

Circuit Court for Prince George's County
Case No.: CAD21-09728

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1006

September Term, 2022

JACQUELYN WRIGHT

v.

KIRK WRIGHT

Nazarian,
Zic,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

Opinion by Sharer, J.

Filed: April 14, 2023

* At the November 8, 2022 general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Appellant, Jacquelyn Wright (“Wife”), filed a complaint in the Circuit Court for Prince George’s County seeking an absolute divorce and limited divorce from appellee, Kirk Wright (“Husband”), on grounds of cruelty of treatment and excessively vicious conduct, and for custody, child support, and other relief. Husband filed a countercomplaint seeking an absolute divorce on grounds of cruelty of treatment, a limited divorce on grounds of living separate and apart without cohabitation, and for alimony and other relief.

Following a two-day merits hearing conducted by remote videoconference on June 7, 2022 and June 8, 2022, the circuit court delivered an oral ruling denying Wife’s petition for an absolute divorce and limited divorce on grounds of cruelty. The court granted Husband’s countercomplaint for a limited divorce on grounds of living separate and apart without cohabitation. On August 8, 2022, the court signed a judgment of limited divorce that was docketed on August 27, 2022. The circuit court incorporated, but did not merge, the parties’ custody agreement into the judgment of limited divorce.

On appeal, Wife presents two issues for our review, which we have rephrased:

1. Whether the circuit court erred or abused its discretion in denying Wife’s request for an absolute divorce on grounds of cruelty of treatment.
2. Whether the circuit court abused its discretion in denying various motions relating to the testimony and evaluation of the parties’ minor child.

For the reasons set forth below, we shall affirm.

FACTUAL AND PROCEDURAL BACKGROUND

The parties were married on May 24, 1997, in Capitol Heights, Maryland. The parties have two children; the older child, “K,” is emancipated, and the younger child, “M,” was born in 2010. In 2002, the parties purchased a home in Oxon Hill, where they lived

until their separation in 2021. The parties also purchased a timeshare in 2003. In 2012, Husband suffered a stroke that left him disabled.

Wife filed a complaint for absolute divorce and limited divorce on grounds of cruelty of treatment on August 17, 2021. In the complaint, Wife alleged that Husband “did create a reasonable apprehension that his behavior would endanger Wife’s safety or health to a degree rendering it physically or mentally impracticable for her to properly discharge the martial duties.” Specifically, Wife alleged that Husband “brandish[ed] a gun at Wife during a marital dispute[,]” and physically assaulted K by “grabbing [him] by the throat.” Wife asserted that K “has become more aggressive, and [M] has become anxious and fearful and has resorted to hiding from [Husband].”

Husband filed an answer and countercomplaint for absolute divorce on grounds of cruelty, and limited divorce on grounds of separation without cohabitation. At trial, Husband withdrew his request for an absolute divorce.

Merits Trial

Testimony of Wife

Wife testified that she and Husband began fighting and arguing immediately after they were married in 1997. Wife testified regarding an incident in 2015 in which Husband had accused her of having an affair. Wife stated that she came out of the shower and observed Husband in their bedroom, “sitting on the side of the bed with a handgun on his lap.” Without responding to Wife when she asked why he had the gun, Husband returned the gun to the safe in their bedroom. Wife testified that Husband later asked her if she had been afraid of the gun, and that he told her that “[she] wasn’t worth the bullet.”

In 2016, Wife obtained a protective order against Husband after he grabbed K by the throat. The protective order was effective for one year. During that year, Husband lived with his mother, and Wife brought the children to visit him. Husband and Wife did not spend any time together, though Husband told Wife that he wanted to reconcile and have a relationship with her. The parties renewed their wedding vows in 2017. Within a week of renewing their vows, the parties' marital problems resumed. Wife recalled that she had been disciplining one of their children and Husband criticized her for it. She asked him about the promises he had made to her and their vow renewal, and Husband told her that he had lied to her.

With respect to the children, Wife testified that Husband “regularly” slapped K when K “responded in a way that he didn’t like[.]” Wife described an incident in 2020, involving an argument between Husband and K when K told Husband that he did not want a gift. Husband became agitated and Wife tried to calm him down, closing the door to their bedroom, but he told her to “get out of the way.” Husband went to K’s room and argued with him, upsetting K, and forcing him to run from the room and down the stairs.

According to Wife, Husband spent the most time with M. Husband and M regularly watched movies together and M enjoyed his time with Husband. When things became “volatile” between Husband and K, M’s relationship with Husband changed. Wife testified that M cries when she has forced him to visit Husband. Wife and Husband have discussed M’s feelings toward Husband and Husband indicated that he would be willing to get counseling.

In January of 2019, Wife opened a cheesecake business with her sister. Wife liquidated her Thrift Savings Plan (“TSP”) and invested \$141,000 in her business. Wife testified that Husband had agreed with her decision to use her TSP to finance the business, and she had agreed, in return, to forfeit her interest in his retirement account. In May of 2019, the parties reduced their agreement to writing. Wife also agreed to repay Husband \$11,000 that she had withdrawn from the parties’ joint mutual fund account. After Husband’s stroke in 2012, Wife paid all of the family’s bills.

In October of 2017, Husband signed a power of attorney, naming Wife as his attorney in fact. Wife testified that she had refinanced the Washington, D.C. property on October 27, 2017, with Husband’s permission, and obtained a mortgage on the property in the amount of \$118,000. In 2015, Wife withdrew \$47,083 from her TSP for renovations to the Maryland home. Wife testified that she withdrew \$79,000 from her TSP in 2016 to pay for remodeling of the Maryland home. In 2021, the mortgage forbearance for the Maryland property expired and \$51,803 in outstanding mortgage payments was added to the mortgage for that property.

On re-cross examination, Wife clarified that in 2016, she spent \$8,250 from her TSP on home renovations, not \$79,000. She also stated that she owned 50 percent of her cheesecake business, and that her 2019 income tax return showing that she owned 98 percent of the cheesecake business, was error.

Testimony of K

K was nineteen years old at the time of trial. K described his relationship with Husband as “[v]ery distant” because he has “no desire to talk to [Husband].” K

characterized the relationship between Wife and Husband as “very chaotic and unpredictable[.]” According to K, Husband’s temperament towards Wife was always “hostile,” and he argued a lot with Wife. When K lived with both parents, he felt “very on edge most of the time ... because it was very unpredictable.”

K described an incident in 2019 where Wife and Husband were arguing and he witnessed Husband poke Wife in the eye, though he was unsure “if it was an accident or not[.]” K also recalled an incident where Husband “pulled a gun” on Wife. K heard his parents arguing in their bedroom and recalled hearing Wife say, “[I]s that a gun?” K heard Husband respond that it was “not worth [it].”

K testified that approximately three years ago, Husband “grabbed [him] by the throat ... choking [him] and led [him] to [his] room.” On another occasion in 2020, K recalled Husband became upset when K told him that he did not want anything for his birthday. According to K, Husband became “angry, irrational and upset[.]” and “just went off ... the rails.” Husband continued arguing with K and threatened to punch him. Husband had never punched K, though “he would slap [him] a lot.”

K testified regarding two incidents involving Husband and Wife’s mother, Patricia Hunt. In the first incident, Husband had asked M what was wrong because M “had been very distant from [Husband] at that time” and “didn’t want to talk to him.” According to K, Ms. Hunt replied to Husband that he was “the problem.” K stated that Husband “went off” and started throwing stuff, including pillows, in the living room. In response, K observed M cry and run upstairs to his room. As to the second incident, K observed Husband “yell at [Ms. Hunt] and tell her [to] get out, leave, stop, get out[.]” though he was

unsure what precipitated the event. K testified that after his parents renewed their vows in 2017, things “mellowed out for a little bit[,]” but “it didn’t last for long” before it “spiraled back into what it usually was.”

Testimony of Ms. Hunt

Ms. Hunt testified that she lived in the parties’ home semi-permanently from 2003 until August of 2021. Ms. Hunt moved out of the home for the first time in 2006, following an altercation with Husband where he demanded that she leave the house. Prior to that time, Husband was “cordial” to her and he did not give her any problems. Ms. Hunt observed that Husband “talked down to [Wife] and criticized her a lot.” He purchased food and “special items for himself” but did not have food for Wife when she came home, which Ms. Hunt characterized as “mean.”

Ms. Hunt testified that after Husband’s stroke in 2012, he was “clearly frustrated about his medical condition” and short-tempered towards everyone, especially K. Ms. Hunt stated that Husband “started slapping [K] around.” On one occasion, Husband went into K’s room after midnight and “pick[ed] an argument with him.” She observed K run out of the room and jump down the stairs to get away from him.

Ms. Hunt moved out of the parties’ home in 2021 after Husband became angry with her for preparing some food for M that Husband did not want M to eat. Husband followed Ms. Hunt around the house and yelled at her. Ms. Hunt also testified that in 2019, Husband raised his voice at M, causing M to run from the kitchen table. Ms. Hunt told Husband that he was “the problem” and Husband responded by “throwing things around,” including throwing the sofa pillows on the floor.

Testimony of Husband

Husband explained that at the time that Wife saw him in the bedroom with a gun, he was “examining and cleaning the gun” outside the lock box, which is located near the bed. Husband has owned guns for “years” and routinely used the guns for shooting practice at the gun range.¹ Husband admitted poking Wife in the eye, but denied that he did it purposefully, stating that he poked her accidentally during an argument. Husband admitted that he had grabbed K by the throat and slapped him two times.

Husband stated that Wife had taken “very good” care of him and that he was communicating with K daily by text message. According to Husband, he and Ms. Hunt are “cordial,” and he had tried help her in the last few years by allowing her to live in the parties’ Washington, D.C. property.

Husband purchased the Washington, D.C. property in 1997 and added Wife to the deed for the property in 2017. He stated that he did not agree to a loan on the Washington, D.C. property in 2017 and that he was “shocked” when he learned of the loan. Husband was also “shocked” to learn that Wife had not paid their mortgage for twelve months. He was unaware that both the Washington, D.C. and Maryland properties had been refinanced, though he acknowledged that renovations were made to the Maryland house to accommodate him after the stroke.

¹ Husband’s mother, Constance Wright, testified that she and her grandson removed firearms from Husband’s home as a requirement of the protective order.

Testimony of Lynda Wright

Husband’s sister, Lynda Wright, testified that she had recently been appointed guardian of Husband’s property because, as a result of his stroke, Husband has difficulty reading and comprehending documents and conversations. Lynda² stated that she asked Husband about three TSP withdrawals because she was concerned that the signatures on the withdrawals did not appear to be Husband’s signatures. She stated that Husband confirmed to her that he had not signed the withdrawals.

Lynda stated that prior to Husband’s stroke, he was “very good with finances” and “very savvy . . . with money.” He was in charge of the financial stewardship ministry of his church, he gave financial seminars, and had very good credit. When Lynda became Husband’s guardian, she investigated his credit and determined that his credit score had dropped since December of 2019, though she had not yet itemized his assets.

The Circuit Court’s Ruling

At the conclusion of the merits hearing, the court set forth the following findings of fact:

Let me just say it up front. The Court does not believe that there was any evidence of any verbal or psychological abuse that was calculated to seriously impair the health or permanently destroy the happiness of anyone.

Yes, I heard testimony regarding ... [Husband’s] attitude and behavior being unpredictable. But what is the evidence of any recent behavior before August of 2021?

Yes, the oldest child may not want to have anything to do with [Husband]. Yes, the youngest child -- there may be question[s] on limited or

² Solely to avoid confusion, and meaning no disrespect, we refer to witnesses who share the same surname by their first name.

restricted visitations but what is the evidence of any cruelty, such that it would make it unhappy for [Wife] to continue in the relationship?

I asked the question about any recent -- I haven't heard anything. Matter of fact, when the divorce was filed on the basis of cruelty, the parties were still living together.

* * *

And from listening to the testimony of [Husband], listening to the testimony of [Wife], [Husband] struggled with his testimony. And I want to take it that he struggled because of the issues and limitations he suffered as a result of a stroke.

* * *

The Court watched the behavior of [Husband] as he struggled to get his words out.

Likewise, the Court observed all of the witnesses, including [Wife,] and the manner in which she testified. And the manner by which she testified. And judging the credibility of the witnesses, the Court finds [Husband] and his testimony was more credible even though he struggled to get his words out.

[Husband] was more credible than [Wife] in presenting his testimony to the Court. And the Court credits the credibility of [Husband's] testimony in determining whether or not he has committed an act of cruelty or acts of cruelty which would make it not probable for [Wife] to continue in a relationship.

Yes, the Court heard about the grabbing of the son's throat. And [Husband] explained that. There was no intent to harm or cause any abuse to the child.

The Court heard the incident regarding the gun, and the Court credits and believes the husband's testimony as to what he was doing with the gun, and he never pointed the gun at the wife. He never threatened the wife with the gun.

The Court heard the testimony regarding I guess his behavior throughout the relationship. But the parties renewed the vows. The parties

continued to live together. The parties were living together at the time the case was filed.

And [as] indicated, the Court has not heard any testimony regarding any recent incidents. What the Court heard was [Wife] basically desired to get a divorce so she could move on with her business.

And for the record, the Court has some serious issues regarding the credibility of the wife regarding the financial dealings and her financial resources.

Following the entry of the circuit court’s order denying Wife’s complaint for an absolute divorce on grounds of cruelty, and granting Husband’s countercomplaint for a limited divorce based on separation,³ Wife filed this appeal.

APPELLATE JURISDICTION

Husband asserts that Wife’s appeal is premature because the judgment of limited divorce was not a final order. He contends that the limited divorce judgment did not resolve all issues in the litigation, and that the appeal will not be ripe for appellate review until entry of a judgment of absolute divorce.

“This Court has jurisdiction over an appeal when the appeal is taken from a final judgment or is otherwise permitted by law[.]” *McLaughlin v. Ward*, 240 Md. App. 76, 83 (2019) (quoting *Doe v. Sovereign Grace Ministries, Inc.*, 217 Md. App. 650, 661 (2014)). “Generally, parties may appeal only upon the entry of a final judgment.” *Id.* at 82 (citing Md. Code (1974, 2020 Repl. Vol.), § 12-301 of the Courts and Judicial Proceedings Article). A final judgment is one that “disposes of all claims against all parties and

³ The court indicated that Husband had withdrawn his claim for absolute divorce on grounds of cruelty of treatment.

concludes the case.” *Matter of Donald Edwin Williams Revocable Tr.*, 234 Md. App. 472, 490 (2017) (quotation marks and citation omitted). Conversely, an order that “adjudicates fewer than all of the claims in an action . . . , or that adjudicates less than an entire claim, or that adjudicates the rights and liabilities of fewer than all the parties to the action . . . is not a final judgment[.]” Md. Rule 2-602(a).

In this case, both parties’ pleadings sought an absolute and limited divorce and other relief related to the division of the marital assets. Wife also sought custody and child support, and Husband sought alimony. During trial, the parties resolved custody by agreement, and the trial judge ordered that the issues of marital property were to be resolved by further agreement of the parties, and, if necessary, by court order.

Though the judgment of limited divorce resolved fewer than all of the claims in the action, this Court has appellate jurisdiction to review the validity of the divorce order pursuant to Md. Code (1984, 2019 Repl. Vol.), Family Law Article (“FL”) § 8-213(b), which provides: “Any decree of annulment or of limited or absolute divorce in which the court reserves any power under this subtitle is final and subject to appeal in all other respects.” *See Ruiz v. Kinoshita*, 239 Md. App. 395, 418 (2018) (explaining that “under FL § 8-213(b), if . . . an order of the circuit court grants a divorce, but reserves on determining marital property issues, the order is final and appealable, regardless of whether the trial court certifies the judgment on the divorce claim as final under Rule 2-602(b)” (citing Judge Kevin F. Arthur, FINALITY OF JUDGMENTS AND OTHER APPELLATE TRIGGER ISSUES 37 (3d ed. 2018))). *See also Parker v. Robins*, 68 Md. App. 597, 601-02 (1986) (holding that, where the trial court reserved the power to decide the marital

property issue, the underlying divorce judgment was final and appealable under FL § 8-213(b), overruling *Quigley v. Quigley*, 54 Md. App. 45 (1983)).

In Maryland, an absolute divorce “terminates the marriage, severing all legal ties between the parties that are a function of marriage [,]” whereas, a limited divorce legalizes the parties’ separation, but does not end the marriage. *Walter v. Walter*, 181 Md. App. 273, 289 (2008). Because a limited divorce does not dissolve the marriage, “[a] pleading for limited divorce cannot effectively seek a monetary award or transfer of marital property under our statutory scheme as marital property only exists in the context of an absolute divorce or annulment.” *Lasko v. Lasko*, 245 Md. App. 70, 76 (2020) (quotation marks omitted). *See also* FL § 8-203(a)(1) (“In a proceeding for an annulment or an absolute divorce, if there is a dispute as to whether certain property is marital property, the court shall determine which property is marital property: (1) when the court grants an annulment or an absolute divorce[.]”). Accordingly, “relief in the form of a monetary award or a transfer of property is not available in a proceeding for a limited divorce.” *Lasko*, 245 Md. App. at 76. Here, the limited divorce order was a final judgment under FL § 8-213(b) for purposes of appellate review, and the marital property issues, if not resolved by the parties, were to be determined at the time of the entry of the judgment for absolute divorce.

In this case, our determination that the divorce judgment was a final, appealable order does not render all other rulings in the case appealable. *See Maryland Bd. of Physicians v. Geier*, 225 Md. App. 114, 140-41 (2015) (citing *Snowden v. Baltimore Gas & Elec. Co.*, 300 Md. 555, 560 n.2 (1984)). Rather, our jurisdiction extends only to those

rulings that “directly control and are inextricably bound to the order that is treated as final for purposes of appeal[.]” *Davis v. Att’y Gen.*, 187 Md. App. 110, 123 (2009). Because Wife’s motion for in camera interview of M was directly tied to her request for an absolute divorce based on Husband’s cruel treatment of her and their children, we shall review that issue.

STANDARD OF REVIEW

When “an action has been tried without a jury, the appellate court will review the case on both the law and the evidence[.]” and the judgment of the trial court will not be set aside unless clearly erroneous. *Friedman v. Hannan*, 412 Md. 328, 335 (2010) (citing Md. Rule 8-131(c)). We consider the evidence in the light most favorable to the prevailing party, deciding not whether the trial court’s factual conclusions were correct, but whether they were supported by a preponderance of the evidence. *See Colandrea v. Wilde Lake Cmty. Ass’n, Inc.*, 361 Md. 371, 394 (2000); *see also St. Cyr v. St. Cyr*, 228 Md. App. 163, 180 (2016) (If “there is any competent evidence to support the factual findings [of the trial court], those findings cannot be held to be clearly erroneous.” (alteration in original)) (quotation marks and citation omitted).

We “accord great deference to the findings and judgments of trial judges, sitting in their equitable capacity, when conducting divorce proceedings.” *Boemio v. Boemio*, 414 Md. 118, 124 (2010) (quotation marks and citations omitted). We review a trial court’s legal conclusions *de novo*. *Jackson v. Sollie*, 449 Md. 165, 174 (2016). When reviewing “mixed questions of fact and law, ... we will affirm the trial court’s judgment when we cannot say that its evidentiary findings were clearly erroneous, and we find no error in that

court’s application of the law.” *Brown & Sturm v. Frederick Rd. Ltd. P’ship*, 137 Md. App. 150, 170 (2001).

DISCUSSION

I.

Grounds for Divorce

Wife contends that the circuit court erred by applying an incorrect legal standard that required evidence of “substantial” cruelty, and by denying her complaint for an absolute divorce because she failed to satisfy that standard. Wife further asserts that the circuit court abused its discretion in ignoring evidence of Husband’s cruelty and considering Husband’s speech impediment as a basis for attributing greater credibility to him.

“In Maryland, the permissible grounds for divorce are governed by statute.” *Flanagan v. Flanagan*, 181 Md. App. 492, 509 (2008). The circuit court may grant a limited divorce on grounds of cruelty of treatment pursuant to FL § 7-102(a)(1), and an absolute divorce on grounds of cruelty of treatment pursuant to FL § 7-103(a)(6), in the absence of any reasonable expectation of reconciliation. “[C]ruelty of treatment’ as a ground for limited or absolute divorce does not require physical violence or the threat of physical violence, and may be based upon verbal and psychological abuse which ‘is calculated to seriously impair the health or permanently destroy the happiness of the other.’” *Frazelle-Foster v. Foster*, 250 Md. App. 52, 82 (2021) (quoting *Das v. Das*, 133 Md. App. 1, 33 (2000) (quoting *Scheinin v. Scheinin*, 200 Md. 282, 289 (1952))).

As this Court observed in *Das*, “[w]hether the events that bring a divorce

complainant to court constitute cruelty or excessively vicious conduct has never been the stuff of which bright line rules are made, and even now our standards are shifting.” 133 Md. App. at 32. In *Das*, we recognized that there had been a change in societal views from outdated norms of abusive behavior to “a greater awareness and intolerance of domestic violence[.]” *Id.* at 35. This Court responded to that change by expanding the legal definition of cruelty of treatment to include verbal and physical abuse that “threatened [w]ife’s physical and emotional well-being.” *Id.* at 39.

In *Frazelle-Foster*, this Court examined the history of cruelty as a ground for divorce and the “evolution of our social norms,” in Maryland’s statutory and decisional law, recognizing that domestic abuse includes verbal and psychological abuse, as well as other “coercive and controlling behaviors.” 250 Md. App. at 82. In *Frazelle-Foster*, the wife argued that her husband had established a pattern of conduct that was intended to seriously impair her health and destroy her happiness by belittling and humiliating her in front of others, intimidating her, trying to turn their son against her, and withholding financial support. *Id.* at 83. We determined that it was unclear from the circuit court’s ruling whether the court had failed to consider the wife’s testimony regarding alleged incidents of verbal and psychological abuse, or whether the court had found that wife was not credible. *Id.* Accordingly, we remanded the case for further proceedings. *Id.* at 84.

This case presents the type of “he said, she said” scenario often found in domestic cases, requiring the trial court to make credibility determinations and resolve conflicts in the evidence. *See id.* (noting that “[e]valuation of the evidence lies within the sound discretion of the trial court” and the court must determine whether the evidence supports

the grant of a divorce for cruelty under modern standards, as set forth in *Das, supra*, and its progeny). Here, the circuit court provided a thorough discussion of the testimony on which it relied and the testimony it discredited. Specifically, the court explained that it believed Husband’s testimony regarding the gun incident that Husband “never pointed the gun at the wife” and “never threatened the wife with the gun.” The court also believed Husband’s explanation that, though he did grab K’s throat, “[t]here was no intent to harm or cause any abuse to the child.” With respect to Father’s behavior, the court found Father’s attitude and behavior were “unpredictable.” The court also credited the evidence that the parties had renewed their vows in 2017 after the protective order expired, and there were no reports of recent incidents.

Wife contends that the trial court erred in stating that it “must determine whether or not those issues of cruelty that [Wife] has presented to the Court was substantial -- a divorce based on cruelty.” Though it is unclear exactly what the court meant by the use of the term “substantial” in the above quote, viewing the quote in context with the entirety of the court’s findings, we cannot conclude that the court applied a heightened standard of evidence or misapplied the law to the facts.

Wife had the burden of proving to the satisfaction of the trial court that Husband’s conduct constituted cruelty of treatment toward her and their children. Based on the evidence presented, and the trial court’s analysis of that evidence, we cannot say that the court’s determination that Wife failed to meet that burden was clearly erroneous. *See Abdullahi v. Zanini*, 241 Md. App. 372, 427-28 (2019) (noting that it is “ultimately up to the court, based on its fact finding, to declare the grounds for divorce” and a court is not

“obligated to grant the divorce on the grounds requested when the judge is more persuaded that it is more likely than not that other grounds for the divorce are more justified” (quoting *Welsh v. Welsh*, 135 Md. App. 29, 38 (2000)); *Keys v. Keys*, 93 Md. App. 677, 688 (1992) (“[E]specially in the arena of marital disputes where notoriously the parties are not in agreement as to the facts, ... we must be cognizant of the court’s position to assess the credibility and demeanor of each witness.”); *Levy v. Levy*, 229 Md. 103, 107 (1962) (holding that where testimony in a divorce case is conflicting and it is difficult to determine the truth, “the [trial judge’s] findings should be given great weight and not be lightly disturbed on appeal” (citations omitted)).

II.

Denial of Motions Relating to M’s Testimony

Wife argues that the circuit court abused its discretion in denying “various requests to interview [M], appoint a custody evaluator, appoint[] a best interest attorney and appoint a privilege attorney[.]” Wife contends that the circuit court’s “denial of the child’s testimony in part led to the court finding that the evidence did not rise to the level of cruelty of treatment.”

In her request for an in camera interview of M or, in the alternative, to appoint a custody evaluator, Wife stated that she believed that the child’s testimony would “aid in the court’s task of weighing the best interest of the minor child against the rights of the parents to the care and custody of their child.” Alternatively, Wife requested that the court appoint a custody evaluator “to aid the court in determining the best interest of the minor child.” The circuit court denied Wife’s motion, and she filed a motion for reconsideration.

The court denied Wife’s motion for reconsideration, ruling that “the trial judge shall make that decision.” On March 20, 2022, Husband filed an emergency motion to appoint a best interest attorney, a child’s privilege attorney, and a motion *in limine* to exclude the confidential records of M. The court denied those motions.

Husband argues that because the parties reached an agreement on custody during trial, the appointment of a professional to evaluate M and advise the court as to the best interest of M was unnecessary.

We agree that the parties’ custody agreement rendered moot the circuit court’s denial of the motions for a custody evaluator, a best interest attorney, and a privilege attorney. *See Hill v. Scartascini*, 134 Md. App. 1, 4 (2000) (“A question is moot if, at the time it is before the court, there is no longer an existing controversy between the parties, so that there is no longer any effective remedy which the court can provide.” (quoting *Att’y Gen. v. Anne Arundel Cnty. Sch. Bus Contractors Ass’n*, 286 Md. 324, 327 (1979))).

Wife sought to have the court interview M to hear evidence of the trauma experienced by M and to substantiate her claim of Father’s cruel treatment of M. In determining whether to consider a child’s testimony, “[t]he trial judge has discretion to decide whether to conduct a child interview.” *Karanikas v. Cartwright*, 209 Md. App. 571, 595 (2013); *see also Lemley v. Lemley*, 102 Md. App. 266, 288 (1994) (noting that “[w]hile the preference of the children is a factor that *may* be considered in making a custody order, the court is not required to speak with the children”) (emphasis in original). Whether in a divorce proceeding or custody case, the court must consider whether an in camera interview of a minor child is in the best interest of the child:

We recognize that a child, particularly of young and tender years, could be subjected to severe psychological trauma because of a custody case. We are confronted, therefore, with an attempt to balance the right of the parents to present evidence as to what they deem to be in the best interest of the child as against possible severe psychological damage to the child.

Marshall v. Stefanides, 17 Md. App. 364, 369 (1973).

Here, the court was presented with evidence of the effects of Father’s emotional outbursts on the children. Wife, Ms. Hart, and K testified regarding Husband’s volatile behavior and M’s reactions to that behavior. The court also heard evidence from K regarding Husband’s physical and verbal abuse toward him. Based on the evidence presented, we cannot say that the circuit court abused its discretion in declining to conduct an in camera interview of M, or that it was “clearly against the logic and effect of facts and inferences” before the court. *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 312 (1997) (quotation marks and citation omitted).

**JUDGMENT OF THE CIRCUIT COURT
FOR PRINCE GEORGE’S COUNTY
AFFIRMED. APPELLANT TO PAY
COSTS.**