody, with "no option to create 'hybrids of the two.'" *Santo*, 448 Md. at 631.

The Supreme Court of Maryland disagreed, holding that, consistent with *Taylor*, an award permitting both parents an equal voice in decision-making but also giving one parent the ability to make a final decision after good faith discussions, was permissible. "[S]uch an award is still consonant with the core concept of joint custody because the parents must try to work together to decide issues affecting their children." *Id.* at 633. After reviewing decisions of other jurisdictions that permitted the use of tie-breaking authority to one parent, the Court noted that "[t]he requirement of good faith communication between the parents helps to ensure the parent with tie-breaking authority does not abuse the privilege of being a final decision-maker. And a court has the means to sanction a breach of good faith." *Id.* at 634. Ultimately, the Court determined that to constrain circuit courts from fashioning appropriate custody awards was inconsistent with the court's "broad inherent power . . . to deal *fully and completely* with matters of child custody." *Id.* at 636 (emphasis in original).

In this case, the circuit court carefully considered the testimony of the parents, the children's doctors (including a child psychologist), family members, and teachers in rendering the decision to grant both parents joint legal custody. The court articulated its reasoning, namely, that Father was better capable of addressing the children's needs, particularly G's medical needs, in awarding him tie-breaking authority. The court contrasted Father's abilities with Mother's apparent inability, in the court's view, to distance her emotional needs from the children's, especially G. The court concluded that

Mother had less insight in this area. The court admitted that both parents had trouble communicating but concluded that it was in best interests of both children that the parents try to communicate and attempt to make joint decisions. The court's grant of tie-breaking authority to Father, consistent with the holdings in *Shenk* and *Santo*, was not an abuse of discretion.

II. THE CIRCUIT COURT DID NOT ABUSE ITS DISCRETION IN AWARDING FATHER SOLE PHYSICAL CUSTODY OF THE CHILDREN AND CHANGING MOTHER'S ACCESS

In her next issue, Mother asserts the circuit court abused its discretion in awarding Father sole physical custody of the children. She also advances an allied argument that there was no basis for the court to award Father residential custody and to reform the visitation schedule from the shared access she previously enjoyed. Mother bases both arguments on her claim that the court ignored the weight of the evidence, suggesting that Father's behavior was the real cause of G's anxiety. Further, she claims the court erred in crediting Father's recognition that his assertive and controlling behavior had to end to better address G's needs.

As previously discussed, in a custody modification hearing, if the court determines that a material change in circumstances has occurred the court must then engage in an analysis of what custody arrangement would be in the child's best interests. *Gillespie*, 206 Md. App. at 170-71. The court is required to evaluate the specific facts of the case to determine the child's best interests. *Wagner*, 109 Md. App. at 39. Again, whether to grant a motion to modify child custody rests within the sound discretion of the circuit court and

will not be disturbed absent legal error or abuse of discretion. *Kaplan*, 248 Md. App. at 385.

In determining what custody arrangement, both legal and physical, are in the child's best interests, courts are guided by the factors articulated in *Montgomery County Department of Social Services v. Sanders*, 38 Md. App. 406, 420 (1977), and, with particular relevance to the consideration of joint custody, *Taylor v. Taylor*, 306 Md. 290, 304-11 (1986). In *Sanders*, this Court listed ten non-exclusive factors: (1) fitness of the parents; (2) character and reputation of the parties; (3) desire of the natural parents and agreements between the parties; (4) potentiality of maintaining natural family relations; (5) preference of the child; (6) material opportunities affecting the future life of the child; (7) age, health, and sex of the child; (8) residences of parents and opportunity for visitation; (9) length of separation from the natural parents; and (10) prior voluntary abandonment or surrender. 38 Md. App. at 420.

In this case, the circuit court took the testimony of several witnesses over four days and rendered a fifteen-page memorandum opinion that analyzed each of the relevant *Sanders* and *Taylor* factors in detail. We review the factors the court deemed most appropriate to determine if the court abused its discretion in modifying residential custody and Mother's access.

The court focused on each parent's fitness to exercise physical custody. In doing so, the court stated that it gave weight to the testimony of the children's doctors and their teachers in determining fitness. Starting with Father's allegation that Mother was unable to provide a proper living and learning environment, the court reviewed a Department of

Social Services investigative report from October 2020. That report, which was admitted into evidence without objection, detailed interviews with both children, who described Mother's home as "usually messy." The children described Mother's inability and unwillingness to prepare meals for them, leaving them to eat "chips, yogurt, and lollipops." Further, the children reported that they and Mother slept in a single bed, but, at the time of the investigation, were not doing so. The children reported that while they were engaged in virtual learning during the pandemic, G would awaken Mother, but that she would go back to sleep until around noon, leaving the children, particularly G, unattended. This seemingly confirmed Father's allegation that Mother was inattentive when the children were engaged in virtual learning.

The court was even-handed in relating its concerns about both parents. For example, the court credited Mother's allegation that Father was strict with the children. This fact was confirmed by Dr. Massey's appraisal of Father that he was "too rigid," causing G additional anxiety. Further, the court found credible Mother's assertion that Father did not believe that G suffered from ADHD (though G was medically diagnosed with the disorder), and, further, Father refused to give G the prescribed medication. As for Mother, the court credited Dr. Massey's report that Mother tended to infantilize the children, G particularly, and that Mother was emotionally enmeshed with G. Further, the court, through Dr. Massey's testimony, credited Father's concerns that Mother's house was "a mess," and that the children and Mother sharing a bedroom was inappropriate given the children's ages. The court concluded that Mother did not understand the gravity of her behavior and was

actively resistant to change, as exemplified by her anger over Dr. Massey's report and emails to Dr. Massey blaming Father's drinking for the children's anxiety,

Turning next to the character and reputation of the parties, the court focused on Mother's allegation that Father had not stopped drinking, even though Mother admitted she had not seen Father drinking. Mother's suspicion that Father continued to drink arose because of what she deemed his "concerning" behavior. For example, Father placed what she discovered was a GPS tracker in G's backpack. Further, Mother raised concerns about Father's purported use of corporal punishment.

Father and the Best Interests Attorney, on the other hand, the court noted, were concerned with Mother's allegedly "skew[ed] view" of how best to address G's needs. Father cited Mother delaying treatment for G and switching G's doctors when G received a diagnosis with which Mother disagreed. Instead, Mother chose to pursue homeopathic treatments for G's anxiety. G's third-grade teacher also raised concerns about Mother's oversight of G's schooling noting that Mother rarely had G's camera on. She also talked to Mother about this in relation to G's learning disability. The court reiterated concerns that Dr. Massey raised about the vastly different degrees of structure in both parents' homes.

As for the other *Sanders* Factors, the court noted that: the parties were unable to reach a final agreement on the issue of custody (Factor 3); the parties agreed to maintain family relationships (Factor 4); the children had not expressed any preferences about a custody arraignment (Factor 5); the court noted the age and sex of both children and gave a detailed recitation of the mental health issues facing both children (Factor 6); the court described the residences of both parents (Factor 7); the parties have lived separately since

2014 (Factor 8); there had been no voluntary surrender of the children by either parent (Factor 9); the parties could not reach shared decisions affecting the children (Factor 10); both parents preferred to have sole custody of the children and were unwilling to share custody (Factor 11); both children enjoyed a good relationship with the parents (Factor 12); there would be no disruption of the children's schooling and relationship with friends regardless which parent had custody because the parents lived in close proximity to each other (Factors 13 and 14); the court recounted the parents' employment and its impact on time with the children (Factor 15); the court found that both parents' desire for custody was sincere (Factor 16); the court recounted the financial earning of the parties (Factor 17); the court noted that, despite Mother's allegation that Father had relapsed into alcoholism, there was no proof of that, and that Father had a stable home life. The court noted the Best Interest Attorney's and Father's concern that Mother was unable to provide a stable living environment for herself or the children, noting that she was unwilling (or unable) to convert the other room in her apartment into a separate bedroom for the children (Factor 18); neither parent received federal or state assistance, and that both children would benefit in some way with being with either parent (Factor 19).

From this analysis, the court determined that Father was fit to have physical custody of the children. As to Mother, on the other hand, the court found, "showed limited insight and understanding" of the children's daily needs. Father was more involved than Mother with the children's schooling, and the court found that he would best ensure that both children would receive the schooling and extracurricular activities that the children needed or requested. The court acknowledged that Father recognized the need to modify his

behaviors, but Mother had not. Based on this analysis, we cannot say that the court's decision was an abuse of discretion or so wide of the center mark to merit reversal. *See Santo*, 448 Md. at 626 ("Put simply, we will not reverse the trial court unless its decision is 'well removed from any center mark imagined by the reviewing court.'" (quoting *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 313 (1997))).

On the issue of Mother's visitation, the court stated that the children should have "generous parenting time/access with [Mother]." Her visitation was to include, but was not limited to, alternating weekends from Friday after school to Monday morning, with Mother taking the children to school, plus one evening per week, as agreed to by the parties. As for the summer schedule, the parties were to alternate weekly visitation between them, as well as divide the children's spring and winter breaks. All other holidays were to be determined by the parties themselves. Having found Father to be the better parent to exercise residential custody, we find no fault in the court's determination about Mother's visitation. We certainly understand that this was a change from the shared custody arrangement previously in place, but it is wholly in keeping with the court's determination that a material change in circumstances had occurred and what was in the children's best interests, as we have discussed. We perceive no error.

III. THE CIRCUIT COURT DID NOT ABUSE ITS DISCRETION IN DENYING MOTHER'S MOTION TO ALTER OR AMEND

Finally, Mother asserts the circuit court fatally erred in denying her motion to alter or amend. Specifically, Mother argues the court should have heard her "additional evidence" about her new living arrangements.

Maryland Rule 2-534 states in pertinent part that

> [i]n an action decided by the court, on motion of any party filed within ten days after entry of judgment, the court may open the judgment to receive additional evidence, may amend its findings or its statement of reasons for the decision, may set forth additional findings or reasons, may enter new findings or new reasons, may amend the judgment, or may enter a new judgment.

We review the trial court's denial of a motion to alter or amend under Maryland Rule 2-534 for abuse of discretion. *Barrett v. Barrett*, 240 Md. App. 581, 591 (2019) (citing *Shih Ping Li v. Tzu Lee*, 210 Md. App. 73, 96-97 (2013)). That discretion is "always tempered by the requirement that the court correctly apply the law applicable to the case." *Id.* (quoting *Rose v. Rose*, 236 Md. App. 117, 130 (2018)).

Essentially, Mother argues the court rejected her motion out of hand and did not consider that she made different living arrangements sometime after the modification hearing. In its written opinion, the court noted that the children had been living with Mother in a two-bedroom apartment and shared a bed with her for some time. Dr. Massey determined such an arrangement was unhealthy for the children. The court also noted this in its findings and gave Dr. Massey's opinion significant weight.

But the court's decision to modify custody and visitation rested on far more than just Mother's living arrangements. As explained in detail in the foregoing section of this opinion, the court was concerned with the parties' parenting styles and decisions, but, on balance, found that Father was better able to meet the children's daily and long-term needs by providing them adequate food, ensuring they practiced appropriate hygiene, addressing their medical and educational requirements, as well as providing a stable home. The court

was very concerned that Mother was unable to meet these basic requirements if she were to be the custodial parent. And, equally important, the court determined that Mother was too emotionally enmeshed with G and too preoccupied with litigating Father's supposed transgressions to acknowledge her own role in creating an unhealthy environment for the children. On this record, we cannot say the court abused its discretion in denying Mother's motion to alter or amend the judgment because she has found alternate living arrangements after the hearing.

JUDGMENT OF THE CIRCUIT COURT FOR BALTIMORE COUNTY AFFIRMED; APPELLANT TO PAY THE COSTS.

The correction notice(s) for this opinion(s) can be found here:

https://mdcourts.gov/sites/default/files/import/appellate/correctionnotices/cosa/unreported/0653s23cn.pdf