Circuit Court for Baltimore County
Case No. C-03-FM-22-004018

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND**

No. 1697

September Term, 2022

SVETLANA BUNINA,

v.

DANIEL SCHNEIDER

Friedman,
Ripken,
Eyler, Deborah S.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Ripken, J.

Filed: June 16, 2023

*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.

**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.

Appellant, Svetlana Bunina ("Bunina"), appeals from an order of the Circuit Court for Baltimore County, in which the court found that Appellee Daniel Schneider ("Schneider") is the biological father of D.B. (the "Child") and granted the parties shared, *pendente lite* physical and legal custody of the Child. According to Bunina, the court erred in these paternity and custody determinations. For the following reasons, we shall affirm the judgments of the circuit court.

ISSUES PRESENTED FOR REVIEW

Bunina presents two issues for our review:

I. Whether the [c]ircuit [c]ourt erred in making [a] paternity determination.

II. Whether the [c]ircuit [c]ourt erred in making [a] *pendente lite* custody and access determination without making any findings.

FACTUAL AND PROCEDURAL BACKGROUND

Schneider met Bunina in 2015, when both parties were employed at the Homewood Suites Hilton Inn in Columbia, Maryland. They began a romantic relationship and cohabitated at various times. Schneider testified at the *pendente lite* hearing that he was living with Bunina in the summer of 2018 when she learned she was pregnant with the Child. At that time, Bunina was married to Boris Fishburne ("Fishburne"). However, Fishburne, who also testified at the *pendente lite* hearing, indicated that he had neither lived with nor had sexual relations with Bunina during the year preceding the Child's birth and that Schneider was the Child's biological father.

The Child was born on March 3, 2019. Schneider testified that he was at the hospital when the Child was born; however, neither Fishburne nor Schneider was listed as the father

on the Child's birth certificate. According to Schneider's testimony, because Bunina was still legally married to Fishburne, "she was afraid that if she put [Schneider] on the birth certificate they would kick her out of the country."[1] Consequently, the Child's birth certificate listed Bunina as the Child's mother and did not list a father. Bunina and Fishburne were divorced by the Circuit Court for Anne Arundel County on January 13, 2022. In Bunina and Fishburne's Separation and Property Settlement Agreement, entered on July 19, 2021, the parties agreed that "no children were born . . . as a result of their marriage."

Schneider also testified that he lived with Bunina and the Child in Schneider's parents' home between March of 2019 and October of 2021, at which time Schneider bought a house in Baltimore County. Schneider, Bunina, and the Child continued to live together in Schneider's Baltimore County home until April of 2022. According to Schneider, while he lived with the Child, he "took care of him every single day." Schneider filed a complaint to establish paternity in July of 2021.[2] In the complaint, Schneider noted that he and the Child had taken a home DNA test that indicated Schneider was the Child's biological father. Bunina filed an answer in August of 2021, in which she admitted all relevant allegations of Schneider's complaint and denied the need for an additional blood

[1] Bunina is a dual citizen of Russia and the United States.

[2] Schneider's complaint was raised "[p]ursuant to Md. Code Ann., Courts & Judicial Proceedings § 1-501; Md. Code Ann., Family Law Article §§ 1-201 and §§ 5-1001 through 5-1048; and Md. Code Ann.[,] Estates and Trusts §§ 1-206, 1-208, and 1-208.1[.]"

test because she conceded Schneider was the Child's father.[3] She requested the Circuit Court for Washington County grant all other relief sought in Schneider's complaint, which included Schneider's request that he "be adjudged to be the natural father of [the Child.]"

However, in February of 2022, Bunina retained counsel and filed an amended answer in which she denied her prior admissions regarding Schneider's paternity of the Child. Additionally, Bunina asserted that Washington County was no longer an appropriate forum and requested that the court dismiss the complaint. On May 18, 2022, Schneider filed an amended complaint, seeking to establish both paternity and custody of the Child. Later that day, Schneider filed a motion for emergency custody of the Child or, in the alternative, expedited *pendente lite* relief, alleging that there was an "emergency situation" that "threaten[ed] the health and welfare of the [C]hild" and an "imminent threat of loss of jurisdiction and/or removal of the Child from the State of Maryland and from the country by [Bunina]." Bunina had previously vocalized to Schneider that she wanted to take the Child to Russia because her mother was ill and had obtained a Russian passport for the Child in February of 2022. Unbeknownst to Schneider, hours after he had filed for emergency relief, Bunina purchased flight tickets for herself and the Child to depart for

[3] Bunina's admissions included that she and Schneider had started a sexual relationship five years prior; they had cohabitated at various times and in various residences in Maryland; the Child recognizes Schneider as his father; Schneider has been providing financial support for the Child since the Child's birth; Schneider has "openly and notoriously recognized the Child to be his child"; the Child is emotionally bonded to Schneider, who is the only father the Child has known in his life; Bunina has held out to Schneider and to the public that Schneider is the Child's father; and Schneider conducted a home DNA test indicating that he was the Child's father with a probability of "99.99997%."

Russia on May 22, 2022.

On May 19, 2022, the circuit court denied Schneider's request for immediate *pendente lite* custody of the Child but granted his request for an expedited *pendente lite* hearing, which was scheduled for June 8, 2022. On May 25, 2022, Bunina filed two motions: one, to dismiss the amended complaint for improper venue; and the other, to continue the expedited *pendente lite* hearing, citing procedural deficiencies in Schneider's motion for emergency relief and noting a scheduling conflict for Bunina's counsel. The motion to continue was granted; however, the expedited *pendente lite* hearing did not occur.

Rather, in July of 2022, the Circuit Court for Washington County transferred the case to the Circuit Court for Baltimore County based on Bunina's counsel's representation that both parties and the Child were residing in Baltimore County. After the case was transferred, Schneider requested an expedited *pendente lite* hearing in the Circuit Court for Baltimore County. In that request, Schneider noted that "he [did] not know where Ms. Bunina [was] residing with the child" and that he was "concerned that Ms. Bunina, a Russian citizen, may take [the Child] to Russia." The circuit court subsequently scheduled a *pendente lite* hearing on the issues of paternity and child access for October 28, 2022.

On September 15, 2022, Schneider filed a "Request For *Ex Parte* Relief (*Ne Exeat Regno* Order to Prevent Removal of Child to Russia from the United States)," in which he detailed Bunina's failure to disclose the Child's whereabouts since he last saw the Child in April of 2022. Schneider alleged that Bunina's counsel had informed him that Bunina was already in Russia with the Child and had been for "a couple of weeks or a month."

Later that same day, the Circuit Court for Baltimore County entered a temporary restraining order ("TRO") restricting Bunina from "taking, or causing the taking, of [the Child] . . . outside of the United States" if she had not already done so. However, the TRO was too late; in an "Opposition to Motion/Petition for Temporary Restraining Order, Preliminary Injunction, and/or Writ of Ne Exeat," Bunina confirmed that she had taken the Child with her to Russia in May of 2022, several weeks before the Circuit Court for Washington County transferred the case to Baltimore County. Notably, the Circuit Court for Washington County had transferred the case to Baltimore County, in large part, due to Bunina's counsel's representation that Schneider, Bunina, and the Child were residing in Baltimore County at that time.[4] Because Bunina had already taken the Child with her to Russia, the circuit court issued an order dissolving the TRO on September 30, 2022.

On October 28, 2022, the circuit court held an evidentiary hearing on paternity and child access. Bunina participated in the hearing through counsel and testified remotely from Kaliningrad, Russia. At the hearing's conclusion, the court announced the following:

> One issue I'm comfortable ruling on immediately, and that's the issue of paternity. I'm convinced beyond a preponderance of the evidence, that by virtue of the many admissions that have been made, by Ms. Bunina throughout the various proceedings that have taken place, both filings in Washington County, as well as the admissions in this case, and the communications that have been exchanged between the parties, I have no doubt that Mr. Schneider is the father of [the Child] and I will sign that portion of the Order, or issue a separate Order directing that the State of Maryland shall amend the birth certificate to reflect that. As to the request

[4] At the July 8, 2022, motions hearing, the following colloquy occurred:

> THE COURT: You're saying all the parties are in Baltimore County?
> [BUNINA'S COUNSEL]: Yes.
> THE COURT: And the child resides in Baltimore County?
> [BUNINA'S COUNSEL]: Yes.

> for full custody, . . . I'm going to hold that, I want to think about that some. I don't think it, there's an immediate [need], given the fact [that] Ms. Bunina is in Russia and it doesn't seem likely that that's going to change any time soon. It's not immediate. But at the very least, I would order . . . that there be access remotely between Mr. Schneider and [the Child] and Mr. Schneider's parents and [the Child.]

In a written order, entered on December 6, 2022, the circuit court confirmed its oral paternity finding and awarded Bunina and Schneider *pendente lite* shared custody, adding that Schneider would have remote access "while [the Child] remains in Russia." Bunina noted this timely appeal.[5] Additional facts will be included as they become relevant to the issues.

DISCUSSION

Appellate review of a circuit court's order in a paternity proceeding "centers on whether the order was legally correct." *Evans v. Wilson*, 382 Md. 614, 623 (2004) (citing *Walter v. Gunter*, 367 Md. 386, 391–92 (2002)). Accordingly,

> [i]f the order being reviewed involves an interpretation or application of Maryland statutory or case law, our review is *de novo*. If, on the other hand, the trial judge correctly interpreted and applied the law and the matter falls within the sound discretion of the trial court, we ordinarily defer to the trial court's judgment, recognizing that "it is in the best position to assess the import of the particular facts of the case and to observe the demeanor and credibility of witnesses."

[5] Thereafter, Bunina moved to stay further proceedings in the Circuit Court for Baltimore County pending the outcome of this appeal. Schneider opposed Bunina's motion, which was denied on January 23, 2023. On February 8, Schneider moved to dismiss the appeal, citing Bunina's failure to timely order a transcript of the trial court proceedings in accordance with Maryland Rule 8-207(a)(3). Bunina opposed Schneider's motion and filed the transcript, and the motion to dismiss was denied. On March 15, Bunina filed a motion to request an extension in filing her brief and record extract, which was due that same day. Schneider opposed; however, this Court granted the extension and set a new deadline of March 22, 2023. Bunina renewed her motion to stay further proceedings in the Circuit Court for Baltimore County on May 23, 2023, which this Court denied on May 30, 2023.

Id. (internal citations omitted).

When reviewing an order implicating child access, "[t]he best interest of the child standard is the overarching consideration." *Baldwin v. Baynard*, 215 Md. App. 82, 108 (2013). "The 'appellate court does not make its own determination as to a child's best interest; the trial court's decision governs, unless the factual findings made by the [trial] court are clearly erroneous or there is a clear showing of an abuse of discretion.'" *Gizzo v. Gerstman*, 245 Md. App. 168, 200 (2020) (quoting *Gordon v. Gordon*, 174 Md. App. 583, 637–38 (2007)). A trial court's factual findings are "not clearly erroneous if there is competent or material evidence in the record to support the court's conclusion." *In re M.H.*, 252 Md. App. 29, 45 (2021) (quoting *Lemley v. Lemley*, 109 Md. App. 620, 628 (1996)).

I. THE CIRCUIT COURT DID NOT ERR IN MAKING A PATERNITY DETERMINATION.

Bunina argues that, before making a paternity determination, the circuit court was required, under the Estates and Trusts Article, to consider the parties' privacy interests and conduct a full best interest of the child analysis. In response, Schneider asserts that he satisfied his burden to "establish by a preponderance of the evidence" that he is the Child's father, as is required under the Family Law Article.[6] We agree.

A. Statutory Framework

At the outset, we note that the Family Law and Estates and Trusts Articles are interrelated and make several reciprocal references to each other regarding paternity

[6] "At the trial, the burden is on the complainant to establish by a preponderance of the evidence that the alleged father is the father of the child." Md. Code Ann., Fam. Law ("FL") § 5-1027(a).

proceedings.[7] As such, an individual seeking a paternity determination may do so "by a statutory action in a paternity proceeding under the Family Law Article *or* in an equitable action under the Estates & Trusts Article." *Turner v. Whisted*, 327 Md. 106, 112 (1992) (emphasis added) (citing *Taxiera v. Malkus*, 320 Md. 471 (1990)).

The "Paternity Proceedings" subtitle of the Family Law Article outlines the process by which a putative father[8] may "file a complaint to establish his paternity of a child." Md. Code Ann., Fam. Law ("FL") § 5-1002(c). A putative father must establish he is the biological father of the child "by a preponderance of the evidence," FL § 5-1027(a), and rebut the "presumptions of parentage" found in the Estates and Trusts Article. *See id.* § 5-1027(c). For example, if the child was born to a married woman, the putative father must overcome the presumption that "[a] child born or conceived during a marriage" is "the child of both spouses." Md. Code Ann., Est. & Trusts ("ET") § 1-206(a), *amended by* 2023 Md. Laws, ch. 647 (S.B. 792). The "presumption of parentage" awarded to an individual who is married to a child's mother at the time of the child's conception or birth

[7] *See, e.g.*, FL § 5-1027(c) ("The provisions of Title 1, Subtitle 2 of the Estates and Trusts Article regarding presumptions of parentage apply in an action under [the Paternity Proceedings subtitle]."); *see also* Md. Code Ann., Est. & Trusts ("ET") § 1-208(b)(1), *amended by* 2023 Md. Laws, ch. 647 (S.B. 792) (A putative father may be found the child's father if he "has been judicially determined to be the child's parent in an action brought under Title 5, Subtitle 10 of the Family Law Article.").

[8] "Putative father" is defined as:

> (1) an alleged father of a child who has no parent or presumed parent under Title 1, Subtitle 2 of the Estates and Trusts Article, other than the child's mother; or
>
> (2) an alleged father who is presumed to be the parent of a child under § 1-208(c)(1) or (3) of the Estates and Trusts Article.

FL § 5-1001(j).

may be rebutted by:

> (1) Evidence of blood or genetic testing;
> (2) Testimony of the mother, the presumed parent, or another individual, that the presumed parent did not have access to the mother at the time of conception; or
> (3) Any other competent evidence that the presumed parent is not the father of the child.[9]

ET § 1-208.1(d).

B. Case Law and Analysis

Bunina relies on *Turner*, *Evans*, and *Stubbs v. Colandrea*, 154 Md. App. 673 (2004) to support her assertion that, under the Estates and Trusts Article, the circuit court was required to conduct a best interest analysis in making a paternity determination. However, her reliance is misplaced. In *Turner*, the Supreme Court of Maryland (at the time named the Court of Appeals of Maryland)[10] found that a trial court ought to "weigh" the "competing interests" of the presumed and putative fathers and "consider the best interests of the child." *Id.* at 116. However, *Turner* involved circumstances in which the paternity

[9] Conversely,

> [t]here is a rebuttable presumption that a child born to or conceived by individuals who are not married . . . is the child of an individual who did not give birth to the child if the individual:
> (1) Has acknowledged himself or herself, in writing, to be a parent of the child;
> (2) Has openly and notoriously recognized the child to be the individual's child; or
> (3) Has subsequently married . . . the mother and has acknowledged himself or herself, orally or in writing, to be a parent of the child.

ET § 1-208(c), *amended by* 2023 Md. Laws, ch. 647 (S.B. 792).

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

determination was dependent upon a court-ordered blood test confirming the identity of the biological father. *See id.* at 113–14. Here, there was no need for the trial court to order genetic testing, and therefore engage in a best interest analysis, because Schneider had already otherwise rebutted the presumption of parenthood under sections 1-208(c) and 1-208.1(d) of the Estates and Trusts Article, provided *supra*. For example, Schneider presented evidence of a home DNA test confirming his paternity, to which Bunina had consented,[11] text communications in which he referred to the Child as his son and in which Bunina referred to Schneider as the Child's father,[12] numerous photographs and videos of Schneider with the Child, and a list of Bunina's own admissions, including that "Schneider is the biological father of [the Child]."[13] Bunina's counsel also repeatedly referred to

[11] Schneider presented a copy of the results of a HomeDNA INDENTIGENE Paternity DNA Test reporting that he was "not excluded as the biological father of the tested child" and that his "probability of paternity is 99.99997%."

[12] At the October 28 evidentiary hearing, Schneider presented text messages in which he confronted Bunina about the changes she made in the amended answer to his complaint to establish paternity: "[Y]ou realize we have your original statement? [A]nd if you lie and try to keep me from being the father it's just going to make you look really bad in front of a judge?" Seemingly unaware of the contents of the amended answer, Bunina responded, "Why what happened[?]" To which Schneider replied, "[Y]ou changed your statements last night." Bunina responded, "I did not change[] anything and you will be the father[.]"

[13] Schneider moved to admit a list of admissions he had included in a motion for summary judgment prior to the October evidentiary hearing. Because Bunina failed to respond within 30 days, the trial court deemed the list admitted. Bunina subsequently filed a motion to strike the admissions, which was denied. At the October evidentiary hearing, the trial court denied Bunina's motion to reconsider her prior motion to strike the admissions, and they were admitted over Bunina's objection.

Schneider as a biological "sperm donor" of the Child.[14] Accordingly, the trial court noted, on the record, that it was

> convinced beyond a preponderance of the evidence, that by virtue of the many admissions that have been made, by Ms. Bunina throughout the various proceedings that have taken place, both filings in Washington County, as well as the admissions in this case, and the communications that have been exchanged between the parties, . . . that Mr. Schneider is the father of [the Child.]

Evidence by way of court-ordered blood or genetic testing was thus unnecessary.

Furthermore, in *Turner*, the Supreme Court of Maryland explained that bringing a paternity action under the Estates and Trusts Article was a "more satisfactory" and "less traumatic" means of establishing paternity "*in those cases where two men each acknowledge paternity of the same child[.]*" *Turner*, 327 Md. at 113 (emphasis added) (first quoting *Thomas v. Solis*, 263 Md. 536, 544 (1971); and then quoting *Dawson v. Eversberg*, 257 Md. 308, 314 (1970)). Here, Fishburne, who was married to Bunina at the time of the Child's birth, was neither seeking to establish paternity of the Child nor disputing Schneider's claim; rather, he testified that he did not have sexual relations with Bunina in the year leading up to the Child's birth and expressly stated that Schneider is the Child's biological father.

In *Evans*, like *Turner*, two men (the mother's husband and "the other[,] a stranger to the marriage") claimed to be the father of a child born during a marriage. *Evans*, 382 Md. at 629, 636. The Court addressed whether the best interest of the child standard as

[14] When asked whether she "contend[ed] that Mr. Schneider was the sperm donor for [the Child]," Bunina, through a court interpreter, "refus[ed] to answer this question" because she "[did not] feel comfortable to talk about it."

applied under the Estates and Trusts Article governs a court's discretion to order genetic testing under such circumstances. *Id.* at 636. As compared to the Paternity Proceedings subtitle, which awards a circuit court no discretion over whether to order a blood or genetic test in paternity proceedings,[15] the Court found that "the discretionary aspect of the court's decision [to order blood or genetic testing] under the Estates and Trusts Article," was preferable because it "permits consideration of the competing interests at issue." *Id.* at 626–27, 687. As such, the Court held that genetic testing may only be ordered "upon a showing of good cause presumably of sufficient persuasive force *to overcome the statutory presumption*." *Id.* at 629 (emphasis added). Before ordering such testing, a court must, therefore, "weigh the various interests of the parties and, in particular, consider whether blood or genetic testing would be in the best interests of [the child]." *Id.*

It logically follows that where, as in this case, the statutory presumption has been rebutted by "other competent evidence," ET § 1-208.1(d), a court need not weigh the various interests of the parties and expressly consider the child's best interest in making a paternity determination because the court need not consider whether to order blood or genetic testing. Bunina's reliance on *Stubbs* is inapplicable for the same reasons her reliance on *Turner* and *Evans* is inapplicable to the present case.[16] Therefore, we find no

[15] *See* FL § 5-1029(b) ("On the motion of the [Child Support] Administration, a party to the proceeding, or on its own motion, the court *shall* order the mother, child, and alleged father to submit to blood or genetic tests to determine whether the alleged father can be excluded as being the father of the child." (Emphasis added.)).

[16] *Stubbs* involved a putative father's petition for a court-ordered blood test to establish paternity of a child "being supported by her mother and her presumed father" (the mother's

support for Bunina's assertion that the trial court was required to engage in a best interest analysis in making a paternity determination merely because the Child was born while Bunina and Fishburne were married. The circuit court aptly found that Schneider had rebutted the presumption of paternity by a preponderance of the evidence, and we find no error in that conclusion.[17]

II. THE CIRCUIT COURT DID NOT ERR IN MAKING A *PENDENTE LITE* CUSTODY AND ACCESS DETERMINATION.

As a preliminary matter, we note that Bunina's appeal of the *pendente lite* custody order is largely futile. Generally, a *pendente lite* custody order may be appealable when the order "[d]epriv[es] a parent . . . or natural guardian of the care and custody of his child, or chang[es] the terms of such an order." Md. Code Ann., Cts. & Jud. Proc. § 12-303(3)(x). However, the *pendente lite* order at issue in this case will be superseded by the outcome of a merits hearing scheduled to begin on June 20, 2023, only four days after this Court conducts oral argument in the present case. Accordingly, the relief Bunina seeks—vacatur of the *pendente lite* custody order and remand in favor of a new evidentiary hearing—will likely take place in a matter of days, regardless of whether this Court affirms or remands. We thus proceed with brevity.

husband). 154 Md. App. at 688–89. Relying on *Turner*, the *Stubbs* Court found that section 1-208 of the Estates and Trusts Article governed the circuit court's determination of whether a blood test should be ordered under such circumstances. *Id.* at 689–91.

[17] We limit this holding to the unique facts of this case, where the presumed father (Fishburne) denounced his paternity in writing and testified both to his non-access to the mother (Bunina) at the time of the child's conception and to the putative father's (Schneider's) paternity.

Bunina argues that the circuit court erred in making a *pendente lite* custody determination because the court failed to conduct a proper best interest of the child analysis, on the record. Per Bunina, courts are required to conduct a full best interest analysis in a *pendente lite* custody hearing, including consideration of the factors established in *Montgomery County Department of Social Services v. Sanders*, 38 Md. App. 406, 420 (1977), and *Taylor v. Taylor*, 306 Md. 290, 308–11 (1986). Schneider argues that the circuit court was not required to detail its reasoning in making its *pendente lite* custody determination and, furthermore, that the court's determination is well supported by evidence in the record.[18] We agree with Schneider.

"A *pendente lite* order is not intended to have long-term effect and therefore focuses on the immediate, rather than on any long-range, interest of the child." *Frase v. Barnhart*, 379 Md. 100, 111 (2003). Such temporary orders are "designed to provide some immediate stability pending a full evidentiary hearing and an ultimate resolution of the dispute." *Id.* As in any access determination, the "primary goal" in a *pendente lite* custody order "is to serve the best interests of the child." *Conover v. Conover*, 450 Md. 51, 60 (2016). In making a determination, the court "examines numerous factors and weighs the advantages and disadvantages of the alternative environments." *Sanders*, 38 Md. App. at 420; *see also*

[18] Bunina additionally argues that the circuit court failed to make a complete record of the testimony presented at the October 28, 2022, evidentiary hearing. Bunina cites to the notation at the beginning of the hearing transcript in which the transcriber wrote, "**[THIS TRANSCRIPT IS TRANSCRIBED FROM AN EXTREMELY POOR RECORDING OF THE PROCEEDINGS]**." (Emphasis in original.) Even so, we find that the 128-page transcript conveys ample evidence that support the findings of the circuit court. Therefore, we discern no merit in Bunina's request to vacate and remand due to an incomplete record.

Taylor, 306 Md. at 308–11.[19] Notably, however, "a trial judge's failure to state each and every consideration or factor in a particular applicable standard does not, absent more, constitute an abuse of discretion, 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); *see Wagner v. Wagner*, 109 Md. App. 1, 50 (1996) ("[W]e presume judges to know the law and apply it, even in the absence of a verbal indication of having considered it.").

We conclude that the trial court did not abuse its discretion in awarding Bunina and Schneider shared physical and legal custody of the Child "on a *pendente lite* basis, and until further order of [the trial court]." Even without express findings as to specific factors, the record makes clear that the trial court was aware of the requisite best interest analysis and rendered an appropriate decision based on the unique circumstances of this case. Both parties framed arguments in terms of the best interest of the Child. Throughout the evidentiary hearing, the court was presented with testimony regarding the parties' relationship with each other and with the Child, their character, and their living arrangements. The court additionally heard and considered evidence of Schneider's parents' (the Child's grandparents') efforts to locate the Child and maintain a relationship with him after Bunina and Schneider had separated.

This was not a decision that lacked consideration of the Child's best interest. At the

[19] These factors may include, for example: the parents' fitness, their character, the ability to come to agreements, the potential of maintaining natural family relations, the age, health, and sex of the child, and the parents' residences and opportunity for visitation. *See Sanders*, 38 Md. at 420.

conclusion of the evidentiary hearing, the court made plain its intention to fully consider the evidence prior to making a *pendente lite* custody determination, stating, "As to [Schneider's] request for full custody, . . . I'm going to hold that[;] I want to think about that some." Additionally, the court acknowledged the unique circumstances of this case, in which "Ms. Bunina is in Russia[,] and it doesn't seem likely that that's going to change any time soon." This is further evidenced by the caveat in the court's written order that, "while [the Child] remains in Russia, [Schneider] shall be entitled to regular remote access with [the Child] . . . for a period of up to one hour each day."

Therefore, we conclude that the trial court's *pendente lite* custody determination was based on sound legal principles and factual findings that were not clearly erroneous. The record demonstrates that the trial court considered and weighed various factors in light of the unique circumstances of this case. We note the impending merits hearing before the Circuit Court for Baltimore County and conclude that, here, we perceive nothing that suggests a clear abuse of discretion.

JUDGMENTS OF THE CIRCUIT COURT FOR BALTIMORE COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT. MANDATE TO ISSUE FORTHWITH.