Circuit Court for Washington County
Case No. 21-C-11-041521

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1215

September Term, 2024

MARIA PELLICO

v.

TIMOTHY WOLFORD

Wells, C.J.,
Ripken,
Eyler, Deborah, S.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Ripken, J.

Filed: March 20, 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 Rule 1-104(a)(2)(B).

This case arises out of a longstanding child access and child support dispute between appellant Maria Pellico ("Mother") and appellee Timothy Wolford ("Father"), regarding two of their children.[1] The parties were granted a divorce via consent in 2013. Subsequently, the Circuit Court for Washington County twice declined to award child support to either parent; in the first instance, as part of the judgment of absolute divorce, and in the second instance, in 2015 after the parties sought modification. Between 2020 and 2021, the parties sought another modification of child access and child support. The circuit court held a six-day trial on the merits. In June of 2023, via a memorandum opinion and order, the court modified the child access determination and reserved ruling on child support and other associated issues until a later time.

On February 21, 2024, the circuit court entered an order ("the 2024 Order") regarding child support. Mother noted this timely appeal of the 2024 Order, and raises three issues, which we rephrase as follows:[2]

[1] There were other children born to the marriage, but those children reached majority prior to this dispute.

[2] In her brief, Mother phrased the issues as follows:

1. Did the trial court err and abuse its discretion when it denied [Mother's] request for an award of retroactive child support?

2. Did the trial court err and abuse its discretion in ordering [Father] to pay [Mother] child support via direct pay instead [of] via an earnings withholding [order] under Title 10, Section 10-121 of the Family Law Article of the Annotated Code of Maryland?

3. Did the trial court err and abuse its discretion when it ordered, *sua sponte*, that a "child support review hearing" be held on October 7, 2024?

I. Whether the circuit court committed an abuse of discretion regarding the date from which it ordered retroactive child support should begin.

II. Whether the circuit court committed an abuse of discretion in ordering Father's payment of the child support obligation through direct pay rather than an earnings withholding order.

III. Whether the circuit court committed an abuse of discretion in ordering a child support review hearing.

For the reasons to follow, we shall affirm the circuit court.

FACTUAL AND PROCEDURAL BACKGROUND

The facts of this case regard a contentious and persistent dispute between Mother and Father relating to child access and child support of two of the parties' minor children, J. and P.[3] We also note at the outset that, although Mother did not appeal the court's child access determination, certain facts regarding child access are pertinent to the analysis and will be incorporated as needed.

Divorce and Initial Determination of Child Access and Child Support

In January of 2013, Mother and Father were granted a divorce via consent. The judgment of absolute divorce incorporated, but did not merge, a custody agreement regarding the parties' children. The court awarded joint legal custody of J. and P. to Mother and Father. Regarding physical custody, the court ordered that the children would be primarily with Mother, and that Father would have access two out of every three weekends.

[3] To preserve the anonymity of the minor children, we refer to them by the randomly selected letters "J." born in 2004, and "P." born in 2007. We note that prior to the filing of the instant appeal, J. reached majority.

The court also ordered that during Mother's weekends with J. and P., Father would have the children for one overnight per week.

Regarding child support, the court ordered that "neither party shall have an obligation of child support at this time, with the present obligation being *de minimis*, as reflected on the Maryland Child Support Guidelines[.]"

First Modification of Child Access and Child Support

In 2014, the issues of child access and child support were revisited after Mother and Father filed motions for modification of child access, contending that there had been a material change of circumstances. The court held a hearing over multiple days. In August of 2015, following the hearing, the court issued a memorandum opinion and order ("the 2015 Opinion" and "the 2015 Order"), modifying the child access schedule as to J. and P.

The court maintained its previous ruling of joint legal custody; however, Father was awarded tiebreaking authority. Additionally, the court modified the child access plan to "50/50." Based on the evidence presented, the court found that Mother "regularly and consistently refused to work with [Father] to allow him access to [J. and P.]." The court noted that

> [d]espite their agreement to joint legal custody, [Mother] has unilaterally, as documented by the emails as well as her testimony, declined to include [Father] in important education and medical decisions regarding the children. She has unilaterally changed visitation without explanation to [Father] when it suited her purposes. She has almost uniformly denied any request by [Father] for any slight modification or adjustment to the current court order.

The court indicated that the examples of Mother unilaterally changing or altering visitation documented in the emails is "apparent . . . and the incidences are too numerous to

mention." The court ordered that Father would have physical custody of J. and P. every Sunday night through Tuesday morning; that Mother would have physical custody of J. and P. every Tuesday night through Friday morning; and that Mother and Father would alternate weekends. The 2015 Opinion and Order also expounded upon other child access concerns, including holidays, summer vacations, and other breaks from school.

The court declined to order child support, subject to a material change of circumstances, particularly regarding the incomes of either party. In making this decision, the court briefly reviewed the incomes reported by Mother and Father. The court noted that both parties were then temporarily unemployed; accordingly, the court attributed incomes to both parties, but noted that because the "target [was] moving," making a more detailed finding would be "difficult" and akin to "guessing the incomes of both parties[.]"

Second Modification of Child Access and Child Support

Between the end of 2015 through early 2020, the discord between Mother and Father had temporarily calmed, as no new modifications were requested. On February 24, 2020, Father filed a motion to modify child access. Father alleged that since the 2015 Opinion and Order, Mother had "engaged in a series of behavior[s] that aimed at alienating" him from J.'s and P.'s lives. Father noted that Mother was again refusing—beginning February 16, 2020—to return the children to Father, nor would she allow telephone contact between the children and Father, despite his numerous requests. The crux of Father's contentions was that despite the 2015 Opinion and Order—which acknowledged Mother's struggles to work with Father and her alienation of Father from J. and P.—Mother consistently refused to work or communicate with Father and often made

unilateral decisions regarding J. and P. without informing him. In the prayer for relief, Father requested that he be "awarded immediate primary physical and sole legal custody of the minor children of the parties[, and] that child support be recalculated" in accordance with the Maryland Child Support Guidelines ("the Guidelines").

In March of 2020, Mother filed a response to Father's motion for modification and requested the same relief as Father: that she be awarded primary physical custody and sole legal custody of J. and P. Mother also requested that Father pay child support. The court held Father's motion for the modification of child access and request for child support *sub curia* until the merits hearing. While the motion was held *sub curia*, the parties litigated over best interest attorneys for J. and P. and court-ordered therapeutic services.

On March 9, 2021, as the merits hearing was approaching, Mother filed a motion for modification of custody.[4] Mother contended that J. and P. had "expressed various issues and concerns with respect to the shared custody arrangement, [Father], [Father's] home[,] and have, accordingly, indicated, and continue to indicate, a strong desire to be in the primary custody of [Mother]." In her prayer for relief, Mother requested that child support be awarded pursuant to the Guidelines. The matter proceeded to trial in 2023.[5]

[4] Father filed a motion to strike Mother's March 9, 2021 motion for modification of custody, noting that the matter was scheduled for a three-day trial in 2021, and that Mother's motion was "in effect a counterclaim" because Father had already requested a modification by filing a complaint. Mother opposed Father's motion. The circuit court denied Father's motion to strike. This is notable, as these dates are pertinent to the discussion surrounding retroactive child support.

[5] The first four days of trial occurred in March, followed by an additional day in April, and a final day in May.

The June 2023 Memorandum Opinion

In June of 2023, the circuit court issued a thirty-eight-page, detailed memorandum opinion and an eighteen-page order ("the 2023 Opinion" and "the 2023 Order"). The sole focus of the 2023 Opinion was the child access dispute. The circuit court made numerous factual findings, which we summarize here, in categories.

The first set of findings regarded the precipitous disruption to Father's child access. The circuit court found that Father went from spending three to four days per week with J. and P., to having no contact for six months, from February to August of 2020. The court observed that Father was "extremely worried" about J. and P. The court discerned that although Father made efforts to obtain information or bridge the gap in contact with J. and P., these efforts were perceived by Mother as "aggressive and unreasonable."

Another set of findings pertained to J.'s attention deficit disorder ("ADD") diagnosis, 504 plan,[6] and medication regimen. The circuit court found that J. took medication and had additional support at school under a 504 plan for his ADD diagnosis. The court noted that Father "was never given a fair opportunity to consult [with J. or Mother] on the topic before the [medications] started[.]" The court found that Mother closed Father out of the discussion and out of decisions pertaining to the medication, the 504 plan, and other school-related matters for J. The court observed that Mother, "in a rigid

[6] Section 504 of the Rehabilitation Act of 1973 is a federal law that guarantees the rights of people with disabilities who are enrolled in federally funded programs, including public schools. 29 U.S.C. § 794. In Maryland, 504 plans ensure that students with disabilities who are enrolled in applicable schools receive reasonable accommodations to promote their educational needs and their academic success. *Section 504 Plans*, Maryland Dept. of Disabilities, https://perma.cc/VJG7-2MQT (last visited Mar. 11, 2025).

and unwavering fashion, just ignored [Father's] right to engage in the discussion and his tie-breaking authority[.]" The court indicated that Father's lack of information and understanding regarding J. "and his 504 accommodations had a cumulative negative effect on his relationship with [J.]" Further, the court found that Mother's pattern of shutting Father out of discussions and decisions on this topic "began to erode [J.'s] confidence in his Father's engagement with these issues."

The next category of findings concerned how J.'s struggles with Father regarding his ADD diagnosis affected P.'s relationship with Father. The circuit court found that P.'s relationship with Father had deteriorated due to the "collateral damage" of J.'s frustrations with Father related to the ADD concerns. The court observed that while there was less of an impact on P.'s relationship with Father, P.'s contact was diminished because Mother, and by extension, J. and P., were convinced that J. and P. "were, and should be, a 'package deal.'" The court found that J. "should never have been given the responsibility of directing and diminishing" P.'s relationship with Father.

Another category of findings regarded Mother's behavior, particularly the behavior she modeled for J. and P. as children who were maturing and learning to have adult-like relationships. The court found that "there was some either intentional or unintentional influence by [Mother] over [J.] particularly, but also over [P.]" The court observed that Mother "abdicated her parental role" by failing to encourage J. and P. to maintain relationships with Father. The court indicated that Mother "talks a good game" regarding a desire to support J.'s and P.'s relationship with Father, "however, her actions showed a distinct lack of commitment to that goal." Further, the court noted that Mother could have

used the time that she kept J. and P. from Father as an opportunity to teach them "the positive relationship skills of expressing frustration in a constructive fashion" to Father. The court noted further that instead, Mother "taught or at least reenforced" to J. and P. that it is acceptable to disengage from parental relationships, "cut off contact for long periods, and then engage minimally in the future." The court indicated that Mother could have taught J. that walking away from his relationship with Father "instead of constructively dealing with frustrations," was a poor decision, and that instead, J. and P. should have been "taught communication skills, and to approach resolution of challenges respectfully and calmly[.]" The court recognized that when it appeared that J. "wanted to create a home base in his Mother's home," rather than take a direct approach and raise that issue with Father or with the court, Mother "vilified [Father] for not handling [J.'s] frustrations the way [Mother] would have handled them, and she simply allowed [J.'s] frustrations on objectively small and fixable issues to cause a rejection of all contact with [Father]."

Regarding the relationship between Mother and Father, the court noted that Mother and Father "both blame the other completely for everything that has gone wrong. Both view themselves as the reasonable one." The court found that the "parties' relationship was toxic, volatile, and damaging to both of their psyches[,]" and that the parties brought out the worst in each other.

Finally, regarding a plan for P., the court noted that P. had "settled into a home base" with Mother and that P. felt strongly about maintaining that home base.[7] The court found that P.'s desire was a reasonable one.

In the 2023 Order regarding these findings, the court ordered that P. would primarily reside at Mother's home, spend alternating weekends between Mother and Father, and spend one night each week with Father from 4:00–9:00 p.m. The court also addressed additional scheduling concerns relating to child access, including holidays, vacation, and communication between Mother and Father. At the conclusion of the 2023 Order, the court stated that "the [c]ourt's child support order and associated issues, as well as a ruling on the request for counsel fees[,] will be entered on a later date."

The 2024 Order

In February of 2024, the circuit court had not entered a ruling regarding the open issues of child support and counsel fees. Mother filed a motion requesting a status conference, stating that over seven-and-a-half months had elapsed since the circuit court's entry of the 2023 Opinion and Order, and that she was "in need of immediate resolution of the issues." In response, the circuit court entered the 2024 Order on February 21, 2024, regarding child support and counsel fees, and an attachment with endnotes, which explained aspects of the 2024 Order in further detail.

Relevant to this appeal are three provisions of the 2024 Order. First, the circuit court awarded Mother child support. The court ordered that "accruing from July 1, 2023"—the

[7] By this time, J. had reached majority. Thus, the child access determination only pertained to P.

first month after the 2023 Order—"[Father] shall pay child support directly to [Mother]" in the monthly amount of $1,502.00 per month. The court found that "pursuant to Maryland Family Law Code Annotated 10-123(d)(1) or (2) [there was] good cause to not issue an immediate earnings withholding order[,] and therefore an earnings [withholding] order" was not authorized.

Second, the circuit court awarded Mother eight months of retroactive child support starting on July 1, 2023, resulting in a child support arrearage of $12,016.00.[8] The court declined to award retroactive child support from February 2020 through June 2023 because to hold otherwise "would be inequitable and would create a windfall for a parent who inappropriately manipulated children into abandoning a court-ordered structure because it suited her." In making this determination, the court considered the findings from the 2023 Opinion and Order, and specifically, "what leverage each party had to avoid three years of litigation and damage to the children." The court found that Father could not have avoided litigation—as he was cut out of both of J.'s and P.'s lives and he was not in a position to walk away from the litigation unless he were to abandon his relationships with J. and P.—but that Mother could have.

[8] In the 2024 Order, the court stated that retroactive support was ordered from "July 1, 2023, through March 1, 2024, the child support arrearage due is $12,016.00 [8 months x $1,502 = $12,016]." On its face, this part of the 2024 Order seems to be in error because the circuit court docketed the 2024 Order on February 21, 2024, and a court cannot prospectively order retroactive support. *See Stevens v. Tokuda*, 216 Md. App. 155, 177–78 (2014). However, upon a further review, one can discern that the circuit court did not err, but rather made an inadvertent typographical mistake regarding the March 1, 2024 date, because the math is correct, and shows that the court intended to order retroactive support for a period of eight months (i.e., July 2023 through February 2024).

Third, the circuit court ordered

> that based upon the [c]ourt's understanding of the evidence, that [Mother's] twins[9] will be eligible for public pre-kindergarten this fall [or private daycare] as they will be pre-school age 4, as of September 1, 2024. These young children attaining this age is an event that will trigger a reevaluation of child support, as this would normally trigger a change in [Mother's] employment status. **Therefore, the court is setting a zoom . . . child support review hearing for October 7, 2024 at 1:30 p.m., to address the parties' then current incomes, and/or to address [Mother's] employment status.**

(emphasis in original). The circuit court then denied Mother's motion for a status conference. Mother filed an intervening revisory motion that she later withdrew, the timing of which will be discussed *infra*. This appeal followed.

JURISDICTION AND TIMELINESS

Before we address the issues raised, we address whether this case is properly before us. Although neither party raised this concern, we are obligated to address the issue of our jurisdiction *sua sponte*. *See In re Nicole B.*, 410 Md. 33, 62 (2009). This is because otherwise this Court will dismiss an appeal *sua sponte* if it determines appellate jurisdiction is lacking. *See id.*

In March of 2024, after the circuit court denied Mother's motion for a status conference, Mother filed a motion to alter or amend the court's 2024 Order pursuant to Maryland Rule 2-534, and requested a hearing. In response, in April of 2024, Father filed an opposition to Mother's motion and also requested a hearing. Mother later filed a motion to strike Father's opposition, which Father opposed. In June of 2024, the circuit court

[9] After Mother and Father divorced, Mother remarried. References to "the twins" concern the children born to Mother's second marriage.

scheduled a Zoom motions hearing on the matter for September 4, 2024.

Prior to the date for the scheduled motions hearing, in August of 2024, Mother filed a notice of appeal, and subsequently withdrew her Rule 2-534 motion. Mother also requested in that filing that the circuit court cancel the September 2024 motions hearing. This Court then ordered in early September of 2024 that Mother's appeal should proceed. In October of 2024, Mother filed another line with the circuit court, requesting that the court remove the October 7, 2024 child support review hearing from the docket because the hearing concerned the subject of this appeal. The circuit court then cancelled the October 2024 hearing and the matter proceeded before this Court.

We find that Mother's appeal is timely and that we have jurisdiction. If properly filed within ten days after the entry of a judgment, a motion to alter or amend pursuant to Maryland Rule 2-534 stays the time for noting an appeal until the withdrawal or disposition of the Rule 2-534 motion. *See Sieck v. Sieck*, 66 Md. App. 37, 41–43 (1986); *see also Edsall v. Anne Arundel Cnty.*, 332 Md. 502, 508 (1993) ("[A] notice of appeal filed prior to the withdrawal or disposition of a timely filed motion under Rule . . . 2-534, is effective."); Judge Kevin F. Arthur, *Finality of Judgments and other Appellate Trigger Issues* 17 (3d ed. 2018) (hereinafter "*Finality of Judgments*"). The notice of appeal does not divest the circuit court of jurisdiction to entertain a timely filed post-judgment motion because the processing of the appeal is "delayed until the withdrawal or disposition of the motion." *Edsall*, 332 Md. at 508. "[I]f a party files a timely post-judgment motion, but notes an appeal while the motion is still pending, the party need not file another notice of appeal after the withdrawal or disposition of the motion." *Finality of Judgments* 17 (referencing

Edsall, 332 Md. at 506, 508). This is because "the appeal relates forward to the time of withdrawal or denial of the post[-]judgment motion." *Id.* (referencing *Edsall*, 332 Md. at 506, 508; and *Folk v. State*, 142 Md. App. 590, 599–602 (2002)).

Here, Mother filed a revisory motion pursuant to Rule 2-534 to alter or amend the court's 2024 Order within ten days of the circuit court's entry of the 2024 Order.[10] Because Mother filed the Rule 2-534 motion within ten days of the 2024 Order, the Rule 2-534 motion tolled the thirty-day clock for Mother to file a notice of appeal, until either Mother withdrew, or the circuit court entered a disposition, regarding the Rule 2-534 motion. Mother filed her notice of appeal in August of 2024. At this time, the circuit court still had jurisdiction over the case because: (1) Mother's notice of appeal did "not divest the circuit court of jurisdiction to entertain a properly filed post-judgment motion," and (2) the processing of Mother's appeal was delayed until either Mother withdrew the Rule 2-534 motion or until the circuit court entered a disposition. *Edsall*, 332 Md. at 508. The circuit court retained jurisdiction until Mother filed a line in August of 2024, withdrawing the Rule 2-534 motion, and requested a cancellation of the hearing that was set for September of 2024. *See Edsall*, 332 Md. at 506, 508. When Mother withdrew her Rule 2-534 motion, the circuit court was divested of its jurisdiction, and the processing of Mother's notice of appeal became "active." Mother's appeal "related forward" to her withdrawal of the 2-534 motion. Thus, Mother's appeal is timely, and this court has appellate jurisdiction.

[10] The circuit court entered the 2024 Order on February 21, and Mother filed her Rule 2-534 motion on March 4, 2024. March 4 was a Monday, and the first business day available to Mother, since the tenth day fell on Saturday, March 2, 2024. *See* Md. Rule 1-203(a)(1).

DISCUSSION

I. THE CIRCUIT COURT DID NOT ABUSE ITS DISCRETION REGARDING RETROACTIVE CHILD SUPPORT.

A. Party Contentions

Mother asserts that pursuant to Maryland Code (1984, 2019 Repl. Vol.), section 12-101 of the Family Law Article ("FL"), the circuit court erred in denying her "full" retroactive support. Mother contends that the circuit court abused its discretion because it only ordered eight months of retroactive support from July 1, 2023. Mother suggests that she should have been awarded retroactive support from February of 2020.

Father asserts that the circuit court's denial of "full" retroactive support was within the circuit court's sound discretion. Father imparts that because retroactive child support is "a statutory creature," and because the only case law provided by Mother concerned the establishment or calculation of child support, Mother did not present a legal argument.

B. Standard of Review

"Although retroactive support is allowed, it is by no means mandatory." *Caccamise v. Caccamise*, 130 Md. App. 505, 518, *cert. denied*, 359 Md. 29 (2000). The decision to award retroactive child support lies within the trial court's discretion. *See Petitto v. Petitto*, 147 Md. App. 280, 310 (2002). A court abuses its discretion when its decision stands "well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable." *Sumpter v. Sumpter*, 436 Md. 74, 85 (2013) (quoting *North v. North*, 102 Md. App. 1, 14 (1994)).

C. Analysis

Retroactive child support is governed by FL section 12-101(a). *See Chimes v. Michael*, 131 Md. App. 271, 294–95 (2000). FL section 12-101 provides:

> (a)(1) Unless the court finds from the evidence that the amount of the award will produce an inequitable result, for an initial pleading that requests child support *pendente lite*, the court *shall* award child support for a period from the filing of the pleading that requests child support.
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> ***
>
> (3) For any other pleading that requests child support, the court *may* award child support for a period from the filing of the pleading that requests child support.

FL § 12-101(a)(1) and (3) (emphasis added). In *Chimes*, this Court interpreted FL section 12-101(a)(1) and (3) and explicated upon the applicability of each subsection of the statute. *Chimes*, 131 Md. App. at 294–96. The Court provided that for a request for retroactive child support to fall under subsection (a)(1), an initial pleading that requested child support *pendente lite* must exist and that section 12-101(a)(3) "addresses all other pleadings." *Id.* at 295. The Court in *Chimes* further noted that "[b]y its plain language, section 12-101(a)(3) leaves to the discretion of the court that which section 12-101(a)(1) makes mandatory." *Id.* (referencing *Tanis v. Crocker*, 110 Md. App. 559, 570–71 (1996)). Further, the Court in *Chimes* stressed the broad discretion that circuit courts have under subsection (a)(3). *Id.* at 295–96.

Here, the circuit court did not err, as there was not an initial pleading which requested child support *pendente lite*; the circuit properly found that subsection (a)(3) was the applicable portion of the statute. Then, the court exercised its broad discretion in

calculating the retroactive child support amount. *See Krikstan v. Krikstan*, 90 Md. App. 462, 472–73 (1992); *see also Dunlap v. Fiorenza*, 128 Md. App. 357, 371–72 (1999). When the court exercised its discretion and chose a different date, July 1, 2023 as opposed to the date Mother requested, the court provided an in-depth explanation for the declination to award retroactive support to the February 2020 date requested by Mother. In the attachment to the 2024 Order, Endnote B., the circuit court first reviewed FL section 12-101, and identified 12-101(a)(3) as the applicable subsection of the statute. Next, the court reviewed the "fraught" history between the parties, explaining that the parties and their children experienced a "tumultuous and volatile history" until the 2015 Order. The court reviewed the facts and circumstances immediately leading up to the second motion for modification of custody, which began in February of 2020. Then, the court referenced and incorporated its 2023 Opinion, summarized the testimony from the 2023 trial, and considered the findings from the 2023 Opinion and Order.

Finally, the court assessed "what leverage each party had to avoid three years of litigation and damage to the children." The court found that Father could not have avoided litigation because he was cut out of both of J.'s and P.'s lives; that after minimal contact was reestablished with J. and P., he was treated as an "inconvenient pest" by Mother; that without abandoning J. and P., he was not in a position to walk away from the litigation; and that common sense dictated that Father would not want to walk away from the litigation and his children. Conversely, the court found that Mother could have made different choices and Mother brought "a scorched-earth approach" to her view of Father; that Mother was "judgmental, rigid[,] and seemed to place great importance on the fight and trying to

paint [Father] as a 'monster'"; that rather than guiding J. and P. "from a place of emotional and physical wisdom and maturity," Mother instead decided to "stick it" to Father due to her longstanding frustrations with him; and that when opportunities arose for improvement, Mother took advantage of those opportunities to undermine Father as a father to J. and P. The court emphasized that Mother's "acts and omissions did, in fact, do damage to [Father's] parenting and his relationship with his kids[.]" It was for these reasons that the court declined to award retroactive child support from February 2020 through June 2023; to hold otherwise, the court determined, would "be inequitable and would create a windfall for a parent who inappropriately manipulated children into abandoning a court-ordered structure because it suited her." Therefore, the court did not abuse its discretion in declining to award retroactive child support from February 2020 through June 2023.

In support of Mother's contention that the circuit court erred—in the 2024 Order by limiting the award of retroactive child support to eight months of support commencing on July 1, 2023—Mother makes several arguments, all of which are incorrect. We explain.

First, Mother alleges that when the circuit court awarded retroactive support, it erred because it deviated from the Guidelines.[11] Mother contends that the court failed to follow FL section 12-202, which are the steps a circuit court is required to take when it deviates from the Guidelines. We disagree. The court's calculation of Father's child support obligation was $1,502 per month. This amount was the same amount that Mother was

[11] Mother contended at oral argument that by not making a retroactive award for the "full" three years, the court deviated from the Guidelines. Mother did not offer, nor could we find any, case law supporting this interpretation of the Guidelines.

awarded in retroactive child support. The circuit court followed the Guidelines for both of these calculations. It does not follow that the circuit court followed the Guidelines in the prospective support but not in the retroactive support award when the amounts are the same and are based on the same information. The court referenced trial exhibits, Guideline worksheets that Mother submitted, and testimony where Father reviewed his sources of income. Thus, we disagree that the circuit court deviated from the Guidelines, and we disagree that the court was required to follow FL section 12-202.

Next, Mother asserts that the circuit court incorrectly interpreted the payment of retroactive child support as a payment obligation to her, rather than to J. and P. Mother bases this argument on her frustration with the court's characterization of her, and the court's stated bases in the attachment to the 2024 Order—specifically the language that awarding Mother any other retroactive child support would "result in her gaining a 'windfall.'" In support of this argument, Mother cites precedent which explains (1) that parents have a legal obligation to support their children; and (2) that a child support obligation, although paid to the other parent or guardian, is an obligation owed to the children. *See Houser v. Houser*, 262 Md. App. 473, 490–94, *cert. granted* 489 Md. 244 (2024); *Knott v. Knott*, 146 Md. App. 232, 247–50 (2002).

We disagree with Mother's analysis. Mother's contention fails to recognize that the cases on this topic—which explain that child support is an obligation parents owe to their children—all have one common theme: at least one parent bargained away, or attempted to bargain away, a child support obligation, and then a reviewing court determined that the agreement or attempted agreement was invalid. *See e.g.*, *Guidash v. Tome*, 211 Md. App.

725, 739–40 (2013) (separation agreement that created "an alternative child support arrangement, when in lieu of formal child support, [the father] agreed to pay all expenses associated with the marital home for ten years" was void as against public policy); *Stambaugh v. Child Support Enf't Admin.*, 323 Md. 106, 111 (1991) (where the mother attempted "to waive any liability of [the father] for past or future child support payments due by [the father] in consideration of his consent to the adoption of his children by [the mother's new husband]," the court voided this agreement as against public policy); *Houser*, 262 Md. App. at 494–99 (parents' joint agreement that father had no obligation to support the child was invalid). Based on the record before us, we cannot discern an instance where Father bargained away or attempted to bargain away his parental obligation to support his children. For this reason, *Guidash*, *Stambaugh*, *Houser*, and the litany of precedent on this topic are dissimilar. We disagree that the circuit court incorrectly interpreted the payment of retroactive child support as a payment obligation to her, rather than to J. and P.

Finally, Mother avers that the court erred in analyzing retroactive support under an "inequitable" standard. Mother's argument, as we read it, is that the court incorrectly used the equity-based standard from FL section 12-101(a)(1), a standard which does not appear in the applicable portion of the statute, FL section 12-101(a)(3). We do not agree. As Father accurately suggested in his brief, "the mere fact the statute does not *require* the court . . . to find an inequitable result . . . does not *preclude* the trial court from considering an inequitable result, because the decision is entirely discretionary." (emphasis in original). Further, equity is a standard that is interwoven throughout much family law jurisprudence, including child support; as such, equity is frequently a relevant consideration. *See Houser*,

262 Md. App. at 491–92 (discussing the equity in child support awards); *see also Petrini v. Petrini*, 336 Md. 453, 460–63 (1994) (same). Thus, we affirm the circuit court's decision regarding retroactive child support.

II. THE CIRCUIT COURT DID NOT ABUSE ITS DISCRETION IN ORDERING FATHER'S PAYMENT OF THE CHILD SUPPORT OBLIGATION THROUGH DIRECT PAY.

A. Party Contentions

Mother asserts that the circuit court erred in ordering Father to pay child support directly, rather than via an earnings withholding order ("EWO"). Mother bases this contention on her impression that EWOs are the default mechanism for paying child support rather than direct pay. Mother also contends that the circuit court erred when it found that there was "good cause" not to issue an immediate EWO pursuant to FL section 10-123(d)(1) because the court did not provide an explanation regarding its "good cause," and only stated that it had "good cause."

Father asserts that the circuit court did not abuse its discretion in ordering direct payment of the child support obligation. Father contends that the trial court correctly determined that there was "good cause" not to issue an EWO based on the court's 2023 Opinion and Order, which it relied on in issuing the 2024 Order.

B. Standard of Review

We review contentions that the circuit court erred as to a matter of law on a de novo basis, that is, without any deference to the decision of the circuit court. *In re Adoption/Guardianship of Ta'Niya C.*, 417 Md. 90, 100 (2010). Factual findings made by the trial court are accepted unless they are clearly erroneous. *C.M. v. J.M.*, 258 Md. App.

40, 58 (2023); Md. Rule 8-131(c). "A finding of a trial court is not clearly erroneous if there is competent or material evidence in the record to support the court's conclusion." *Lemley v. Lemley*, 109 Md. App. 620, 628 (1996); *see also* Md. Rule 8-131(c). Accordingly, we will review whether the circuit court correctly applied the statutes governing EWOs under the de novo standard, and the circuit court's factual findings regarding "good cause" under the clearly erroneous standard.

C. Analysis

EWOs are governed by Title 10, Subtitle 1, Part III of the Family Law Article. *See generally* FL § 10-120 *et seq.* Two sections are particularly relevant here: section 10-121 and section 10-123. Pursuant to FL section 10-121(a), "[a]ny order under . . . Part III of this subtitle that is passed on or after July 1, 1985 shall constitute an immediate and continuing withholding order on all earnings of the obligor that are due on or after the date of the support order." Section 10-123(d) provides exceptions for when a court may decline to authorize an immediate EWO. The two exceptions are when: "(1) any party demonstrates, and the court finds, that there is good cause to not require immediate earnings withholding; or (2) the court approves of the terms of a written agreement of the parties providing for an alternative method of payment." FL § 10-123(d)(1)–(2). Regarding section 10-123(d)(1), good cause is a "substantial reason, one that affords a legal excuse." *G. Heileman Brewing Co., Inc. v. Stroh Brewery Co.*, 308 Md. 746, 759 (1987) (internal citations omitted); *see also Cause*, Black's Law Dictionary (12th ed. 2024) (defining good cause as a "legally sufficient reason"). Finally, pursuant to section 10-121(c), if a court finds that one of the exceptions under 10-123(d) applies, then the court must include a

statement regarding the requisite steps for acquiring an EWO should it become needed in the future.[12]

Here, we cannot discern any legal error in the court's application of FL sections 10-121 and 10-123. Further, we do not conclude that the circuit court's factual findings under these statutes were clearly erroneous. We address each of the statutes in turn.

Pursuant to 10-121(a), the circuit court correctly determined that the child support ordered in 2024 could presumptively be paid via an EWO, although from our in-depth review of the record, we cannot find any instance in which Mother or Father requested an EWO as the method of payment for the child support obligation. Next, the circuit court properly determined that pursuant to FL section 10-123(d)(1) or (2), there was good cause to not issue an immediate EWO. After deciding that an exception pursuant to 10-123(d)(1)

[12] Those requisite warnings are:

> (1) if the obligor accumulates support payments arrears amounting to more than 30 days of support, the obligor shall be subject to earnings withholding;
>
> (2) so long as the support order is in effect, the obligor is required to notify the court of:
>
> > (i) any change of address within 10 days after moving to a new address; or
> >
> > (ii) any change of employment within 10 days after receiving the first earnings from a new employer; and
>
> (3) failure to comply with item (2) of this subsection will subject the obligor to a penalty not to exceed $250 and may result in the obligor's not receiving notice of proceedings for earnings withholding.

FL § 10-121(c).

or (2) applied, and that Father would fulfill his child support obligation through direct pay, the circuit court provided the requisite warnings from 10-121(c), verbatim, in the 2024 Order. Thus, the 2024 Order squarely complies with the dictates of FL sections 10-123(d)(1) and 10-121(c).

In support of her contention that an exception from 10-123(d) does not apply—and therefore Father's payment should be subject to an EWO—Mother asserts that "the [2024] Order fails to state the corresponding finding required under 10-123(d)(1) that good cause was demonstrated." The basis of Mother's contention is that, although in the 2024 Order the circuit court found "good cause" to not issue an EWO, the circuit court never explained what the "good cause" was, nor did it provide further explanation on this point.

We disagree with Mother's analysis. "[A] trial judge's failure to state each and every consideration or factor in a particular applicable standard does not, absent more, constitute an [error], so long as the record supports a reasonable conclusion that appropriate factors were taken into account in the exercise of discretion." *Cobrand v. Adventist Healthcare, Inc.*, 149 Md. App. 431, 445 (2003). This is because "we presume judges to know the law and apply it, even in the absence of a verbal indication of having considered it." *Wagner v. Wagner*, 109 Md. App. 1, 50 (1996).

We find *Long v. Long*, 141 Md. App. 341 (2001) to be comparable. In *Long*, the appellant challenged the circuit court's finding that he had voluntarily impoverished himself, because the circuit court did not explicitly discuss the ten factors that a court should consider when deciding whether a person is voluntary impoverished. *Long*, 141 Md. App. at 350–51. This Court held that, based on a review of the financial evidence before

it, the "mere lack of an explicit discussion" of certain findings on the record did "not necessarily mean that the trial court erred." *Id.* at 351. Here too, the mere lack of an explicit discussion of "good cause," does not mean that the trial court erred. Based on the circuit court's thirty-eight-page 2023 Opinion, eighteen-page 2023 Order, the 2024 Order, and the attachment to the 2024 Order which included endnotes, all of which were rife with explanations for its findings, it is clear that the court found "good cause" without explicating every detail of said "good cause." Additionally, the court did not make any findings or note any concerns regarding Father in ordering direct payment of child support. Thus, we affirm the circuit court's decision to order Father to pay child support via direct pay rather than via an EWO.

III. WHETHER THE CIRCUIT COURT ABUSED ITS DISCRETION WHEN IT ORDERED A CHILD SUPPORT REVIEW HEARING IS MOOT.

A. Party Contentions

Mother contends that the circuit court erred in directing Mother and Father to appear at a child support review hearing on October 7, 2024. Mother asserts that the circuit court's *sua sponte* decision to hold this hearing, without any other facts or reasons stated, was an abuse of discretion because it provides for *in futuro* modification of child support, that is modification of child support based on events that have not yet occurred. Moreover, Mother contends that because no party filed a fresh motion for modification, as is required by FL section 12-104, that the circuit court's decision to hold a hearing was in error.

Father asserts that it was well within the circuit court's discretion to order a child support review hearing. Father contends that based on the way in which the circuit court

drafted the 2024 Order, the effect of scheduling such a hearing reduced the 2024 Order to a *pendente lite* order. Father asserts that Mother is incorrect that the 2024 Order provides for *in futuro* modification or support.

B. Analysis

We must first address a threshold concern of whether this issue is moot. Although neither party raised this concern, we are obligated to address *sua sponte* the issue of mootness, because appellate courts cannot decide moot questions. *La Valle v. La Valle*, 432 Md. 343, 351 (2013).

"A case is moot when there is no longer an existing controversy when the case comes before the Court or when there is no longer an effective remedy [that] the Court could grant." *Suter v. Stuckey*, 402 Md. 211, 219 (2007); *see also La Valle*, 432 Md. at 351 ("A case is considered moot when past facts and occurrences would have produced a situation in which, without any future action, any judgment or decree the court might enter would be without effect.") (internal quotation marks and citations omitted). "[A]ppellate courts do not sit to give opinions on abstract propositions or moot questions, and appeals which present nothing else for decision are dismissed as matter of course." *La Valle*, 432 Md. at 352 (quoting *State v. Ficker*, 266 Md. 500, 506–07 (1972)). Otherwise, the Court would be issuing an advisory opinion, which is impermissible. *See Dep't of Hum. Res., Child Care Admin. v. Roth*, 398 Md. 137, 143 (2007).

Here, Mother filed a line with the circuit court, requesting that it cancel the October 7, 2024 Zoom hearing, once her appeal became active. *See supra*, Jurisdiction and Timeliness. The circuit court subsequently cancelled the hearing. Because the hearing was

never held—and from our review of the record, has not been rescheduled—there is no longer an existing controversy before us for which we could grant an effective remedy. Thus, this issue is moot.

Although this issue is moot, we nonetheless provide some guidance for the circuit court, because circuit courts "retain[] continuing jurisdiction" over custody and child support orders. *Kadish v. Kadish*, 254 Md. App. 467, 503 (2022). Consequently, "such an award . . . never achieves quite the degree of the finality that accompanies other kinds of judgments." *Id.* at 503 (quoting *Frase v. Barnhart*, 379 Md. 100, 112 (2003)). Despite this continuing jurisdiction, a court cannot indefinitely continue to schedule child support review hearings. *See Frase*, 379 Md. at 121. In *Frase v. Barnhart*, the Supreme Court of Maryland aptly stated:

> The court's role is different in a normal private custody dispute. It is to take evidence and decide the dispute, so that the child and the other parties can get on with their lives. The court does not retain jurisdiction until the child turns 21, or even 18. Although the matter of custody, visitation, and *support may always be reopened upon a showing of changed circumstances, the court's jurisdiction over the particular dispute ends when the dispute is resolved*, which the law anticipates will occur within a reasonable time after the evidentiary hearing. *Those kinds of cases are not to be strung out indefinitely*, as though they were CINA cases.
>
> For good cause, the court may hold a case open for a reasonable period to consider additional evidence, not available at trial but which the court finds necessary to a proper decision. What it may not do, however, is to proceed to make findings that would dictate a particular result and then subject the favored party to conditions inconsistent with that result and to continuing review hearings. When it does that, the case never ends; the child and the parties remain under a cloud of uncertainty, unable to make permanent plans. *The court seemingly reserves the power to alter the custody [or support] arrangement at any time, even in the absence of a new or amended petition, based on a later review of circumstances known or predicted to exist at the time of the initial determination. That is procedurally impermissible.*

Id. (emphasis added). Thus, we note that just as in *Frase*, for the court to continually schedule child support review hearings, would be procedurally impermissible.

In further support of this analysis, we emphasize the established principle in Maryland, that a court "may modify a child support award *subsequent to the filing of a motion for modification* and upon a showing of a material change of circumstance." FL § 12-104(a) (emphasis added); *see also Hardisty v. Salerno*, 255 Md. 436, 439 (1969) (holding that while orders related to custody and child support are never final in Maryland, any reconsideration of such an order should demonstrate "changes in circumstances which have occurred subsequent to the last court hearing."). After the circuit court issued the 2023 Order, but prior to the court's issuance of the 2024 Order, neither party filed another motion for modification. Had this issue not been moot and a review held, the court may have erred. However, because this issue is moot, we need not venture further into this discussion.

THE FEBRUARY 21, 2024 ORDER OF THE CIRCUIT COURT FOR WASHINGTON COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.