

Circuit Court for Charles County
Case No. C-08-FM-21-001419

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1498

September Term, 2023

DEVEREAUX FIELDS

v.

SHANTAE NESS

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

JJ.

Opinion by Wells, C.J.

Filed: June 4, 2024

*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).

Devereaux Fields (“Father”) appeals an order of the Circuit Court for Charles County adjudicating him in contempt for withholding his residential address from Shantae Ness (“Mother”) in violation of the custody and child access consent order entered on October 21, 2022 (“Consent Order”).¹

For the reasons set forth below, we vacate the circuit court’s order of contempt.

BACKGROUND

Father and Mother are the parents of one minor child (“Child”). On October 30, 2021, Mother filed a complaint for custody and child support. Father filed an answer and countercomplaint, denying the allegations in the complaint.

The parties agreed upon a joint parenting plan using the Maryland Parenting Plan Tool Form CC-DR-109 (“Parenting Plan”) and submitted the completed Parenting Plan to the court. Page 4 of the Parenting Plan provided contained the following provision regarding the exchange of personal information:

¹ Father filed an informal brief pursuant to this Court’s March 9, 2021 Administrative Order permitting informal briefing in family law cases in which the appellant is a self-represented litigant. *See* Maryland Rule 8-502(a)(9). Mother did not file a brief.



- Each of us may consult with the child(ren)'s school, day care, health care providers, and other programs about the child(ren)'s health, mental health, educational, emotional, and social progress.
- Each of us will be listed as "emergency contacts" for the child(ren) on all matters.
- Each of us will give a ~~residential~~ mailing, and contact address and telephone number to the other party/parties and notify each other in writing (may be by text or email) within 24 hours of changes.
- Other: _____

At the merits hearing on October 21, 2022, following *voir dire* of the parties on the record as to the Parenting Plan, the court entered the Consent Order regarding custody and child access, which incorporated the parties' agreed-upon Parenting Plan.

On January 12, 2023, Mother filed a petition for contempt, alleging that Father had failed to notify her that he moved to a new residence and failed to provide her with his new address. The parties appeared for a hearing on the child support and contempt petitions on April 11, 2023. Following the hearing, the court delivered an oral opinion finding Father in contempt for failure to provide his residential address. The court ordered that Father could purge the contempt by updating his address with the court.

Father noted a timely appeal.

STANDARD OF REVIEW

We will not disturb an order of contempt "absent an abuse of discretion or a clearly erroneous finding of fact upon which the contempt was imposed." *Kowalczyk v. Bresler*, 231 Md. App. 203, 209 (2016) (citation omitted). "But where the order involves an interpretation and application of statutory and case law, we must determine whether the

circuit court’s conclusions are ‘legally correct’ under a *de novo* standard of review.” *Id.* (citation omitted).

DISCUSSION

At the contempt hearing, Father’s counsel questioned Mother regarding the terms of the Parenting Plan as follows:

[COUNSEL FOR FATHER]: You had an opportunity to review [the Parenting Plan], right?

[MOTHER]: Yes.

[COUNSEL FOR FATHER]: And you’re aware that the Order actually says that you all will give a mailing and contact address and phone number to the other party, are you not?

[MOTHER]: Yes.

[COUNSEL FOR FATHER]: And you’re aware that it was your insistence that residential be scratched out, right?

[MOTHER]: Yes.

[COUNSEL FOR FATHER]: And you all initialed that and the attorneys initialed that as well, correct?

[MOTHER]: Yes.

[COUNSEL FOR FATHER]: Okay. So it was your intention, was it not, that residential be removed and scratched out, right?

[MOTHER]: It was.

* * *

[COUNSEL FOR FATHER]: Okay. And isn’t it true, [Mother], that you became concerned about where [Father] lives because you’re aware that he has a current love interest?

[MOTHER]: No.

On redirect examination Mother testified further:

[COUNSEL FOR MOTHER]: ... [W]hat was your motive behind insisting that – residential address[es] not be in the document?

[MOTHER]: I did that for my protection and my family’s protection because . . . we’ve had a domestic violence case and he would still tend to pop up at my residence that he last knew of.

[COUNSEL FOR MOTHER]: . . . Why do you want the address?

[MOTHER]: I just want to know where my daughter is in Delaware.

Consent orders are agreements between the parties which are endorsed by the court. *Chernick v. Chernick*, 327 Md. 470, 478 (1992). They share characteristics of both contracts and judicial decrees. *Id.*; *Long v. State*, 371 Md. 72, 84-85 (2002). “It is the parties’ agreement that defines the scope of the decree . . . [t]his is equally applicable where the parties entered into an agreement in open court, which under Maryland law is binding upon the parties.” *Barnes v. Barnes*, 181 Md. App. 390, 416 (2008) (quoting *Smith v. Luber*, 165 Md. App. 458, 470 (2005)). “The public policy of encouraging settlements is so strong that settlement agreements will not be disturbed even though the parties may discover later that settlement may have been based on a mistake or if one party simply chooses to withdraw its consent to the settlement.” *Long*, 371 Md. at 85 (citing *Chernick*, 327 Md. at 481-83).

There was no dispute in this case that the parties agreed to not disclose their residential addresses to one another, and that requirement was intentionally stricken from the Parenting Plan. Indeed, Mother testified at the contempt and child support hearing that the residential address provision was removed from the Parenting Plan at her request.

Because the parties had no obligation to share their residential addresses with each other, Father did not violate the Consent Order by failing to notify Mother that he had moved to a new address. Accordingly, the circuit court erred in holding him in contempt for failing to provide his residential address to Mother.

**JUDGMENT OF CONTEMPT OF THE CIRCUIT
COURT FOR CHARLES COUNTY VACATED.
COSTS TO BE PAID BY APPELLEE.**